

# Regulation Committee

Thursday 29 July 2021

10.00 am Luttrell and Wyndham Room,  
A Block, County Hall



To: The Members of the Regulation Committee

Cllr J Parham (Chair), Cllr N Hewitt-Cooper (Vice-Chair), Cllr M Caswell, Cllr N Taylor, Cllr M Keating, Cllr S Coles, Cllr J Clarke and Cllr A Kendall

All Somerset County Council Members are invited to attend meetings of the Cabinet and Scrutiny Committees.

Issued By Scott Wooldridge, Strategic Manager - Governance and Risk and Monitoring Officer - 21 July 2021

For further information about the meeting, please contact Andrew Randell on 01823 357628 or ARandell@somerset.gov.uk or Julia Jones on 01823 359027 or JJones@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)



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# AGENDA

Item Regulation Committee - 10.00 am Thursday 29 July 2021

**\*\* Public Guidance notes contained in agenda annexe \*\***

1 **Apologies for Absence**

2 **Declarations of Interest**

Details of all Members' interests in District, Town and Parish Councils can be viewed on the Council Website at [County Councillors membership of Town, City, Parish or District Councils](#) and this will be displayed in the meeting room (Where relevant).

The Statutory Register of Member's Interests can be inspected via request to the Democratic Service Team.

3 **Accuracy of the Minutes of the meeting held on 24 June 2021** (Pages 9 - 26)

The Committee will consider the accuracy of the attached minutes.

4 **Public Question Time**

The Chair will allow members of the public to present a petition on any matter within the Committee's remit. Questions or statements about the matters on the agenda for this meeting will be taken at the time when the matter is considered and after the Case Officers have made their presentations. Each speaker will be allocated 3 minutes. The length of public question time will be no more than 30 minutes.

5 **Application No. SCC/3728/2020 - Importation of inert Waste Materials, Copse Quarry, Landshire Lane, Henstridge.** (Pages 27 - 52)

6 **Application No. SCC/3835/2021 and SCC/3835/2021 - Removal of planning condition and Section 106 agreement to enable extraction of carboniferous limestone to recommence. Colemans Quarry, Wanstrow, Shepton Mallet.**  
(Pages 53 - 100)

Description of Application

(a) SCC/3833/2021 Removal of Condition 2 of Schedule B of planning permission 2016/0025/CNT to enable extraction of Carboniferous limestone to recommence within Bartlett's Quarry prior to the permanent cessation of extraction at Torr Works Quarry

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(b) SCC/3835/2021 Application under S106A of the Town and Country Planning Act 1990 for the modification of the Torr Works Section 106 Agreement to enable the recommencement of Carboniferous limestone extraction at Bartlett's Quarry, Nunney

7 **Any Other Business of Urgency**

The Chair may raise any items of urgent business.

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## Guidance notes for the meeting

### 1. Council Public Meetings

The former regulations that enabled virtual committee meetings ended on 7 May 2021. Since then, all committee meetings need to return to face-to-face meetings. The requirement is for members of the committee and key supporting officers to attend in person, along with some provision for any public speakers. However due to the current COVID restrictions and social distancing measures only a small number of people can attend as meeting room capacities are limited. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

Anybody attending the meeting in person will be asked to adhere to the current Government guidance and Council procedures in place to safely work during COVID 19. These include limiting numbers in a venue, maintaining social distancing, using hand sanitisers, wiping down areas that you have used, wearing face coverings when not sitting at a table (unless exempt from doing so) and following one-way signs in the venue/building. You will also be asked to sign in via the NHS Test and Trace app or to sign an attendance record and will be asked relevant questions before admittance to the meeting. Everyone attending the meeting will be asked to undertake a lateral flow test up to 72 hours prior to the meeting.

Please contact the Committee Administrator or Democratic Services on 01823 357628 or email [democraticservices@somerset.gov.uk](mailto:democraticservices@somerset.gov.uk) if you have any questions or concerns.

### 2. Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at [democraticservices@somerset.gov.uk](mailto:democraticservices@somerset.gov.uk) or telephone 01823 357628. They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers). Printed agendas can also be viewed in reception at the Council offices at County Hall, Taunton TA1 4DY.

### 3. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

4. **Minutes of the Meeting**

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

5. **Public Question Time**

If you wish to speak, please contact Democratic Services by 5pm 3 clear working days before the meeting. Email [democraticservices@somerset.gov.uk](mailto:democraticservices@somerset.gov.uk) or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out.

In order to keep everyone safe, we respectfully request that all visitors to the building follow all aspects of the Covid-Secure guidance. Failure to do so may result in you being asked to leave the building for safety reasons.

After entering the Council building you may be taken to a waiting room before being taken to the meeting for the relevant agenda item to ask your question. After the agenda item has finished you will be asked to leave the meeting for other members of the public to attend to speak on other items.

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. However, questions or statements about any matter on the agenda for this meeting may be taken at the time when each matter is considered.

At the Chair's invitation you may ask questions and/or make statements or comments about any matter on the Committee's agenda – providing you have given the required notice. You may also present a petition on any matter within the Committee's remit. The length of public question time will be no more than 30 minutes in total (20 minutes for meetings other than County Council meetings).

The Chair will usually invite speakers in the following order and each speaker will have a maximum of 3 minutes:

1. Objectors to the application (including all public, parish council and District Council representatives)
2. Supporters of the application (including all public, parish council and District Council representatives)
3. Agent / Applicant

Where a large number of people are expected to attend the meeting, a representative should be nominated to present the views of a group. If there are a lot of speakers for one item than the public speaking time allocation would usually allow, then the Chair may select a balanced number of speakers reflecting those in support and those objecting to the proposals before the Committee.

Following public question time, the Chair will then invite local County Councillors to address the Committee on matters that relate to their electoral division.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish.

If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

An issue will not be deferred just because you cannot be present for the meeting. Remember that the amount of time you speak will be restricted, to three minutes only.

In line with the council's procedural rules, if any member of the public interrupts a meeting the Chair will warn them accordingly.

If that person continues to interrupt or disrupt proceedings the Chair can ask the Democratic Services Officer to remove them as a participant from the meeting.

Provision will be made for anybody who wishes to listen in on the meeting only to follow the meeting online.

## 6. **Meeting Etiquette for participants**

- Only speak when invited to do so by the Chair.
- Mute your microphone when you are not talking.
- Switch off video if you are not speaking.
- Speak clearly (if you are not using video then please state your name)
- If you're referring to a specific page, mention the page number.
- Switch off your video and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

7. **Exclusion of Press & Public**

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask Participants to leave the meeting when any exempt or confidential information is about to be discussed.

8. **Recording of meetings**

The Council supports the principles of openness and transparency. It allows filming, recording and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the Committee Administrator so that the relevant Chair can inform those present at the start of the meeting.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

A copy of the Council's Recording of Meetings Protocol is available from the Committee Administrator for the meeting.



# The Regulation Committee

Minutes of a virtual meeting of the Regulation Committee held on Thursday 24 June 2021 at 10.30am in the Luttrell/Wyndham Room, County Hall, Taunton.

## **Present:**

Cllr J Parham (Chair)  
Cllr M Caswell  
Cllr J Clarke  
Cllr N Hewitt-Cooper  
Cllr M Keating  
Cllr T Lock (substitute for Cllr Kendall)  
Cllr M Pullin (substitute for Cllr Taylor)  
Cllr D Ruddle (substitute for Cllr Coles)

## **Other Members Present:**

Cllr B Revans  
Cllr W Wallace

## **Officers Present:**

Mrs J Allen, Solicitor  
Ms R Amundson, Planning Officer  
Mr A Hill, Planning Officer  
Mrs H Vittery, Service Manager - Planning and Development

The Chair welcomed everyone to the meeting, outlined the meeting procedures, referred to the agenda and papers and highlighted the rules relating to public question time.

### **1 Apologies for Absence** - agenda item 1

Cllrs S Coles, A Kendall and N Taylor.

### **2 Declarations of Interest** - agenda item 2

Reference was made to the following personal interests of the members of the Regulation Committee published in the register of members' interests which was available for public inspection via the Committee Administrator:

Cllr M Caswell  
Cllr J Clarke  
Cllr N Hewitt-Cooper

Member of Sedgemoor District Council  
Member of Mendip District Council  
Member of Mendip District Council

3 **Minutes** - Agenda Item 3

The Minutes of the meeting held on 6 May 2021 were signed as a correct record.

4 **Arrangements for the Meeting**

The Chair welcome everyone to the meeting and in his introduction pointed out that:

- Due to a change in legislation the County Council was no longer able to hold virtual meetings
- Today's meeting would be run using a hybrid format with Committee members and key officers physically present in County Hall
- Other elected members and officers could physically or remotely join the meeting to speak on specific agenda items or observe
- There was also provision for any members of the public registered to speak to attend the meeting (NB. Public speakers were present in County Hall but reduced room capacity due to social distancing regulations limited their ability to speak to the members to audio/visual means)
- The meeting was being broadcast and therefore other members of the public could observe the meeting remotely.

5 **Public Question Time** - Agenda Item 4

(1) There were no public questions on matters falling within the remit of the Committee that were not on the agenda.

(2) All other questions or statements received about matters on the agenda were taken at the time the relevant item was considered during the meeting.

6 **Application No. SCC/3777/2020 - Extension of Blackford Hill Quarry, Quarry Hill, Blackford BA22 7EA**- Agenda Item 5

(1) The Committee considered a report by the Service Manager - Planning and Development on this application which involved the extraction of building stone

from a site to the south of the A303 near Blackford village that was currently in agricultural use.

(2) The Case Officer outlined the applications by reference to the report, supporting papers and the use of maps, plans and photographs.

(3) The main issues for consideration were: planning policy context and the principle of the development; highways and transportation impact; environmental impact, including noise and dust; impact on amenity and living conditions of neighbours; visual and landscape impact; any impact on heritage assets in the local area; any impact on ecology and biodiversity; groundwater and surface water drainage; flood risk; economic impact.

(4) The Case Officer's presentation covered: descriptions of the site and proposal; background and planning history; plans and documents submitted with the application; outcome of Environmental Impact Assessment (EIA); consultation responses from external and internal consultees and the public; the Case Officer's comments on planning policy considerations and the key issues set out in (3) above and matters raised in objections; and the Case Officer's conclusions.

(5) The Case Officer reported that objections had been received to the application from Compton Paucefoot and Blackford Parish Meeting and Charlton Horethorne Parish Council. No objections had been received from other consultees, subject to conditions and other qualifications/observations.

(6) As regards responses to the public consultation, a total of 50 letters of objection and one letter of support had been received from local residents. Objections had also been raised by the Council for the Preservation of Rural England and Blackford Residents Action Group.

(7) In her conclusion, the Case Officer commented that the proposal was in accord with the development plan and was recommended for approval. The application proposed small-scale building stone extraction, which would support the local economy and contribute to making building materials available to maintain the character and appearance of local buildings and villages. The effects of the proposed development on the environment and on local amenity had been assessed and found to be within acceptable limits subject to appropriate planning conditions.

(8) The recommendation proposed the granting of planning permission subject to conditions covering: commencement; strict accordance with plans/documents;

temporary permission; restoration and aftercare; working days/hours; output; surface water drainage; no excavation below water table; pollution/contamination control; floodlighting; landscaping; environmental and biodiversity management plans; archaeology; permitted development rights; highways; phasing; dewatering; dust; noise/blasting.

(9) The Committee heard from the following members of the public who raised the matters summarised below, to which the Case Officer responded:

*(i) Andy Anderson on behalf of Blackford Quarry Action Group (read by David Hopkins in his absence)*: The applicant's description of the development as 'an extension of Blackford Quarry' was misleading, resulting in a continuity of error affecting the views of consultees and their independent assessment; the application lacked clear evidence of the need for stone and clarity of stone type; the applicant had failed to identify the 12 Local Wildlife Sites within two kilometres of the application site; reports of populations of badgers and deer, as well as bat roosts protected by law, had been left unsurveyed and unassessed; South West Wildlife's concern at the possible impact on the local environmental network; rural tranquility (on which the viability of the neighbouring Ashclose Farm guest house depended) being an economic asset; the conclusion from the planning appeal decision in Devon referred to in the Service Manager - Planning and Development's report that the Blackford Quarry application should be refused.

*(ii) Ian Tibbitt*: The 7.5 tonne weight limit policy covering roads in the Blackford area which protected weak highway structures and effectively limited vehicle widths; the unsuitability of local roads for the regular passage of 6 wheel stone haulage vehicles over 20 tonnes gross weight; the increased danger from the introduction of such large and heavy vehicles; the quarry route reflecting one of the worst possible aggregations of hazards associated with heavy vehicles in a rural setting; the complex junction system at the junction of Blackford Hollow with the A303; the impact on the Grade 2 listed Belstone Cottage at the bottom of Quarry Hill; the unsatisfactory access to the quarry at the top of Quarry Hill; no route analysis or transport study.

*(iii) Roger Martin*: The intolerable and distressing nature of current quarrying activities in terms of the impact on the amenity of his property, Quarry Hill Cottage, of noise, dust and vibrations from quarry lorry movements; the proximity of the house and garden to the quarrying site, with the starting point for the excavations being an unacceptable 105 metres and never more than 200 metres away during the life of the quarry; the impact on Ashclose Farm, its bed and breakfast business and plans for diversification/expansion, further employment, local tourism etc;

commitment to the extensive restoration of Quarry Hill Cottage in the absence of any indication of quarrying resuming.

*(iv) Fletcher Robinson, Council for the Protection of Rural England, Somerset:* The unsuitability of this small relic roadside quarry for large scale quarrying operations in terms of the impact of noise and HGV movements on the amenities of local communities and nearby residents; the lack of proven need for the type of oolite building stone available at this location for the purposes of the Somerset Minerals Plan - it being in good supply from 8 existing quarries in Somerset, and the colour of the stone not being unique as it varied at different depths; non-consented quarrying on the site having caused 'unbearable noise' for nearby residents; contradictions and uncertainties about the extent and duration of excavations; consideration of the application being premature pending completion of investigations regarding HGV use of the local road network; if the application was approved operations should be limited to two days a week with none at weekends; South West Wildlife's concern at the possible impact on the local environmental network; rural tranquility (on which the viability of the neighbouring Ashclose Farm depended) being an economic asset.

*(v) Jane Monk, Compton Pauncefoot and Blackford Parish Meeting:* the impact of current quarrying activities and increased heavy machinery generally on Blackford which was a quintessential English village in a conservation area; the strength of opposition to the planning application; the disparity between the applicant's and the County Council's acoustic reports; the hazardous nature of the quarry route; the independent highway report commissioned by the Blackford Quarry Action Group; the impact on local residents and their quality of life if the application was approved.

*(vi) Zak England, Ham and Doultong Stone Co. (the Applicant):* Ham and Doultong Stone Co. was a long-established company which operated 9 Somerset quarries including Ham Hill Quarry; key to this success was to be able to provide the right type of stone for historic and new buildings and this required the reopening of old quarries as well as new quarries; stone from Blackford was one of the principal walling stones found in the Wincanton, Gillingham and Sherborne areas and stone from elsewhere did not match its light brown/beige colour; it was clear that there was a market for this stone which would create a new job for the benefit of the local economy; the company would not have invested in reopening an old quarry if they were not confident that the stone was needed; the company prided itself in working with local communities, had an excellent track record of compliance with planning conditions etc and the applicant reassured local residents that the quarry would be operated to the highest possible standards.

*(vii) Nick Dunn, Planning Agent, Land and Minerals Management:* Some of the concerns raised conflicted with independent specialist assessments and none were supported by statutory consultees or advisers; there was a recognised need for the stone and the application met policy requirements; planning conditions would ensure that all impacts could be limited or controlled to acceptable levels; many objections stemmed from the local community's relationship with the landowner who was not the applicant and was extracting stone for use on their agricultural holding under permitted development rights; current quarrying activities were not representative of the quarry design and working methodology for the small-scale quarry proposed by the applicant; the permitted development rights would be removed if the planning application was approved; regularizing quarrying would benefit the local community and the Minerals Planning Authority.

*(viii) Rob Comer, Owner/Operator, Hadspen Quarry, Castle Cary:* Blackford Quarry was located in an area identified as a 'natural stone safeguarding area' clearly indicating its importance as a local natural stone resource; keeping the local aesthetic and character of each small village and town in Somerset was vitally important and could only be achieved by having a variety of stone available for use; Blackford stone was unique and its extraction would have many long-term benefits; natural stone production was one of the most sustainable practices for the manufacture of building products.

(10) The Committee also heard from Cllr W Wallace, County Councillor for the Blackmore Vale Electoral Division. Cllr Wallace supported site visits by individual members. He had visited the area around the site which he knew well, noting the large amount of mud on the roads where work was taking place and the significant noise impact on the property of one of the objectors. The original quarry at Blackford had been established when stone was transported by horse and cart. The narrow local roads were highly unsuitable for use by HGVs. Cllr Wallace was particularly concerned about the link road to the A303 at Blackford Hollow on which there would be four HGV movements per day and where it was difficult for two vehicles to pass. Cllr Wallace supported the objectors' concerns, felt strongly that this was the wrong location for a modern-day quarry and that the application should be refused.

(11) In responding to the issues raised by public speakers and the local County Councillor the Case Officer commented that:

- The description of the application as an 'extension' had not influenced the recommendation and the application had been considered on its merits

- The circumstances of the planning application the subject of the appeal in Devon differed significantly from those of the Blackford Hill Quarry application
- All the comments made by objectors and the independent report they had commissioned had been independently assessed and considered by SCC's Transport Development Group
- The Transport Development Group had commented that the following matters were considered salient: very limited use of an existing well-used access; an existing agricultural area where farming practices could generate more heavy vehicles than 2 - 4 a week through daily variants; no collision data including affecting pedestrians and cyclists; no maintenance issues in the lane due to 'oversail' rather than 'overrun' of the grass verges by lorries
- Taking all these factors into account and the very minor levels of traffic the Transport Development Group had no grounds on which an objection could be based as the impact could not be considered to be severe in highways terms
- There had been some discussion between Somerset's noise experts and the applicant about noise levels that could be expected from the quarry. Noise levels from existing operations were not representative of what the applicant was proposing as they were being carried out by different machinery and without the conditions proposed in the report
- Mineral extraction to date at the quarry was being carried out under permitted development rights and therefore was not unauthorised development
- a condition was proposed to restrict the number of vehicle movements which would in turn restrict the extent of the operation
- There were other local quarries where oolitic limestone was extracted but characteristics of the stone did vary between sites and it was important to have a range of stone to match particular buildings and maintain the unique character of the area.

(12) The Committee proceeded to debate covering matters including: balance between supporting local enterprise and protecting amenity; need; planning policy; the application being for a new quarry not an extension; days/hours of operation; level of output; impact on Quarry Hill Cottage; highway safety; impact on wildlife, rural landscape and quality of life; climate change/mitigating Co2 emissions; views of the local community; mitigation of risk.

(13) In response to issues raised by members, the Case Officer and the Service Manager - Planning and Development commented that:

- Need for building stone was not assessed in the same way as for aggregates, it was really down to the commercial operator as to what they could make use of; it was good to have a variety of stone available for conservation and heritage
- Climate change issues were more relevant to large-scale quarries
- The application included working on Saturdays and on two other days a week. Removing Saturday morning working would have to be justified. It would be unreasonable to define the weekdays on which work could be undertaken as this would deny the applicant commercial flexibility and it would be difficult to frame an appropriate condition that was capable of monitoring and enforcement. Any limitations on weekday working should perhaps be monthly-based. Condition 5 had been designed to enable the applicant to work two days a week within a set framework. The Committee was reminded that there was also a proposed annual cap of 1500 tonnes on output which would be monitored
- Highways assessments were based on the use of 16 tonne vehicles
- Restoration to approximate original ground levels using only the remaining surplus 50% of the stone excavated could be achieved without importing additional material due to the stone bulking up when backfilled
- In terms of the amenity of Quarry Hill Cottage, there would be bunds to the north of the cottage and a drop in levels to the quarry floor. The working face of the quarry would move away from the cottage followed by restoration as it was worked out
- The application had been subject to the normal consultation procedures and where additional information had been received it had been forwarded to consultees.

(14) Cllr Hewitt-Cooper, seconded by Cllr Ruddle, moved that planning permission be granted subject to the conditions set out in section 9 of the report and to conditions 5 and 7 being amended to preclude operations or uses authorised or required by the permission and vehicle use in connection with the development permitted on Saturdays.

Cllr Parham, seconded by Cllr Caswell, moved an amendment with the effect of modifying proposed condition 5 to allow maintenance only between 09.00 and 13.00 on Saturdays, which was lost.

Cllr Hewitt-Cooper's motion was carried and the Committee accordingly RESOLVED:



(a) That planning permission be GRANTED subject to the conditions set out in section 9 of the report and to conditions 5 and 7 being amended to preclude operations or uses authorised or required by the permission and vehicle use in connection with the development permitted on Saturdays

(b) That authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Strategic Commissioning Manager - Economy & Planning

7 **Application No. SCC/3719/2020 – Proposed Reopening of Former Quarry, including Proposed Temporary Processing Building and Internal Access Track at Batts Lane Quarry, Long Sutton TA10 9NJ**

(1) The Committee considered a report by the Service Manager - Planning and Development on this application. The proposal involved the reopening of a former quarry on land that was currently in agricultural use at Batts Lane to the west of the village of Long Sutton to produce Blue Lias limestone through dry working at an average rate of 2 - 3000 tonnes a year over 10 - 15 years, together with ancillary facilities. A similar application had been refused by the Committee in December 2019 due to a lack of information relating to contamination of soil and groundwater and the current application had been submitted with additional supporting information to address that reason for refusal.

(2) The Case Officer outlined the application, with reference to the report, supporting papers and the use of maps, plans and photographs.

(3) The main issues for consideration were: planning policy; contamination and water resources; amenity, landscape and visual, highways and traffic, ecological, and the historic environment impacts; and restoration.

(4) The Case Officer's presentation covered: descriptions of the site and proposal; background and planning history; plans and documents submitted with the application; outcome of Environmental Impact Assessment (EIA); consultation responses from external and internal consultees and the public; the Case Officer's comments on planning policy considerations and the key issues set out in (3) above and matters raised in objections; and the Case Officer's conclusions.

(5) The Case Officer reported that an objection had been received to the application from Long Sutton Parish Council. No objections had been received from other consultees, subject to conditions and other qualifications/observations.

(6) As regards responses to the public consultation, a total of 155 letters of objections (including the objection from Mrs K Penly of Sunnybank Farm, Upton circulated as a 'late paper') and one letter of support had been received from local residents.

(7) In his conclusion the Case Officer acknowledged that the application had generated a high level of local concern - particularly in relation to issues of contamination from the adjacent former landfill site, and impacts on amenity and health and highway safety. However, it was considered that the proposal was supported by the relevant Minerals Plan Policy - SMP5, the Environment Agency and other statutory and specialist consultees were satisfied that the proposal would not cause harm (subject to inclusion of appropriate conditions) and that refusal of permission could not be substantiated. It was therefore recommended that planning permission be granted, subject to conditions.

(8) The recommendations proposed the granting of planning permission subject to conditions covering: commencement; temporary permission; strict accordance with plans/documents (landscape/ecological, environmental and biodiversity management), Written Scheme of Investigation and archaeological work, groundwater monitoring, surface water drainage, pollution/contamination control - including location of historic landfill site and 'buffer zone'; highways; operations (including output, working hours, phasing, dewatering, dust, noise/blasting); restoration and aftercare.

(9) The Committee heard from the following, who raised the points summarised below, to which the Case Officer responded:

*(i) Lisa Newby, Long Sutton Parish Council:* Reiterating the Parish Council's strong objections to the application on the following grounds: policy; highways; pollution of groundwater; lack of mitigation of sound, dust and pollution; impact on the environment; and lack of need as set out in Paragraph 7.3 of the Service Manager - Planning and Development's report (with the Parish Council urging the impositions of conditions in the event of the application being approved).

*(ii) Geoff Pringle:* Errors in the Service Manager's report; the application failing to demonstrate that the proposal delivered clear economic and other benefits to local and wider communities as required by the Somerset Minerals Plan - only two full-time (but seasonally part-time) jobs would be created and the holiday let business directly east of the site which had received permission for expansion since the previous application and the local tourism industry would be jeopardised; the reference in the applicant's own hydrologist's report (compounded by statements

in the Service Manager's report) to 50% of available stone being below the water table and it being considered that dewatering would be required to successfully work the quarry, rendering its working uneconomic; the lack of any identified need for the stone as required by the Somerset Minerals Plan, and evidenced by recent extensions at 4 existing local quarries.

*(iii) Tim Stradling:* Properties within 250 metres of the application site would be the most affected by raised noise and impact levels and suffer most from heavy transport movement/manoeuvring noise; no proper Heritage Statement and Impact Assessment as required by National Planning Policy Framework 2019; the Planning Statement Heritage Impact failed to cover several local heritage assets affected by the application - the short, medium and longer term socio-economic benefits of opening the quarry had not been assessed and balanced against the impacts on heritage assets and their settings, and the quality of life of those living in the impacted area; how should the water table, which varied seasonably, be defined?; the Blue Lias stone to be quarried at the site which was enthused over for its quality and colour would be used primarily as a building stone resource rather than the vernacular; the application contained more protections for bats and badgers than for the larger number of people it affected.

*(iv) Neil Burrows:* The misleading description of the application which involved the opening of a new quarry rather than the reopening of a former quarry; lack of acoustics report by applicant; concerns of hydrogeochemist engaged by objectors regarding toxic Polycyclic Aromatic Hydrocarbons (PAHs), heavy metals and asbestos in a known landfill site close to the proposed quarry, their effect on groundwater and his view that risks should be further investigated.

*(v) Professor Rick Brassington, Consultant Hydrogeologist:* The hydrogeological information provided by the applicant was insufficient for the potential impact of the proposed quarry to be assessed; fracturing of Blue Lias limestone making it possible for particles of PAH disturbed from the landfill by quarrying to be carried in groundwater and reach the River Yeo or abstraction wells; long-term health exposure to PAHs; his view that the application should be refused with regular monitoring taking place if planning permission was given.

*(vii) Tim Barnes, Galion Ltd (Operator):* Galion was a local housing developer specialising in the construction of high quality, sustainable stone-built dwellings which was in negotiations regarding the minerals lease for Batts Lane Quarry; the company's support for the application on the basis of: the single reason for refusal relating to potential contaminants having been addressed, the need for a reliable source of high-quality Blue/Grey Lias stone, the importance of permitting small quarries such as that at Batts Lane and the company's ability to supply other

builders where they had excess stock; the company was fully committed to observing planning conditions.

*(vi) Helen Lazenby, Clive Miller Planning (Agent):* The applicant proposed the seasonal dry working of Blue Lias stone above the water table within one area of a field adjacent to the old quarry at Batts Lane to bolster the local supply of high-quality light grey Blue Lias; Clive Miller Planning had provided additional evidence where it was required and the material considerations of need, noise, highway safety, local amenity, landscape impact, surface water drainage and ecology had all been satisfied; detailed contaminated land studies and other supporting specialist evidence in response to the sole reason for refusal of the previous application had confirmed that there was no significant risk from the proposed quarrying activities to the water environment and on this basis the Environment Agency had raised no objections subject to the imposition of planning conditions; the conditions relating to contaminated land matters and all others on the consent would carry full weight in law and ensure that nothing could happen on site which would raise any of the risks and concerns outlined by the objectors.

(10) In responding to the issues raised by public speakers the Case Officer commented that:

- a 'buffer zone' of between 250 and 500 meters between the quarry and residential properties would be considered excessive for a building stone quarry; typically a hard rock quarry with blasting would have a separation distance of 500 metres but not a small-scale building stone quarry where no blasting was encountered; guidance regarding the separation between stone quarries and dwellings was as low as 100 metres whereas the nearest dwelling to the Batts Lane quarry site was over 200 metres away
- the 2 km distance between Long Sutton and the application site was measured from the core of the village but parts of the village outside the core were closer than 2 km to the quarry including the dwellings mentioned above
- the application included a geophysical survey to detect archaeological remains within the site and a condition was proposed requiring a programme of archaeological work
- an assessment of listed buildings and the impact on their settings had concluded that there would be no direct impact on the nearest of these buildings which was approximately 300m from the application site
- contamination - the application was accompanied by a geo-environmental assessment; there had been considerable discussion of this report; the

objectors had commissioned Professor Brassington and Dr Kidder to review the report; and it had been considered by the Environment Agency which had submitted three rounds of comment on the proposals. The Environment Agency had found some contamination present in terms of hydrocarbons but their level of concentration was low; they were not considered to be mobile within the groundwater and the former landfill did not pose a significant risk to the surrounding water environment. However, as a precaution a condition was being recommended at the request of the Environment Agency to prevent any disturbance of the historic landfill site through the establishment of a 'buffer zone' where no extraction would take place to ensure separation between extraction and the former landfill site and reduce risk of contaminants entering the groundwater system.

(11) The Committee also heard from Cllr Dean Ruddle, County Councillor for the Somerton Electoral Division (serving on the Committee as a substitute) who referred to: his professional background in the operation of landfill sites; contamination that would occur following disturbance of the landfill site; the difficulty of preventing and controlling contamination and the 'buffer zone' being ineffective due to natural stone being involved; high groundwater levels; the potential hazards highlighted by the number of proposed conditions; the proposal being contrary to planning policy; the stone not being in any way special or in short supply; there being no economic or employment benefits from the proposal; his view that the application should be refused.

(12) The Committee proceeded to debate, covering matters including: need; landfill proximity concerns; contamination/pollution; balance between economic value and tourism; impact on health; mitigating Co2 emissions; views of the local community; expert advice; mitigation of risk; hours of operation and level of output. In response to issues raised by members, the Case Officer commented that:

- investigations made regarding the contents of the former landfill site had revealed inert materials (subsoils; clay, bricks, concrete etc) only
- working would be dry and above the water table to minimise the risk of disturbing the historic landfill site and, as already mentioned, a 'buffer zone' would be established around the former landfill site
- as regards impact on the local tourist industry, the three proposed holiday lodges close to site access would be sited 200 metres from the extractions and the acoustic-clad building where the stone would be processed, and vehicles associated with the quarry passing the lodges would be limited to one or two a day

- South Somerset District Council's Environmental Health Officer had raised no objections on grounds of contamination and dust on the basis of the implementation of proposals in the application which would be the subject of conditions
- while there were three other Lias quarries locally, there was a need for the paler grey variety of stone found on the application site
- while typically 2000 - 3000 tonnes of stone was expected to be extracted each year, a condition was proposed allowing an output of 5000 tonnes over any consecutive three year period to give the applicant flexibility to meet increased demand
- there had been a thorough review of the application by the Environment Agency as pollution control authority and the EA had raised no objections subject to conditions they had recommended as set out in section 9 of the report.

(13) The Service Manager - Planning and Development cautioned that, given the additional information supplied by the applicant relating to contamination of soil and groundwater and that as no objections had been received to the application from the Environment Agency subject to conditions, the Committee should be mindful of a potential appeal and a claim for costs if the application was refused.

(14) Cllr Ruddle, seconded by Cllr Keating, moved and the Committee RESOLVED that planning permission be REFUSED on the same grounds as the previous application (18/02799/CPO) refused in December 2019 - i.e. Insufficient information has been provided to demonstrate that the proposed development would not present an unacceptable risk to controlled waters. Specific areas of uncertainty relate to the nature of contamination present, what the distribution of these contaminants is in soils and groundwater and whether the measures proposed to mitigate the potential risks arising from this specific development in relation to these contaminants were sufficient. The Proposal is therefore contrary to policy SMP5 (d) and the NPPF.

**8 Application No. SCC/3671/2020 – Installation of an Energy Recovery Facility together with Substation, Site Access, Internal Access and Yard Area, Security Measures, Access Gates and Other Ancillary Infrastructure and Landscaping on Land at Showground Road, Bridgwater TA6 6AJ**

(1) The Committee considered a report by the Service Manager - Planning and Development on this application which involved the installation of an Energy Recovery Facility together with ancillary infrastructure and landscaping on the Showground Business Park on the south eastern edge of Bridgwater adjacent to

the M5. Construction of the facility had already commenced under a previous planning permission and the application sought to regularise the planning position of the site into a single new consent. The application involved several changes to design, location of ancillary equipment and parking layout and the removal of the Materials Recovery Facility but with the overall throughput remaining at the established level of 130,000 tonnes per annum

(2) The Case Officer outlined the application, with reference to the report, supporting papers and the use of maps, plans and photographs.

(3) The main issues for consideration were: planning policy; noise, highways and traffic, landscape and visual, ecological, air quality and flood risk and drainage impacts; and climate change and sustainability.

(4) The Case Officer's presentation covered: descriptions of the site and proposal; background and planning history; plans and documents submitted with the applications; outcome of Environmental Impact Assessment (EIA); consultation responses from external and internal consultees and the public; the Case Officer's comments on planning policy considerations and the key issues set out in (3) above and matters raised in objections; and the Case Officer's conclusions.

(5) The Case Officer reported that objections had been received to the application from North Petherton Town Council. No objections had been received from other consultees, subject to conditions and other qualifications/observations. No representations had been received following the public consultation.

(6) In his conclusion the Case Officer commented that the principle of an ERF had already been established through previous approvals, and construction was well advanced. The minor changes proposed through this application would have a negligible effect - there were no material effects that would warrant withholding of permission. From the climate change and sustainability perspective, the application was an improvement over the previously approved scheme as due to the removal of the MRF there would be fewer vehicle movements and higher output of low carbon energy. The application was therefore recommended for approval.

(7) The recommendations proposed: the granting of planning permission subject to the completion of a legal agreement to secure implementation of a travel plan and associated fee and conditions covering: pre-operational matters (flood warning and evacuation plan; noise), and construction and operational conditions

(visibility; parking and turning/loading and unloading; construction activities; maximum tonnage of waste delivered and processed; delivery vehicle movements).

(8) The Committee heard from the following, who raised the points summarised below, to which the Case Officer responded:

*(i) Cllr Julian Taylor, North Petherton Town Council:* Drawing from his experience of the operation of the Longannet power station in Fife, Scotland, concerns about the impact on the health of residents of local estates and beyond of noxious/carcinogenic emissions (fumes and smoke) from the chimney stack (added to by exhaust emissions from vehicles using the M5); no consideration by Public Health; the application should be deferred to check the veracity of the Environment Agency's conclusions regarding safety issues; concerns about the visual impact of the development and particularly the combustion chimney on the local landscape and skyline and noise.

*(ii) Cllr Linda Hyde, North Petherton Town Council:* The lack of publicity/notification/consultation about the original and latest schemes; North Petherton Town Council's concerns; controversy over a similar proposal at Westbury, Wiltshire; the outdated nature of burning of waste which was no longer considered to be a green energy source; concerns regarding public health (air pollution, noise) and extra traffic congestion; need for further assessment of traffic movements in view of regional nature of the facility and of noise; application should be deferred for community consultation exercise and fuller consideration of impacts.

*(iii) Nick Leaney, Aardvark EM Ltd, Agent:* The application sought to regularise the current planning position into a single new consent to capture the various permissions granted since the principle of development on this site was established in 2015; construction was well advanced and following commissioning the plant should be fully operational in early 2022; an application had been made to the Environment Agency for a relevant EA permit and a draft permit had now been issued; the planning system should assume this regulatory regime would operate efficiently in controlling the environmental effects of the scheme; factors behind site selection; an assessment of the scheme.

(9) The Committee also heard from Cllr Bill Revans, County Councillor for the North Petherton Electoral Division who referred to: the strong fallback position for the applicant in the event of the application being refused; community consultation; the transport implications in the context of the wider impact of extensive local development; monitoring, benchmarking, analysis of public health impact and



action in the event of air quality deteriorating; extension of proposed restrictions on operating hours, vehicle movements etc to reduce impacts on noise and the amenity of local residents.

(10) In responding to the issues raised by public speakers and the local County Councillor the Case Officer commented that:

- there would be fewer operational journeys than under the existing planning permission as due to the omission of the MRF the feedstock waste would already have undergone sorting and removal of recycleables off-site
- while the ERF might operate 24 hours a day, delivery vehicle movements would be restricted
- air quality would be monitored/controlled by the Environment Agency through the Environmental Permit and should not be duplicated through the planning permission
- the current application had been subject to normal consultation procedures - i.e. consultations with the District Council, Parish Councils, internal and external consultees, notification of local residents etc.

(11) The Committee proceeded to debate and determine the application. Cllr Caswell, seconded by Cllr Pullin, moved and the Committee RESOLVED:

(a) That planning permission be GRANTED subject to the completion of a legal agreement to secure implementation of a travel plan and associated fee of £2,000 and the conditions set out in section 9 of the report

(b) That authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager – Planning and Development.

(The meeting ended at 2.42pm)

CHAIR

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Somerset County Council

Regulation Committee – 29<sup>th</sup> July 2021

Report by Service Manager - Planning & Development.

**Application Number:** SCC/3728/2020

**Date Registered:** 23 June 2020

**Parish:** Henstridge

**District:** South Somerset

**Member Division:** Blackmoor Vale

**Local Member:** Cllr W Wallace

**Case Officer:** Rowan Quick

**Contact Details:**

**Description of Application:** Importation of inert waste materials from local construction sites and the applicant's own sites. The waste site is to be used for the sole purpose of the applicant and his business.

**Grid Reference: Easting** - 371587, **Northing** - 118493

**Applicant:** Mr Rob Chapman

**Location:** Copse Quarry, Landshire Lane, Henstridge

## **1. Summary of Key Issues and Recommendation(s)**

- 1.1 This is a full planning application for the importation of inert waste materials from local construction sites and the applicant's own site to Copse Quarry to achieve the restoration of the disused quarry. The site is located on Landshire Lane in Henstridge.
- 1.2 The main issues for Members to consider are:
- planning policy considerations;
  - highways and traffic;
  - ecology/landscape;
  - drainage and flood risk; and
  - groundwater and pollution.
- 1.2 It is recommended that planning permission be GRANTED subject to the conditions set out in Section 9 of this report, and that authority to undertake any minor nonmaterial editing which may be necessary to the wording of those conditions be delegated to the Service Manager – Planning & Development, Enforcement & Compliance.

## **2. Description of the Site**

- 2.1 The site is a disused quarry extending to 0.83ha and is located in open countryside halfway between Purse Caundle and Henstridge, with Henstridge being approximately 2.3km away. Landshire Lane provides access to the site from the A357 to the east and forms the border between Somerset and Dorset, with a private stone track leading into the quarry area. The closest residential properties are approximately 500m to the south west of the site, and 720m to the north-east.
- 2.2 The site is mainly surrounded by agricultural arable land, with the exception of a wooded area of the north east of the site, with Landshire Lane to the south, a wooded area and pond to the west and a solar PV site to the east. The quarry is currently disused as the site has recently completed the extraction of building stone with no remaining resource available.
- 2.3 The site is situated within Flood Zone 1, which is deemed as land that is the least at risk of flooding, and is not subject to any wildlife or landscape designations, although a badger sett is located to the south west of the quarry.

## **3. The Proposal**

- 3.1 The application proposes the infilling of the quarry area with inert waste materials derived from local construction sites and the applicant's own sites, with the importation of the waste to be undertaken solely by the applicant and his business. The proposal also includes measures to enhance the landscaping at the site, with the planting of additional trees, shrubs and grassland, with the latter to be maintained with grazing sheep until the additional planting has been established.
- 3.2 The inert materials will be utilised by infilling the quarry area to achieve final levels similar to those that existed before development of the quarry, with the volume of materials required being 30,413m<sup>3</sup>.

- 3.3 The traffic flows to and from the quarry are indicated to be a maximum of five return lorry movements on any one day, which will total to 10 lorry movements per day along Landshire Lane. In order to reduce movements through the village of Henstridge, the following routes are proposed for the HGVs:
- From the west – A30 west / A357 traffic lights / A30 east / Henstridge Airport Road / Landshire Lane East / A357 crossroads / Landshire Lane West
  - From the north – A357 North / A357 traffic lights / A30 east / Henstridge Airport Road / Landshire Lane East / A357 crossroads / Landshire Lane West
  - From the east – A30 east / Henstridge Airport Road / Landshire Lane East / A357 crossroads / Landshire Lane West
  - From the south – A357 south / A357 crossroads / Landshire Lane West
- 3.4 It is anticipated that the proposal will import approximately 72,991 tonnes of inert waste, based on 2.4 tonnes per cubic metre. Based on the 5 trips per day (10 movements in and out of the site), each lorry will carry a load of approximately 20 tonnes, which will equate to 100 tonnes a day coming into the site. It is therefore expected that it will take a minimum of three years to infill the site.
- 3.5 The inert waste that will be brought onto the site will be materials from local building sites that cannot be recycled, predominantly clay, which will then be tipped by the operator, with no other contractors tipping at the site. This has been proposed so that the tipping and transportation can be managed solely by the operator in a coordinated and controlled manner.

#### **4. Background**

- 4.1 Planning permission for the quarrying of forest marble stone at Copse Quarry was first granted in 2002 (02/01499/CPO), with approval given in 2005 (05/02502/CPO) for continuation of quarrying to 2010.
- 4.2 Two applications for the deposit of inert excavated material and restoration of the quarried area were submitted in 2006 (06/02109/CPO) and 2008 (08/03335/CPO) but were both withdrawn prior to determination.
- 4.3 Two further temporary extensions of the time period allowed for quarrying were granted in 2010 (10/02524/CPO) and 2015 (15/02619/CPO), with the most recent expiring on 30 November 2018.

#### **5. The Application**

- 5.1 Plans and documents submitted with the application:
- Application form and fee
  - Location Plan
  - Site Plan
  - Site Sections (1)
  - Site Sections (2)
  - Proposed Restoration Area

- Contour Map
- Photogrammetry Survey
- Flood Risk Map
- Biodiversity Survey/Assessment
- Landscaping Details
- Planting Schedule
- Proposed Landscaping Arrangement
- Design & Access Statement
- Wessex Water Network Map
- Topographical Survey
- Flood Risk & Design Statement
- Transport Statement
- Land Contamination Risk Assessment (Part 1 & 2)
- Deposit of Inert Material & Quarry Face Retention Clarification
- Vision for Copse Quarry
- Small Woodland Management Plan Template

## **6. Environmental Impact Assessment (EIA)**

- 6.1 Although the development exceeds the threshold of 0.5ha for the disposal of waste in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the small scale of the proposal and the site's location away from sensitive areas will avoid any significant effects occurring. The proposal therefore does not amount to 'EIA development' and an Environmental Statement is not required.

## **7. Consultation Responses Received**

### External Consultees

#### **7.1 South Somerset District Council**

No objection to the proposed development subject to an assessment of the submitted information by relevant consultees and the imposition of appropriate conditions.

#### **7.2 Henstridge Parish Council**

In principle, the Parish Council would like to support this application as it would welcome the restoration of the quarry as proposed. The scheme, if completed in accordance with the application, would be beneficial to the environment. However, at the present time, the Parish Council cannot confirm its support as there are two main areas of concern which needs to be considered prior to support being given. The first, is that there is an unacceptable risk that any significant contamination of the infill material would pass into the groundwater and pose an unacceptable risk to

Henstridge, unless mitigation measures are imposed. How is the safety of the material to be used for the infill is to be assured and unauthorised dumping of toxic waste prevented? The Parish Council requests that appropriate measures are included as a condition of the permission, if granted.

The second issue is the impact the additional HGV traffic resulting from the infill work will have on the centre of Henstridge and the A357 in general. The transport part of the application is dated 2008 (which has been highlighted as too old by Highways), and considered the A357/Landshire Lane safe for HGVs. The Parish Council supports Highways requests for an up to date assessment, to include the impact of the additional HGV traffic on the centre of Henstridge and communities on the A357, and should the application be passed, requests that the route for HGVs proceeding to and from the quarry should be via the trading estate and not via the A357 which is not suitable for an increase in such large vehicles.

*Henstridge Parish Council was reconsulted on the revised Transport Assessment in August 2020, and responded with the following –*

The Parish Council accept the revised transport statement but still request further assurance regarding any potential contamination risk. The Parish Council would ask that further information is provided regarding this aspect.

*Henstridge Parish Council was consulted on the Land Contamination Risk Assessment (part 1 & 2) in February 2021, to which the Parish Council responded with the following –*

The Parish Council would like to seek reassurance that there will be no unauthorised dumping of material and that the waste site is supported by the correct security measures. In addition, the Parish Council would like to see appropriate road cleaning from trucks accessing the site with suitable wheel cleaning facilities. To conclude, the Parish Council has concerns regarding the impact HGV reversing alarms may have on surrounding residential properties.

*On 3<sup>rd</sup> March, the agent provided the following information for Henstridge Parish Council –*

*'With regards to unauthorised dumping of waste materials, the applicant will only be operating the site with his own vehicles and no other outside contractor will be tipping here, by operating in this manner, the applicant has full control and management of the site. Each of the drivers have their own gate key and this will be locked after each individual visit to the site. As part of the management of the site and the control of the waste, the applicant will need to apply for a permit licence from the Environment Agency who oversee and monitor the material being tipped, this is a rigorous regime of testing and visits by the EA to ensure compliance is being adhered to.*

*If wheel cleaning is required, then the applicant is happy to provide this before exiting the site onto the highway. We are happy for this to be conditioned with any approval.*

*Regarding the lorry sounders, we feel this will be limited as only operational when reversing and we see the lorries driving in and backing up a very short length, and tipping as the space is available to do this once tipped the excavator will place spoil as required.'*

Henstridge Parish Council have not provided any further comments in response to this information.

### 7.3 **Stalbridge Town Council**

Not to support the application as inadequate information has been provided on the proposed use and the 2008 traffic survey may be inaccurate.

*Stalbridge Town Council were re-consulted on the revised Transport Statement in August 2020, but no further response was received.*

### 7.4 **Abbas & Templecombe Parish Council**

In principle, members have no objections.

*In August 2020 Abbas & Templecombe Parish Council were consulted on the revised Transport Statement and provided the following comments –*

No further comments to make on the application.

### 7.5 **Environment Agency**

We object to the proposed development on risk to controlled waters, and the site may be identified as historic landfill. The applicant has not supplied any information to demonstrate that the risks posed to groundwater can be satisfactorily managed. Groundwater is particularly sensitive in this location because the proposed development site of Copse Quarry is underlain by Limestone (Forest Marble), which, according to the BGS Geological Map is extensively faulted in this area. As a result of the geology, the site and surrounding area is designated as a principle (major) aquifer of high vulnerability. Principle aquifers represent the areas of our groundwater resources that are critical to existing and future public water supplies. In accordance with our approach to groundwater protection, we will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

*On 15<sup>th</sup> February 2021, the Environment Agency (EA) was consulted on the Land Contamination Risk Assessment. The EA provided the following comments –*

Withdraw earlier objection, but wishes to make the following comments:

The Land Contamination Risk Assessment addresses our previous concerns regarding the historical listing of the site as a landfill area. However, the site investigation was limited and no groundwater sampling or analysis was undertaken to confirm any impact on groundwater quality from the historical disposal of waste or the depth to the water table. The quarry contour map and the local stream elevation suggest that groundwater may be at surface or shall depth; in this case the deposition of any waste may be sub-water table. The previously mentioned deposit for recovery/permit issue doesn't appear to have been addressed and the 'High Level Drainage Statement' is for another site.

*On 18<sup>th</sup> March, the EA were consulted on the revised Contamination Risk Assessment and provided the following comments –*

The Land Contamination Risk Assessment is fine as an initial summary of the land condition, but there has been no intrusive site investigation to address the queries over the depth to the water table and the existing groundwater quality. The surface water results are reported as being significantly lower hardness than that anticipated to the local groundwater; this may indicate that the surface water is not hydraulically linked to the water table but the conceptualisation of the controlled water environment



is not yet complete. Although we would accept the proposed emplacement of inert material on site, we would, given the aquifer vulnerability, object to the non-inert waste being placed on site without an engineered barrier system. If the current Land Contamination Report was extended to include some groundwater quality results and groundwater level readings, it would be an acceptable alternative to a site condition report and provide a reasonable baseline assessment to the site prior to waste disposal.

*On 12<sup>th</sup> May 2021, an email was sent to the EA to clarify the following points:*

*Confirmation that the operator is only proposing the tipping of inert waste. Confirming if the EA would be happy with a condition restricting waste to inert materials only, and if this condition was imposed, would the EA still require the additional investigation prior to determination? Or could this be conditioned, so that it is submitted before any waste materials are deposited on the site.*

*The EA responded to this with the following comments –*

The Environment Agency can confirm that we can agree with a condition restricting waste to inert materials only, provided it could be conditions that the additional site investigation is to be undertaken and the results are to be submitted for review before any waste materials are deposited on the site.

## 7.6 **Natural England**

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites or protected landscapes and has no objection. We advise you to follow the mitigation hierarchy as set out in Paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. In accordance with Paragraphs 170 & 174 of the NPPF opportunities to achieve a measureable net gain for biodiversity should be sought through the delivery of this development.

### Internal Consultees

## 7.7 **Highways Development Management**

The Highway Authority is content that this proposal is acceptable in highway terms and does not wish to raise an objection, however, the following condition should be attached to any permission granted:

No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements
- Construction operation hours
- Construction vehicular routes to and from site including any temporary construction access points and haul roads required. This information should also be shown on a map of the route
- Construction delivery hours

- On site turning facility for vehicles allowing egress onto highway in forward gear
- Expected number of construction vehicles per day
- All other vehicle parking being accommodated off highway including a plan showing the onsite parking arrangements
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice

## 7.8 **Lead Local Flood Authority**

We note some surface water flooding within the site boundary and this should be addressed. There should be no change to any existing land drainage systems and any necessary change to the hydrological system due to the infilling of the quarry should be explained and quantified to ensure flood risk is not increased elsewhere, this should also demonstrate that there will be no increase in flood risk post-development and any measures in place. Furthermore, we would advise that further details are provided on what is currently in place on site in regards to surface water drainage, and how this will be impacted due to the proposal. The applicant should also demonstrate that the proposal will not increase flood risk, and advise upon any measures during the construction phase to control and manage surface water and pollution from the site, this should also address the compaction of soil due to plant, machinery and vehicle movement.

Additionally, would expect the applicant to demonstrate that safeguards will be put in place during the construction phase to minimise the risk of pollution from the development to the receiving system. This should cover (where appropriate):

- The use of plant and machinery
- Oils/chemicals and materials
- The use and routing of heavy plant and vehicles
- The location and form of work, storage areas and compounds
- The control and removal of spoil and wastes
- The control of silt and sediment

*On 17<sup>th</sup> December, the Flood Risk Team were consulted on a Flood Risk & Design Statement, however, there were still concerns that needed addressing. The full response can be found on the applications webpage.*

*On 4<sup>th</sup> March, the Flood Risk Team were consulted on the revised Flood Risk & Design Statement, where they provided the following comments.*

Having reviewed the information, it is understood a depression is to be formed in the centre of the site to collect residual runoff and indicative calculations/plans have been provided. Given this information, the LLFA is content with the proposals and have no further comments.

## 7.9 **Acoustics Specialist**

In my view, the operation of the site for inert waste would not be expected to generate any more noise than arose during stone extractive (provided screening and crushing operations did not take place). The existing eastern quarry faces of 6m and western faces of 3m heights will give effective screening of initial noise and in a situation of no screening I would not expect noise from a large excavator to not exceed levels of 36dB(A) at the closest residential location. The perception of noise expected to arise from exposed operation of an excavator will exceed that of tipping and therefore site activities might be classified by the Noise Exposure Hierarchy Table of Planning Practice Guidance – Noise 2019 as a ‘present and not intrusive’ impact.

In my view, ‘Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life’ at closest residential development and under these circumstances noise would not be sufficient to require specific planning conditions for consent. However, it has been necessary to make some assumptions in regard to the activities expected to take place, and as such, it may be appropriate to adopt earlier planning conditions applied to quarrying and to restrict development of crushed recycling processes without prior agreement.

*The full response can be found of the applications webpage.*

#### 7.10 **County Ecologist**

Provided the below conditions and informative are applied as worded, I have no objection to this application. To comply with local and national policy, wildlife legislation and the requirements of the mitigation hierarchy and for biodiversity net gain, attach the following conditions and informative to the planning permission is granted:

##### **Bats**

Due to the opportunistic behaviour of some bat species, including pipistrelle, along with the site’s location set within habitats that will support bats. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission, it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

##### **Birds**

No removal, or cutting back of, hedgerows, trees and scrub and tall ruderal herbs shall take place between 1<sup>st</sup> March – 31<sup>st</sup> August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds’ nests immediately before the vegetation is cleared and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the Ecologist. In no circumstances should netting be used to exclude nesting birds.

REASON: In the interests of nesting wild birds and in accordance with the Somerset Minerals Plan: Policy DM2 (Biodiversity and Geodiversity) and South Somerset District Council Local Plan – Policy EQ4 (Biodiversity).

##### **Badgers**

A Heras type fence, arranged to still facilitate badger access and guided by an

Ecological Clerk of Works, will be placed 20m around the existing sett to create a buffer zone from construction works.

REASON: A pre-commencement condition in the interests of UK protected species and in accordance with Somerset Minerals Plan Policy DM2 (Biodiversity & Geodiversity) and South Somerset District Council Local Plan Policy EQ4 (Biodiversity).

The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example, a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are expectantly encountered during implementation of this permission, it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

#### Biodiversity Enhancement (Net Gain)

The following will be integrated into the design of the buildings and site plans:

a) The proposal will be undertaken in accordance with the submitted plans: proposed Landscaping Arrangements, Planting Schedule, and Landscaping Details – Sample Planting Grid.

b) Installation of 1 x log pile as a resting place for reptiles and or amphibians constructed within the southern boundary on the edge of the meadow grassland

c) Installation of 2 x kent bat box, purchased or built, on to a mature tree on site, facing south or west, at a height above 3m.

d) Installation of 2 x standard bird boxes, purchased or built, on to a mature tree on site, facing east or north, at a height above 3m.

e) Installation of 1 x barn owl box, purchased or built, onto a mature tree on the northern boundary, facing the fields to the north of the site, and installed to the Barn Owl trust specifications.

Photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to occupation.

REASON: In accordance with Government Policy for the enhancement of biodiversity within development as set out in Paragraph 170 (d) of the NPPF.

### 7.11 Minerals and Waste Policy

Our holding objection can now be withdrawn . It is accepted that there is no remaining stone at the site suitable for extraction. The further information submitted in regard to the source of the inert material to be deposited and the retention of the quarry face as previously agreed is acceptable. The MPA therefore raise no objection to the application subject to the imposition of appropriate conditions in regard to retaining the quarry face as previously agreed.

### 7.12 Public Consultation

The application was advertised with the statutory publicity arrangements by means of a site notice, and notification of neighbours by letter. As a result of these procedures, 13 objections were received, making reference to the following matters:

- HGVs moving through small villages and along country lanes;
- disruption caused by HGVs including noise, vibration and pollution;

- increase in traffic in the area, and subsequently their impact on the local highway;
- impact on walkers and cyclists;
- current issues with vehicles on the lanes, as there are limited passing places, and there are concerns regarding how HGVs will manage to drive along the lanes;
- concerns about the speed limited through Henstridge, and there are calls for the speed limit to be lower for through traffic, as well as a weight limit for vehicles;
- concerns over the junction with the A357, as it doesn't have clear sight lines from all directions;
- concerns over the impact the proposal will have on the adjoining water course and lake;
- impacts on wildlife and ecology, particularly badgers and newts;
- concerns over the number of HGV movements per day to/from the site;
- previous inert landfill applications for the site have been refused; and
- restoration/aftercare of the site.

## **8. Comments of the Service Manager – Planning Control, Enforcement & Compliance**

8.1 The key issues for Members to consider are:

- planning policy considerations;
- highways and traffic;
- ecology/landscape;
- drainage and flood risk; and
- groundwater and pollution.

### **8.2 The Development Plan**

8.2.1 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the following documents, with their policies of relevance to this proposal being listed in Section 10 of this report:

- Somerset Waste Core Strategy (adopted 2013)
- South Somerset Local Plan 2006 - 2028 (adopted 2015)

### **8.3 Material Considerations**

8.3.1 Other material considerations to be given due weight in the determination of the application include the following:

- National Planning Policy Framework (February 2019)
- National Planning Policy for Waste (October 2014)
- Planning Practice Guidance

## **8.4 Planning Policy Considerations**

- 8.4.1 Policy WCS2 (Recycling and Reuse) of the Somerset Waste Core Strategy highlights that planning permission will be granted for waste management development that will maximise reuse and/or recycling of waste. The Policy also notes that, before considering inert landfill disposal, inert waste that cannot be reused or recycled on-site should be diverted off-site for recycling and/or the following beneficial uses:
- the restoration of quarry and other excavation sites;
  - other uses with clear benefits to the local community and environment; or
  - other facilities that will facilitate such positive use.
- 8.4.2 The reuse of inert waste materials for the restoration of Copse Quarry is considered to be a beneficial use of the waste that accords with Policy WCS2, and it will also provide ecological/biodiversity improvements once the site is restored. The proposal is therefore acceptable in policy terms subject to consideration of the specific impacts addressed below.

## **8.5 Highways and Traffic**

- 8.5.1 Concerns have been raised by local residents and parish councils regarding the use of the local highways by HGVs, noting that the country lanes are inadequate for HGVs to travel along, as well as concerns over the speed of vehicles travelling along the lanes and the noise and pollution impacts the HGVs will cause. It has also been noted that the original transport statement that was submitted as part of this application was outdated, but this has since been revised and now uses data from August 2020.
- 8.5.2 The proposal seeks to import inert waste materials to the site, which will be obtained by the operator from local building sites. Copse Quarry is situated along a narrow country road, Landshire Lane, which is typical of local country lanes and is essentially single track in nature from the junction with the A357. There are limited passing places and the width of the road varies from 3m to 3.5m.
- 8.5.3 The site is situated in close proximity to the strategic highway network, with the A30 approximately 1.7 to 2 miles away. In addition, the A357 to the east links Wincanton to Blandford Forum, connecting to the A30 to the north at Henstridge, and the A350 at Blandford Forum.
- 8.5.4 Preparation of the updated Transport Statement included a site visit to determine the traffic flows of the area in August 2020, which recorded 20 vehicles in an hour in both directions along Landshire Lane. The counts were undertaken close to the junction with the A357 and took account of the vehicles travelling to the farm approximately 600m from the junction. Based on these observations, it was considered that the traffic speeds were at or below 25mph. The length from the junction with the A357 to Copse Quarry is 1.37km and, as the route is single track, it is estimated that the majority of vehicles would have to give way to large vehicles.
- 8.5.5 Concerns have been raised regarding the likelihood of meeting a HGV along Landshire Lane. The Transport Statement has investigated this issue, and has determined that there is approximately a 2% chance of meeting a lorry at any point along Landshire Lane, due to the five HGVs (10 movements to/from) travelling to the site over a 10 hour day.

- 8.5.6 Further concerns have been raised regarding the routes the lorries will take to and from the site. In order to minimise the impact on the local highway, the operator is willing to restrict the lorry movements on any one day to five return trips (10 two-way movements) along Landshire Lane. There have been discussions around the routing of the lorries, with the most suitable and viable routes being:
- From the west – A30 west / A357 traffic lights / A30 east / Henstridge Airport Road / Landshire Lane East / A357 crossroads / Landshire Lane West
  - From the north – A357 North / A357 traffic lights / A30 east / Henstridge Airport Road / Landshire Lane East / A357 crossroads / Landshire Lane West
  - From the east – A30 east / Henstridge Airport Road / Landshire Lane East / A357 crossroads / Landshire Lane West
  - From the south – A357 south / A357 crossroads / Landshire Lane West
- 8.5.7 Somerset County Council's Highways Development Management team has welcomed the suggested routing, as outlined above, and is content that the proposal is acceptable in highway terms and therefore has no objection subject to imposition of suitable pre-commencement conditions.
- 8.5.8 It is concluded, that, with these measures in place, the scheme complies with Policy DM6: Waste Transport of the Somerset Waste Core Strategy.

## **8.5 Ecology and Landscape**

- 8.5.1 Once the filling of inert material has been completed, the application proposes the landscaping of the site, as indicated on the submitted landscape drawings, and subsequent maintenance to ensure ongoing enhancement. The application proposes the planting of a variety of trees, shrubs and grass seed mixture, with the long-term vision of the site being to bring the ground levels back to those matching pre-existing levels across the site, while taking the location of the badger setts and existing boundary hedging and trees into account.
- 8.5.2 The areas reinstated for grassland will be topsoiled and cultivated to allow local species to recolonise to bare soil. It is proposed that sheep will graze on a seasonal basis to reduce and control weed/invasive species.
- 8.5.3 The replanting of the site will take place over a period of five years to create an uneven range of both age and growth in the trees and shrubs planted.
- 8.5.4 Policy EQ4 (Biodiversity) of the South Somerset Local Plan requires development to maximise opportunities for restoration, enhancement and connection of natural habitats, and the proposal is considered acceptable and in accordance with this policy.
- 8.5.5 The Biodiversity Survey/Assessment that has been submitted as part of the application identifies that the site is within the Impact Risk Zones for Rooksmore Special Area of Conservation and Blackmoor Vale Commons and Moors Site of Special Scientific Interest, but no risk to those designated sites from the proposal are identified. This report also notes that at least eight entrance holes were found in March 2020 for badgers; while no latrines were found, evidence of fresh digging and commuting paths were visible. The application therefore includes a buffer zone around the badger sett within which no infilling is proposed.

- 8.5.6 The report also notes that the boundaries of the site are likely to be used by bats for commuting and foraging, and an informative note highlighting the operator's legal obligations in this regard is proposed to be included in the planning permission. Although the scrub and hedgerows have the potential to be used by dormice, Somerset Environmental Records Centre does not hold records of dormice for the site, or within 1km of the site.
- 8.5.7 Somerset County Council's Ecologist has no objection to the proposal, provided the recommended conditions are applied. Subject to these conditions, it is considered that the proposal is in accordance with Policy DM3 (Impacts on the Environment and Local Communities) of the Somerset Waste Core Strategy and Policy EQ4 (Biodiversity) of the South Somerset Local Plan.

## **8.6 Drainage and Flood Risk**

- 8.6.1 The site is located within Flood Zone 1 and, as part of the application, a Flood Risk & Design Statement has been submitted. Concerns were initially raised by Somerset County Council's Flood Risk Team regarding surface water flooding within the site boundary, likely to be associated with the low point of the site. It is understood that water will naturally migrate to the lower areas of the quarry once it is filled in, but there is the potential that this storage volume is displaced. The Flood Risk Team therefore requested clarity on how much water has the potential to accumulate within the quarry and subsequently be directed elsewhere upon infill.
- 8.6.2 The Flood Risk & Design Statement was revised in February 2021 in order to address this issue, and the revised report notes that a depression is to be formed in the centre of the site to collect residual runoff. The area will facilitate around 370m<sup>3</sup> of surface water storage roughly equating to the greenfield pre-development storage volume provided by the existing depression in the quarry. The area of landscaping surrounding this depression will provide interception to the rainfall within the site boundary and provide a gentle gradient towards the storage zone. The stored surface water will permeate through the propose permeable inert fill and into the existing quarry basin, as it did pre-development. In addition, the report demonstrates that the site satisfies the Sequential Test given the type of the development works.
- 8.6.3 Somerset's Flood Risk Team are content with the proposal and have no further comments to make. Therefore, it is considered that the proposal is in accordance with Paragraph 163 of the NPPF and Policy DM7 (Water Resources) of the Somerset Waste Core Strategy.

## **8.7 Groundwater and Pollution**

- 8.7.1 Due to the nature of the development, the Environment Agency initially raised an objection regarding the risks to groundwater as being unacceptable and also as the site may be identified as historic landfill. The Environment Agency requested submission of additional information to demonstrate that the risks posed to groundwater can be satisfactorily managed. The site is underlain by a principal aquifer of high groundwater vulnerability to pollution, with ground water flowing via well connected bedrock fractures.
- 8.7.2 A Land Contamination Risk Assessment was submitted in order to address the Environment Agency's concerns. The quarry previously received inert, degradable waste and commercial and household waste, as well as liquid sludge. The landfill area was licensed to operate between 1948 and 1992 and, although the whole



quarry area (including the current application site) was listed for landfill, it has been confirmed that the quarry section on the site has not been infilled as its base is on bedrock.

8.7.3 With regards to groundwater vulnerability, the report notes that the site is within an area of high groundwater vulnerability, underlain by a productive bedrock aquifer with well-connected fractures, intermediate pollutant migration speed and an estimated dilution of 300mm-550mm/year. The report highlights that the bottom of the quarry occasionally floods during wet weather periods; however, it is not clear if the flooding is linked to high groundwater table or if it due to rainwater accumulation.

8.7.4 The conclusions from the report demonstrate:

- There are no current contaminant sources were identified on the site, the geo-environmental test results from soils at the base of the quarry and within the access track, as well as local stream samples recorded low contaminants.
- Soil and surface water (stream) test results indicate that the site has not been unacceptably impacted by previous activities on the site or the restoration activities on the adjacent section of the quarry.
- The site is considered of very low risk to human health and the wider environment in its present condition, and remedial measures are not required with respect to soils and groundwater.
- However, the site is within an area of high groundwater vulnerability underlain by a productive bedrock aquifer with well-connected fractures and estimated intermediate pollutant migration speed. Groundwater is expected to have seasonal variations and possible the shallow at the quarry bottom.

8.7.5 The Land Contamination Risk Assessment concluded that, based on the assessment findings, the site could be permitted to receive soil wastes for landfilling and restoration purposes.

8.7.6 As a result of these findings, the Environment Agency withdrew their objection. However, they still had concerns due to there being no intrusive site investigation to address the queries over the depth to the water table and existing groundwater quality, along with concerns about inert waste being placed on site. However, the Environment Agency has agreed to imposition of a condition to restrict waste to inert materials only, and a condition for additional site investigations to be undertaken and the results to be submitted for review prior to any waste being deposited on the site.

8.7.7 It is concluded, that, with these measures in place, the scheme complies with Policy EQ7 (Pollution Control) of the South Somerset Local Plan and Policy DM7 (Water Resources) of the Somerset Waste Core Strategy.

## **8.8 Concluding Comments**

8.8.1 The proposed infilling of Copse Quarry has no outstanding formal objections from any statutory consultee and the matters which remain outstanding can be adequately addressed via appropriate planning conditions, which have been agreed between the Council and the applicant.

8.8.2 The infilling of the quarry will lead to the site's restoration, which will enhance the ecology and biodiversity for the area as the local landscape will be restored. The

infilling of the site will take a minimum of three years, therefore a temporary permission on the proposal would be considered appropriate.

- 8.8.3 The application is considered to be in accordance with the Development Plan in all other regards and there are no material considerations that would warrant refusal of the application. Consequently, the proposed development is recommended for approval subject to conditions.

## **9. Recommendation**

- 9.1 It is recommended that planning permission be GRANTED subject to the imposition of the following conditions, and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager – Planning & Development, Enforcement & Compliance.

### COMMENCEMENT

1. The development shall commence within three years of the date of this permission

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990

### STRICT ACCORDANCE WITH PLANS/DOCUMENTS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered: Location Plan, Site Plan, Site Sections (1), Site Sections (2), Proposed Restoration Area, Contour Map, Photogrammetry Survey, Flood Risk Map, Biodiversity Survey/Assessment, Landscaping Details – Sample Planting Grids, Planting Schedule, Proposed Landscaping Arrangements, Design & Access Statement, Wessex Water Network Map, Topographical Survey, Transport Statement August 2020, Flood Risk & Design Statement February 2021, Land Contamination Risk Assessment March 2021, Deposit of Inert Material & Quarry Face Retention Clarification, Vision for Copse Quarry and Small Woodland Management Plan Template.

REASON: To ensure that the development is carried out in accordance with the approved details.

### TEMPORARY PERMISSION

3. The deposit of waste shall cease on or before 29<sup>th</sup> July 2026, and the site shall be fully restored on or before 29<sup>th</sup> July 2027 in accordance with the scheme to be approved under Condition 12.

REASON: To ensure completion and restoration of the site within the approved timescale and in the interest of residential amenity and the local landscape, in accordance with Policies DM3 & DM4 of the Somerset Waste Core Strategy and Policies EQ4 and EQ6 of the South Somerset Local Plan 2006-2028.

### PRE-COMMENCEMENT CONDITIONS

4. No development shall commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Waste

Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include details of:

- construction vehicle movements;
- construction operation hours;
- construction vehicular routes to and from site including any temporary construction access points and haul roads required. This information should also be shown on a map of the route;
- construction delivery hours;
- wheel washing facilities;
- on-site turning facility for vehicles allowing egress onto highway in forward gear;
- expected number of construction vehicles per day;
- all other vehicle parking being accommodated off the highway, including a plan showing the onsite parking arrangements;
- specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice

REASON: To ensure adequate access and associated facilities are available for construction traffic to minimise the impact of construction on nearby residents and the local highway network in accordance with Policy DM3 of the Somerset Waste Core Strategy.

5. No waste shall be deposited on the site until additional site investigations have been undertaken to address the depth to the water table and the existing groundwater quality, and the results have been submitted for review by the Waste Planning Authority.

REASON: To ensure appropriate investigations have been undertaken to address the depth of the water table and ensure the groundwater level readings are acceptable prior to waste disposal.

6. Prior to the commencement of any works taking place, a heras type fence, arranged to facilitate continued badger access and guided by an Ecological Clerk of Works, shall be placed around the existing badger sett at a distance of 20m from the sett to create a buffer zone from construction works. This fence shall be maintained for the duration of the importation and placement of waste materials.

REASON: In the interests of UK protected species in accordance with Policy DM3 of Somerset Waste Core Strategy.

*The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered*

*during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.*

#### POST-COMMENCEMENT CONDITIONS

7. No waste other than inert materials shall be deposited on the site.

REASON: To exclude wastes that are not appropriate for disposal at the site in accordance with Policy WCS4 of the Somerset Waste Core Strategy.

8. No removal, or cutting back, of hedgerows, trees, scrub and tall ruderal herbs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Waste Planning Authority by the ecologist. In no circumstances should netting be used to exclude nesting birds.

REASON: In the interests of nesting wild birds and in accordance with the Policy DM3 of Somerset Waste Core Strategy and Policy EQ4 of the South Somerset District Council Local Plan.

9. Prior to the restoration of the site, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Waste Planning Authority. The LEMP shall include details of:

- installation of 1 x log pile as a resting place for reptiles and/or amphibians constructed within the southern boundary on the edge of the new meadow grassland;
- installation of 2 x Kent Bat Boxes (purchased or built), on to a mature tree on site, facing south or west, at a height above 3m;
- installation of 2 x Standard Bird Boxes (purchased or built), onto a mature tree on the northern boundary, facing east or north, at a height above 3m; and
- installation of 1 x Barn Owl Box (purchased or built), onto a mature tree on the northern, facing the fields to the north of the site, and installed to the Barn Owl Trust Specifications.

Photographs of the installed features will be submitted to and agreed in writing by the Waste Planning Authority.

The LEMP shall also include measures for the management of the existing vegetation within the site, and all new planting, and shall be implemented following its approval in accordance with timescales to be detailed in the Plan.

REASON: To protect and enhance the areas landscape, and to ensure its successfully established and maintained in accordance with Policy DM3 of Somerset Waste Core Strategy and Policy EQ4 of the South Somerset District Council Local Plan.

10. The development shall maintain the quarry face as agreed in the Deposit of Inert Material & Quarry Face Retention Clarification document. The operator shall keep records of the quarry faces' retention on an annual basis and make such records available to the Waste Planning Authority within 14 days of the Authority making any such request.

REASON: To ensure the development retains the quarry face in accordance with Policies DM3 and DM4 of the Somerset Waste Core Strategy.

11. The number of deliveries of waste materials by Heavy Goods Vehicles to the application site shall not exceed five in any one day. A record of the times and dates of all deliveries shall be maintained by the operator and made available to the Waste Planning Authority within 14 days of it being requested.

REASON: To limit the impact of HGV traffic on local residents and other users of the highway network in accordance with Policy DM6 of the Somerset Waste Core Strategy.

### RESTORATION

12. A detailed restoration and aftercare scheme shall be submitted to and approved in writing by the Waste Planning Authority within three years of the date of this permission. The scheme shall specify the following matters:

- a) final levels of the restored land;
- b) the preparation of the land surface before soiling;
- c) the depth and method of spreading of subsoils and topsoil;
- d) the cultivation and fertilisation of soils;
- e) the provision of land drainage;
- f) design and location of fencing and hedgerows;
- g) access onto and throughout the site;
- h) the specification of grass seed mix, location, size and species of trees, bushes, shrubs and hedgerows;
- i) methods of staking, screening and mulching of trees, bushes and hedgerows;
- j) an outline strategy for the five-year aftercare period, to specify the steps to be taken and the period during which they are to be taken; and
- k) a programme of monitoring of the progress of all planting and seeding and drainage provision, together with details of how the developer will remediate any problems that arise during the aftercare period caused either by failure or inadequate initial provision.

The approved scheme shall be implemented in accordance with the timescale given in Condition 3.

REASON: To ensure that the site is restored in an appropriate manner in accordance with Policy DM4 of the Somerset Waste Core Strategy.

### **Informative Note**

Due to the opportunistic behaviour of some bats species, including pipistrelles, along with the site's location set within habitats that will support bats, please attach the following informative to any planning permission granted: The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

## **10. Relevant Development Plan Policies**

10.1 The following is a summary of the reasons for the County Council's decision to grant planning permission.

10.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:

- Somerset Waste Core Strategy (adopted 2013)
- South Somerset Local Plan 2006 - 2028 (adopted 2015)

The policies in the development plan particularly relevant to the proposed development are:

### *Somerset Waste Core Strategy*

WCS2: Recycling and Reuse

WCS5: Location of Strategic Waste Sites

WCS4: Disposal

DM2: Sustainable Construction and Design

DM3: Impacts on the Environment and Local Communities

DM4: Site Restoration and Aftercare

DM6: Waste Transport

DM7: Water Resources

### *South Somerset Local Plan*

SS2: Development in Rural Settlements

EQ2: General Development

EQ4: Biodiversity

EQ6: Woodland and Forests

EQ7: Pollution Control

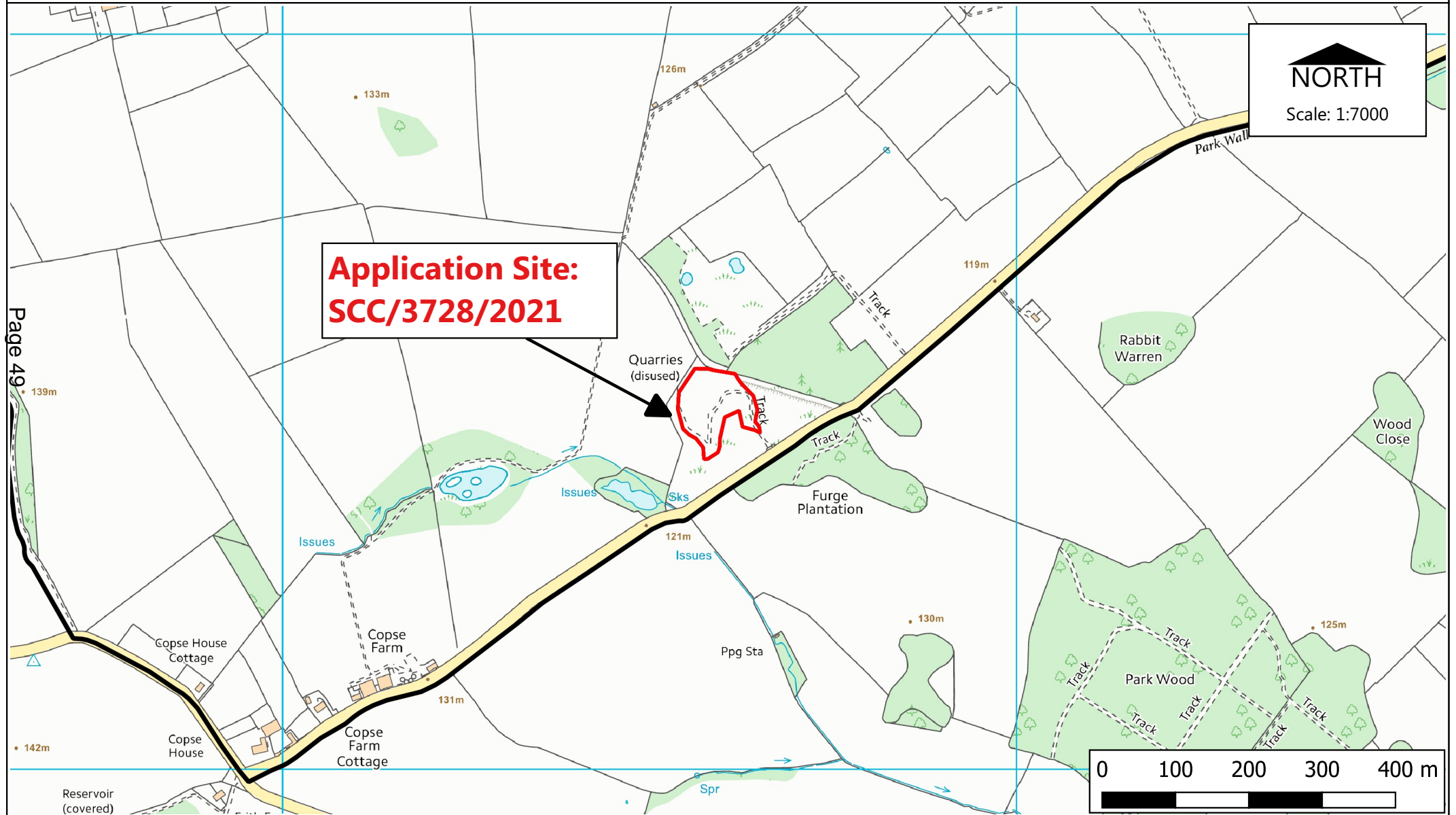
10.3 The Waste Planning Authority has also had regard to all other material considerations, in particular the National Planning Policy Framework, the National Planning Policy for Waste and Planning Practice Guidance.

10.4 **Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015**

In dealing with this planning application the Waste Planning Authority has adopted a positive and proactive manner. The Council offers a pre- application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework, National Planning Policy for Waste, Waste Core Strategy and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reasons for approval. The Waste Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.

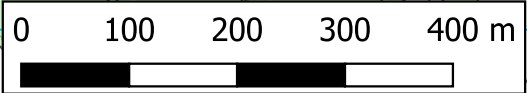
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**Application Site:  
SCC/3728/2021**

**NORTH**  
Scale: 1:7000



**SOMERSET**  
County Council

Paul Hickson,  
Strategic Commissioning Manager  
Community & Environmental Services  
Somerset County Council  
County Hall, Taunton, TA1 4DY

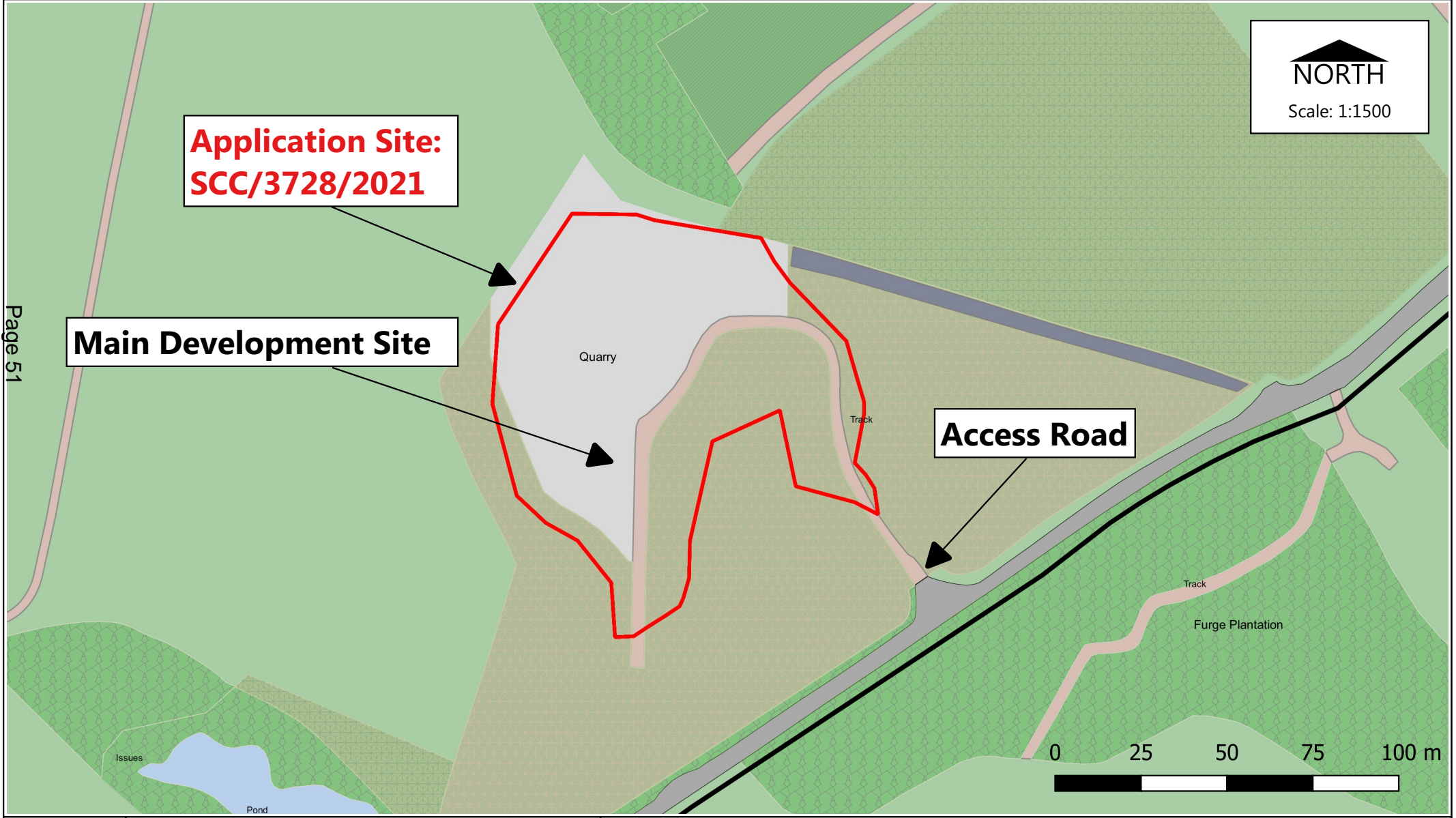
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**LOCATION PLAN**

Dated: 21/07/2021

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**Application Site:  
SCC/3728/2021**

**Main Development Site**

**Access Road**

**NORTH**

Scale: 1:1500

0 25 50 75 100 m



**SOMERSET**  
County Council

Paul Hickson,  
Strategic Commissioning Manager  
Community & Environmental Services  
Somerset County Council  
County Hall, Taunton, TA1 4DY

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Planning Control  
Drawn by: A S Galbraith

**SITE PLAN**

Dated: 21/07/2021

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Somerset County Council

Regulation Committee – 29<sup>th</sup> July 2021

Report by Service Manager - Planning & Development.

**Application Number:** SCC/3835/2021

**Date Registered:** 21 May 2021

**Parish:** Nunney Parish Council,

**District:** Mendip District Council,

**Member Division:** Mendip Central East,

**Local Member:** Councillor Philip Ham

**Case Officer:** Colin Arnold

**Contact Details:**

**Description of Application:**

(a) SCC/3833/2021 Removal of Condition 2 of Schedule B of planning permission 2016/0025/CNT to enable extraction of Carboniferous limestone to recommence within Bartlett's Quarry prior to the permanent cessation of extraction at Torr Works Quarry

(b) SCC/3835/2021 Application under S106A of the Town and Country Planning Act 1990 for the modification of the Torr Works Section 106 Agreement to enable the recommencement of Carboniferous limestone extraction at Bartlett's Quarry, Nunney

**Grid Reference: Easting** - 372537, **Northing** - 145711

**Applicant:** , Agregate Industries UK Limited

**Location:** Colemans Quarry

Haygrove Lane to Holwell Hill

Wanstrow

Shepton Mallet

BA11 4PX

## **1. Summary of Key Issues and Recommendation(s)**

1.1 The two applications seek the removal of restrictions in the form of a planning condition and S106 Agreement that currently prevent the recommencement of extraction of Carboniferous limestone at Bartlett's Quarry prior to the cessation of extraction at Torr Works. The main issues for Members to consider are:

- planning policy considerations and the justification for the proposals;
- highways and traffic;
- ecology;
- other environmental impacts and their control; and
- How have the reasons for refusal for SCC/3742/2020 and SCC/3748/2020 previously refused by this committee in Jan 2021 been overcome through this proposal

1.2 It is recommended that:

(a) in respect of SCC/3833/2021, subject to completion of the deed of variation required to secure the modifications proposed in application SCC/3835/2021, planning permission be GRANTED subject to the imposition of the conditions listed in paragraph 9.1 of the report, and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager – Planning & Development; and

(b) in respect of SCC/3835/2021, the modifications detailed in paragraph 9.2 of the report are made to the S106 Agreement relating to Torr Quarry, and that authority to undertake any minor editing which may be necessary to those modifications be delegated to the Service Manager – Planning & Development.

**It is recommended that planning permission be granted subject to conditions**

## **2. Description of the Site**

2.1 The Coleman's Quarry complex comprises four parts separated by intervening roads and named individually, with no extraction currently taking place at any of them.

From north to south, these are:

Bartlett's Quarry, at which extraction of limestone ceased in 2007 at a maximum depth of 120m AOD but which retains the only remaining reserves within the complex that are above the water table. Recycling of road planings currently takes place on the quarry floor. The road on the south eastern boundary of Bartlett's Quarry is the lorry route for the nearby Whatley Quarry, with a tunnel beneath the road linking this



pit to the remainder of the Coleman's Quarry complex. A public right of way runs alongside the western boundary of the quarry.

North Quarry lies between the Whatley Quarry route and Horn Street, a lane providing access to Nunney. This quarry has been partially excavated with its eastern half accommodating a water body. As well as the tunnel to Bartlett's Quarry, North Quarry is also linked to the remainder of the complex by a tunnel beneath Horn Street.

Orchard Quarry is located between Horn Street and the A361, with a coated roadstone plant supplied with limestone from Torr and Callow Rock Quarries and from recycling operations within Bartlett's Quarry.

To the south of the A361 is Crees Quarry, which is largely excavated and occupied by a large water body.

2.2 Surrounding land is largely in agricultural use, with the edge of the village of Nunney being 630m to the east. The nearest residential property to the proposed extraction area in Bartlett's Quarry is Castle Hill Farm at a distance of 400m. In the wider area are three larger limestone quarries that are operational: Torr Works Quarry, 2.5km to the west; Halecombe Quarry, 2.75km to the north west; and Whatley Quarry, 1.7km to the north. There are also two quarries nearby that are Dormant but benefit from extant planning permissions: Westdown Quarry, to the west of Bartlett's Quarry, and Cloford Quarry to the south west of Crees Quarry and south of the A361 (which is subject to a clause in the Torr Works S106 Agreement preventing resumption of extraction until cessation of extraction and dewatering at Torr Works has ceased).

2.3 Orchard and Crees Quarries contain several areas of quarry faces which form the Holwell Quarries Site of Special Scientific Interest [SSSI], designated for its geological value. To the west of the Coleman's Quarry complex is the Asham Wood SSSI and Mendip Woodlands Special Area of Conservation [SAC], comprising ancient semi-natural woodland. The Mells Valley SAC lies around 4km to the north east, with most of the Coleman's Quarry complex apart from Bartlett's lying within the East Mendip Bat Consultation Zone.

2.4 Bartlett's Quarry and part of North Quarry lie within a Groundwater Source Protection Zone 1.

2.5 It should be noted that there are four applications relating to Westdown Quarry being considered at this current time they include SCC/3838/2021 (which relates to a Review of Mineral Permission - ROMP) SCC/3836/IDO (which relates to an Interim Development Order – IDO) SCC/3837/IDO (which also relates to an Interim Development Order) and application reference SCC/3795/2021 which relates to ancillary works and the construction of an upgraded access on land which sits outside the ROMP and IDO boundaries. It is considered that these applications will come before this committee in due course for determination.

### **3. The Proposal**

3.1 The two applications seek the same outcome in enabling recommencement of extraction within Bartlett’s Quarry in parallel with, rather than upon completion of, extraction at Torr Works. Application SCC/3833/2021 proposes the removal of

Condition 2 of permission 2016/0025/CNT that was imposed in February 2020 (the application took four years to be determined), while application SCC/37835/2021 proposes the following changes to the existing S106 Agreement for Torr Works (deleted wording struck through and new wording underlined):

Amended Clause 11.1:

Not to resume ~~extraction of carboniferous limestone~~ or de-watering within Colemans Quarry until such time as the commercial extraction of carboniferous limestone from the Operative Torr Land and associated de-watering as authorised by any subsisting and current planning permission shall have permanently ceased.

New Clause 11.3:

Not to resume extraction of carboniferous limestone within North Quarry, Orchard Quarry and Cress Quarry until an updated set of working and restoration conditions have been submitted to and approved in writing by the Mineral Planning Authority.

4.2 As indicated in 3.1, the extant planning permissions for Crees Quarry, Orchard Quarry and the southern part of North Quarry are not currently subject to any provision for their periodic review, and the proposed Clause 11.3 would therefore introduce a new opportunity for review and updating of conditions for those parts of the Coleman’s Quarry complex. Since any remaining reserves in North, Orchard and Crees Quarries are beneath the water table, any review would require full hydrogeological assessment.

4.3 The applications are accompanied by revised working drawings and an updated



environmental monitoring scheme that, if application SCC/3833/2021 is approved, can be substituted for the documents previously approved. It is proposed that renewed extraction of the remaining reserves in Bartlett's Quarry would proceed in two broad phases, firstly to a level of 130m AOD, and then down to 120m AOD which is the limit allowed for by the current planning permission in order to avoid the need for dewatering. Extraction would be achieved through blasting, which would occur once or twice a week.

4.4 It is proposed that mobile processing plant, which would be likely to benefit from 'permitted development' rights, be installed to the north west of the extraction area and adjacent to the existing recycling operation within Bartlett's Quarry at a level of 120m AOD. Processed aggregates would be moved from Bartlett's Quarry using the existing haul route through two tunnels and North Quarry, either for use in the asphalt plant within Orchard Quarry or to the A361 for transportation elsewhere.

4.5 The applicant's supporting statement provides a detailed justification for the proposed changes to the planning permission and S106 Agreement, and reference is made to these grounds in subsequent parts of this report. In summary, the applicant's main points are:

- "Circumstances have changed since the restriction on re-opening Colemans was put in place, in that the policies of the Somerset Minerals Plan have been revised and updated and economic conditions now mean that more aggregate is required to meet the needs of London and the South East.
- The most sustainable way to meet this need is to supply this material by rail. Hence the proposed reopening of Colemans to serve more local road based markets which would enable more aggregate to leave Torr by rail.
- This approach is considered to comply with national minerals policy which attaches great weight to the economic benefits of minerals extraction and the latest version of the Somerset Minerals Plan.
- Existing planning conditions already in place at Colemans will ensure that any adverse impacts will be mitigated to acceptable levels and there would be no increase in road based traffic above currently consented levels."

4.6 Since submission of the applications, the applicant has provided additional

information in support of the proposals:

- Aggregate Industries UK Ltd [AIUK] employs more than 200 people locally, and the re-opening of Bartlett's Quarry would create an additional six jobs, increasing to eight as the quarry gets up and running;

- reports produced for the Aggregate Working Parties for London and the South East highlight the reliance of those regions on imports of crushed rock aggregates by rail from Somerset to maintaining their supply;

"the situation whereby 2 of the largest rail served quarries in the country [i.e.

Torr and Whatley] are experiencing pressures of supply is of national

significance and is not one where other rail served quarries in the Midlands

(where AIUK already operate a rail linked quarry supplying the SE) could make

up the difference"; and

- AIUK and its partner PORR have recently secured a contract to construct, in Somerset, the concrete beds on which HS2 will run, with material from Torr – "If Torr is to supply this and other infrastructure projects in London and the South East it...requires support to continue to supply the other local road based markets in the South West which is why the company need to re-open Bartletts Quarry".

4.7 Application SCC/3833/2021 has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), which entitles an applicant to seek to vary or remove conditions attached to an existing planning permission. Where such an application is approved, the effect is the issue of a new planning permission, sitting alongside the original permission which remains intact and unamended. A Section 73 application is considered to be a new application for planning permission under the Environmental Impact Assessment Regulations, and it can therefore require submission of an Environmental Statement.

3.8 The applicant's intention to pursue the modification of the S106 Agreement to facilitate reopening of Coleman's Quarry was made clear at the time of determination of application 2016/0025/CNT in February 2020, as indicated in the recommendation to the Regulation Committee that "Members note the intention for a further report to be made to the Committee on the applicant's proposal to seek the modification of the

existing Section 106 Agreement for Torr Works to facilitate recommencement of extraction at Coleman's Quarry prior to cessation of extraction at Torr Works".

#### **4. Background and Planning History**

4.1 The southern part of the Coleman's Quarry complex, comprising Crees and Orchard Quarries and part of North Quarry, operates under conditions for an Interim Development Order (IDO/M/9/B) determined in 1994. Due to procedural issues with the service of the requisite notices, this consent remains in force without the opportunity for its periodic review.

4.2 The northern part of the complex, i.e. Bartlett's Quarry and the remainder of North Quarry, was approved under three separate permissions (89981 in 1972; 077905/002, issued in 1975; and 077905/007 which was approved in 1994) that were subsequently reviewed under the Review of Old Mineral Permissions [ROMP] procedure in 2003 (077905/015). This Review imposed new conditions on the underlying planning permissions, divided into Schedule A for North Quarry, and Schedule B for Bartlett's Quarry. While Schedule A limited working within North Quarry to a period expiring on 21 February 2042 (the same as for the southern part of the complex covered by IDO/M/9/B), Schedule B limited the life of the planning permissions for Bartlett's Quarry to 31 December 2015.

4.3 In February 2020, permission was granted (2016/0025/CNT) for the variation of Condition 1 of Schedule B of the ROMP conditions (077905/015) to alter the expiry date for Bartlett's Quarry to 21 February 2042. However, a new condition (numbered 2) was imposed to reflect the Torr Works S106 Agreement (see 3.6 below) requiring that:

"No further extraction of Carboniferous limestone or dewatering shall be undertaken within Bartlett's Quarry prior to the permanent cessation of commercial extraction of Carboniferous limestone and associated dewatering at Torr Works Quarry. Written notification of the permanent cessation of extraction and dewatering at Torr Quarry shall be provided to the Mineral Planning Authority not later than 28 days prior to the recommencement of extraction and/or dewatering within Bartlett's Quarry."

4.4 The reason given for the new Condition 2 was "To avoid potential cumulative effects

on local communities and environment from the concurrent working of Bartlett's Quarry and Torr Works Quarry".

4.5 Permissions were also granted in 2002 for a concrete batching plant within Orchard Quarry (077905/016/DT) and in 2003 for a facility for the processing of glass, road planings and demolition waste for the production of recycled aggregates in Crees Quarry (077905/016). In 2014, permission was given for the relocation of the recycling facility from Crees Quarry to Bartlett's Quarry (2015/0686/CNT), and this has been implemented.

4.6 When the separate Torr Works complex received planning permission (2010/0984) for deepening and a time extension to 2040 in July 2012, the accompanying Section 106 Agreement included the following covenant on the mineral operator:

11.1 not to resume extraction of carboniferous limestone or dewatering within Coleman's Quarry until such time as the commercial extraction of carboniferous limestone from the Operative Torr Land and associated dewatering as authorised by any subsisting and current planning permission shall have ceased.

4.7 As extraction at Torr Works is expected to continue until around 2040, the effect of this covenant is to prevent any further extraction within Bartlett's Quarry (which contains the major part of the remaining reserves) or other part of the Coleman's Quarry complex before a short period prior to their expiry date in 2042.

4.8 In January 2021 the regulation committee resolved to refuse two applications namely SCC/3742/2020 which was for Removal of Condition 2 of Schedule B of planning permission 2016/0025/CNT to enable extraction of Carboniferous limestone to recommence within Bartlett's Quarry prior to the permanent cessation of extraction at Torr Works Quarry which was refused under the following ground 'The applicant has provided insufficient evidence that the benefit of the removal of restrictions to allow Bartlett's Quarry and Torr Works Quarry to operate in tandem would outweigh the harmful cumulative effects on local communities and environment from their concurrent working, which is contrary to Policy SMP3 of the Somerset Minerals Plan (2015-2030)' The second application had the reference number SCC/3748/2020 was an Application under S106A of the Town and Country Planning Act 1990 for the modification of the Torr Works Section 106 Agreement to enable the recommencement of Carboniferous limestone extraction at Bartlett's Quarry, Nunney and was refused for exactly the same reason as above. This is now the subject of a planning appeal by way of a Public Inquiry.

## **5. The Application**

## 5.1 Documents submitted with the application

- Application form and fee for SCC/3833/2021
- Application letter for SCC/3835/2021
- Supporting Statement (May 2021)
- Environmental Statement (May 2021)
- Environmental Statement: Non-technical Summary (May 2021)
- Drawing no. CQ SL-1: Site Location
- Drawing no. CQ PS-1: Current Survey
- Drawing no. CQ PS-2: Phase 1 – Extraction to 130m AOD
- Drawing no. CS PS-3: Phase 2 – Extraction to 120m AOD

## 6. Environmental Impact Assessment (EIA)

6.1 The proposals are considered to be 'EIA development' within the scope of Schedule 1 of the EIA Regulations 2017, and both applications are accompanied by an Environmental Statement that assesses the proposals against the range of potential environmental impacts required by those Regulations and provides the following conclusions:

Traffic: "a review of the Site access has identified that no improvements are required; the highway network and existing traffic flows have been considered, along with the existing road safety. As there will be no increase above existing permitted levels, the proposed development is not predicted to have any significant effects";

Air quality, noise and vibration: "Having regard to the likely impacts and the proposed mitigation it is considered that any significant adverse effects are unlikely and, subject to compliance with these limits, no significant adverse noise, dust or vibration effects are therefore predicted";

Water: "The proposed development would not significantly affect water levels in these flooded quarries and would therefore have a negligible impact on groundwater resources and on features that rely on groundwater. No additional mitigation measures are therefore required and the residual effects are also assessed as not significant";

Climate change: "the analysis demonstrates that although the reopening of the Colemans quarry will result in an increase in the transportation carbon impact above the baseline, it is a lower carbon impact solution than the potential alternatives";

Landscape and visual: "there are no additional landscape and visual effects

anticipated from the recommencement of working at the Site, concurrently with Torr Quarry”;

Ecology: “Having regard to the likely impacts and the proposed mitigation it is considered that any significant effects on bat species are unlikely and no significant effects are therefore predicted”;

Cultural heritage: “No mitigation measures or assessment of residual effects are required or assessed with regard to impacts upon the setting of designated heritage asset”; and

Population and land use: “No significant environmental impacts were identified, that would either individually or cumulatively, result in significant adverse effects on the local population or upon land use—it is anticipated that the proposed development would lead to a small, short term beneficial impact on the local economy through employment and the use of local suppliers/contractors”.

6.2 The Environmental Statement also considered potential alternatives to the reopening of Bartlett’s Quarry:

(a) a ‘do nothing’ approach whereby Bartlett’s Quarry remains mothballed until extraction at Torr Quarry has ceased, with the conclusion that this would place further pressure on other quarries in Somerset and Devon, leading to aggregates being transported for longer distances; and

(b) supplying road-based markets currently served by Torr Quarry from other quarries including the applicant’s Callow Rock Quarry in Somerset and Westleigh Quarry in Devon and, potentially, from competitors’ quarries; however, it is concluded that this would result in increased carbon impacts compared to the proposed recommencement of extraction at Bartlett’s Quarry.

It is therefore concluded in the Statement that neither alternative option is sustainable due to the increased carbon impacts.

## **7. Consultation Responses Received**

### External Consultees

7.1 Mendip District Council – no objection

7.2 Wanstrow Parish Council – objection

‘Bartletts Quarry lies just outside the boundary of Wanstrow Parish Council but parts of the

Colemans Quarry complex lies within the parish and is close to the village of Cloford, which is within our Parish. A significant amount of Torr quarry traffic uses the A359 which runs through the centre of Wanstrow and all the material exported by rail passes through the Parish. In addition, the Parish area is affected by the noise and dust created by the quarrying activity at Torr and would be similarly affected by works at Bartletts Quarry. Wanstrow Parish Council sees no substantive change to previous applications and therefore OBJECTS to the proposed removal of Condition 2 and the 106 agreement for the following reasons:

We believe Somerset County Council were correct in imposing the condition as a means to limiting the impact quarrying activity has on neighbouring areas. In our opinion this was a valid reason and there has been no significant change that would require it to be reviewed; There is already significant impact from quarrying activity in the area arising from traffic, noise and dust. Increasing this activity, spreading it along our northern boundary and bringing it nearer to settlements in the parish (ie Cloford) will be detrimental to the environment and living conditions in the Parish;

Although Aggregate Industries state that there will be no increase in export of material beyond what is permitted we note that current activity is well below that permitted and proposed removal of the condition will enable the current levels to be significantly increased. Whilst we support the export of quarried material by rail through the Parish and would be content to see that increase, the level of road traffic is already very high and could increase a further 62% (from the current 1.85 million tonnes to the permitted 3 million tonnes) under the proposal. Such an increase would be extremely detrimental to our parishioners.'

### 7.3 Batcombe Parish Council – objection

'The Parish Council objected to the planning applications SCC/3748/2020 and SCC/3742/2020, both of which were refused in January 2021. The new applications have not altered materially and therefore the Parish Council's objections have not fundamentally changed.

Our first and immediate concern relates to the supply of our water for domestic, agricultural and business use within the parish of Batcombe. A schematic geological/hydrogeological cross section is shown in Appendix 6.1. However, there is no evidence to prove that our local water supply would remain completely unaffected.

Within the parish of Batcombe an unusually high percentage of properties depend upon private water supplies. It has been noticeable in recent times that a number of these supplies

are limited during dry periods, which are not infrequent. If this were to become a regular problem the effect on the lives of residents and farms would be intolerable.

The second point concerns the SCC Climate Emergency Plan. In order to comply with the requirements of the policy emphasis should be focused upon the recycling of aggregates and upon the utilisation of alternative materials, within the industry, at local and national level.

The Mendips are unique, as both a geological feature and as a resource for the supply of aggregate to the industry nationally. The resource should be used sparingly.'

7.4 Nunney Parish Council - resolved refusal to both applications

7.5 Cranmore Parish Council – comment

'Although Cranmore Parish Council is not a consultee on this application, the parish would be affected by the HGV's on route to and from the quarry if it was to re-open.

At the Torr Works and Colemans Liaison group meeting held on the 12th May it was asked by the Chair of Cranmore Parish Council whether HGV's from Colemans would use the Bulls Green Link road. Mr J Penny advised that deliveries to the north west would use the Bulls Green Link rather than the A361 past Torr and via Waterlip, as this would be less road miles. He then stated that this could be detailed in a Unilateral Undertaking type agreement to ensure that HGV's are not concentrated through more sensitive areas.

As a Parish Council we would urge you to include a Unilateral Undertaking type agreement as a condition if the application was approved to protect the Parish from additional HGV's. We would also request that Geoforce technology be put in place for the Tansey / Waterlip road which would further support the use of the agreed preferred routes.'

7.7 Natural England – no objection

Thank you for your consultation on the above dated 19 May 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

##### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

European sites – Mendip Woodlands Special Area of Conservation and Mells Valley Special Area of Conservation

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Mendip Woodlands Special Area of Conservation and Mells Valley Special Area of Conservation and has no objection to the proposed development.



To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The Habitats Regulations Assessment completed by Larry Burrows for planning applications SCC/3742/2020 and SCC/3748/2020 may provide a suitable justification for that decision.

#### Mendip Woodlands SAC

Asham Woods lies some 820 metres to the west of the application and is screened by woodland outside the designated site. The application site is located such that the prevailing wind direction generally blows from the SAC woodland toward the application site. Habitat degradation from deposition of dust from quarrying operation would be controlled by extant Condition 16 of the 2016/0025/CNT permission. Therefore, there is no risk from the proposed removal of Condition 2 of the permission.

#### Mells Valley SAC

Alone In essence the proposed application would remove time restrictions on when quarrying activity could re-commence in Bartlett's Quarry. The effects remain the same but the degree of change in habitat on the application site over time between the cessation of quarrying at Tor Works and recommencement of quarrying at Bartlett's Quarry is likely to be less or remain the same as reported in 2019 for the permission of 2016/0025/CNT.

Given there is less likely to be time lapse before quarrying re-commences with the assessed application it is also less likely that habitats in this area and elsewhere within the quarry will become more favourable to Greater Horseshoe bats. Therefore it is considered that there is unlikely to be a significant effect on Greater Horseshoe bats from loss and or degradation of foraging habitat given the conditions, including Condition 37 of Schedule B for the conservation and restoration of bat habitat, applied to the permission of 2016/0025/CNT.

In Combination The recommencement of extraction of Carboniferous limestone within Bartlett's Quarry prior to the permanent cessation of extraction at Torr Works Quarry is unlikely to act in combination with the removal of Condition 2 of Schedule B of planning permission 2016/0025/CNT as the latter works is largely contained within the quarry, which is hostile to Greater Horseshoe bats.

Application 2017/1506/CNT, which permitted extraction to a depth of 141m AOD and a restoration scheme to infill and restore the adjacent Leighton Quarry, has undergone a Habitats Regulations Assessment which concluded that there would be a benefit to Greater Horseshoe bats. Therefore, no significant effect in combination with other proposed and permitted development would occur.

#### Landscape

The continued maintenance of existing perimeter screening bunds at Bartletts will ensure no change to the landscape and visual character of the area and existing planning conditions which impose environmental limits on noise, dust and blasting along with a monitoring regime to ensure these limits are complied with are already in place as part of the planning permission that exists for the site.

Compliance with these conditions will ensure that any adverse effects of quarrying re-commencing are mitigated to acceptable levels and this should be monitored and reviewed in accordance with the environmental monitoring scheme for the site.

## Minerals and Waste Developments

Natural England has a statutory responsibility under Schedule 5 of the Town and Country Planning Act 1990, to offer mineral planning authorities a view on the appropriateness of this after-use, restoration standards, and on suitable aftercare conditions regardless of the size of the land involved or its agricultural quality.

No later than 21st August 2041 or after the permanent cessation of quarrying, a detailed restoration scheme is required by condition of 2016/0025/CNT and would deal with treatment of quarry faces and provide habitat enhancements including identifying appropriate mitigation and protection measures for bats. The scheme shall be implemented within six months of its approval or such longer period as may be agreed with the Mineral Planning Authority and shall include the removal of the quarry plant when no longer required for the processing of stone from the complex. The restoration scheme should consider possibilities for local protected/priority species habitat creation, biodiversity enhancement and access and recreation.'

7.8 Environment Agency – no objection

### Internal Consultees

7.9 SCC Policy Team – no objection

Proposal:

The application seeks permission to recommence extraction of carboniferous limestone within Bartlett's Quarry prior to the permanent cessation of extraction at Torr Works Quarry. Working within Bartlett's quarry is currently not permitted by virtue of condition 2 attached to planning permission no: 2016/00025/CNT and an associated legal agreement. This is a new application following the refusal by SCC of a similar application in January 2021 (App No: SCC/3742/2020). The previous application was refused for the following reason: The applicant has provided insufficient evidence that the benefit of the removal of restrictions to allow Bartlett's Quarry and Torr Works Quarry to operate in tandem would outweigh the harmful cumulative effects on local communities and environment from their concurrent working, which is contrary to Policy SMP3 of the Somerset Minerals Plan (2015-2030).

The supporting documentation outlines that Somerset makes a significant contribution to the country's mineral supply, serving local markets but particularly to the South East and London. The reopening of the site will enable important local markets to be served via road whilst maximising key exports via rail to the South east and London. The mineral would be extracted at a rate of 900,000 tonnes per annum which equates to around 3 years extraction of remaining reserve above the water table. This application is only seeking to extract rock above the water table. No de-watering is proposed. The applicant states that Torr has a permitted output of 8 million tonnes per annum, although the optimum capacity is 5.5mt due to the operational capacity of the washing facility to process the scalplings. The combined output from both sites will total 6.4 million tonnes and will not exceed the current 8million tonne permitted limit. The proposal will create 8 new jobs with 6-10 jobs in the wider supply chain. This will complement the 200 Aggregate Industries employees in Somerset.

National Policy

The National Planning Policy Framework (NPPF) states that (Paragraph 203) 'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs...' In addition, para 205 states that 'when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy'.

## Local Planning Policy

### Somerset Minerals Plan (2015)

In regard to local policy, the key policy is SMP3 (Proposals for the extraction of crushed rock) of the Somerset Minerals Plan, which states as follows:

Planning permission for the extraction of crushed rock will be granted subject to the application demonstrating that:

- a) the proposal will deliver clear economic and other benefits to the local and/or wider communities; and
- b) the proposal includes measures to mitigate to acceptable levels adverse impacts on the environment and local communities.

### Economic Benefits/need

The proposal will create 8 new permanent jobs at Bartletts quarry, with a further 6-10 created in the wider supply chain. Those will complement and support the existing 200 plus people AIUK already employ within Somerset directly and indirectly. There is increasing demand for crushed rock for development and infrastructure projects both locally and nationally. A number of these local and national projects have been outlined within the supporting statement. All of those will help deliver employment and other economic benefits to a wide range of people and businesses directly and indirectly involved in the various projects. Those projects would not be able to take place without the key steady and adequate supply of minerals from Somerset.

A number of local projects outlined by the applicant, which are reliant on road based mineral supplies, include A303 dualling between Podimore and Sparkford, the A303 Stonehenge tunnel and road dualling, the Banwell Bypass in North Somerset and major highway improvement schemes in Swindon. Those schemes shall be served with Somerset minerals via road which will enable the wider national schemes to be supplied via rail. Major national infrastructure projects include HS2 and M4, M25 and M27 improvement schemes. In respect of HS2, AI and its partner PORR have been awarded an HS2 contract to construct the concrete beds in Somerset upon which the HS2 trains will run. The reopening of Bartletts Quarry would enable the important road-based markets to be met, whilst Torr Works can then help meet the growing export demand, particularly to the south east and London, via rail. The use of rail to export 4.6 millions of tonnes of mineral per year from Torr is both beneficial in economic and environmental terms. The 2 rail facilities in Somerset, the other located at Whatley, are amongst the largest in the country.

It is important to add that these major local and national infrastructure projects are in addition to the housebuilding, commercial and other smaller infrastructure schemes etc both local and nationwide, that require a steady supply of minerals. National Government has a clear

housebuilding and infrastructure agenda that will struggle to progress without the critical supply of minerals from Somerset. The applicant has highlighted in their planning statement the importance of Torr Works quarry to supply the South East with crushed rock. The most recently published Aggregate Minerals Survey (AMS) undertaken every 4 years, collating data for 2014 stated that 26% of Somerset's aggregate is exported to the South East of England, and 12% is exported to London. Both Essex and London imported greater than 1mt each in 2014 from Somerset.

Whilst the latest AMS is due shortly, more recent evidence outlining the importance of Somerset for the supply of minerals to the South east and London is contained in the following reports: The London Local Aggregate Assessment (2018) states that the main source of imports to London is the south west. The South East Aggregate Monitoring report (2017) states that Somerset dominates as the source of material and it is important that this supply is maintained. Finally, the South East Aggregate Working Party report (2020) states that imported rock from rail was at its highest since 2009. In addition, the Somerset Minerals Plan (SMP) paragraph 6.46 states "[Torr Works] make a sizeable contribution to the needs of London and the South East for crushed rock and are considered nationally important. Almost all of the aggregate supplied from the South West to London and the South East is transported by rail, most of which is derived in Somerset". It is clear the important role of Torr in supplying the increasing demand from SE and London which means that it is important to increase productive capacity to support local markets by road. Hence it is considered that there is a clear need from a mineral supply perspective to reopen Bartlett's quarry.

Both Local and national policies are clear that supplies to the SE should be maintained and supported. In regard to this last point, it is important to note the shift in policy approach to the extraction of crushed rock between the previous and current Somerset Minerals Plan and the introduction of the National Planning Policy Framework (NPPF). This is important in the consideration of this current proposal because when planning permission was granted in 2012 for Torr Quarry to be deepened and permission extended until 2040, along with the associated legal agreement that prevented works at Bartlett's Quarry, the policy approach to crushed rock extraction was then more restrictive. At that time, permission should only be granted in exceptional circumstances where there was a demonstrable need that could not be met from existing sources of supply, plus significant benefits to the environment or local communities without significantly increasing the size of the landbank.

However, since the introduction of the NPPF and adoption of the Somerset Minerals Plan in 2015, the policy approach has shifted from the more restrictive stance and is now supportive in principle of the extraction of crushed rock. Moreover, local planning authorities should give great weight to the benefits of mineral extraction, noting in particular the key role Somerset plays in maintaining a steady and adequate supply of crushed rock.

Having given careful consideration to the proposal, the Mineral Planning Authority are satisfied that the economic and other benefits have been clearly outlined by the applicant to accord with part A of Policy SMP3. In regard to part B, it is important that any adverse impacts, including the cumulative impacts of re-opening Bartlett's, are fully assessed by the appropriate consultees /officers to ensure compliance with part B of Policy SMP3. Moreover, mitigation measures identified to ensure that any adverse impacts are at acceptable levels are conditioned as part of any approval and fully implemented by the applicant.

On the basis of the above, the Mineral Policy team raise no objection to the application. Please do not hesitate to contact me if you have any queries regarding our response.

#### 7.10 SCC Ecologist to both applications

Due to short expanse of time (under 12 months) please refer to previous assessments and consultation response made by SES, in regards to the HRA and general Ecology, as these are still considered valid.

#### 7.11 SCC Acoustics

I raise no objection to the application but I identify an item of confusion in phasing diagrams and one aspect of the Environmental Scheme that may require modification to avoid a potential unreasonable precedent.

##### Background

My initial comments on the noise and vibration impacts associated with the initial application to re-activate mineral extraction at Bartlett Quarry were provided as follows:

- 20/10/20 - Initial report 302670.281 that identified a number of impacts and suggested revisions to the Environmental Scheme but identified no significant planning objections.
- 10/11/20 – Email comments in response to further information provided by the applicant.
- 7/12/20 – Email clarifying and agreeing to the changes made to wording in the revised Environmental Scheme.

I have considered the revised Environmental Statement and Non-Technical Summary both dated May 2021 and these appear to address the reasons of refusal given to be "insufficient evidence that the benefit of the removal of restrictions to allow Bartletts Quarry and Torr Works Quarry to operate in tandem would outweigh the harmful cumulative effects on local communities and environment from their concurrent working, which is contrary to Policy SMP3 of the Somerset Minerals Plan (2015-2030)". The revised application intended to provide additional evidence on the economic benefits of allowing Bartletts Quarry to re-commence quarrying with further consideration given to potential cumulative effects of Torr and Bartlett quarry operation.

The present output limit of 8Mtpa applied to Torr Quarry has a restriction of 3Mtpa by road and the export of stone from Torr Quarry is intended to be adjusted to allow rail export to increase to 4.6Mtpa, with road export reduced to 0.95Mtpa. AI would extend the existing road transport limit, applied to Torr Quarry, to include the proposed combined export from Colemans Quarry operations as such ensuring that the impacts associated with vehicle movements did not increase from existing permitted levels. It is proposed that this is controlled by a revised clause (Number 11.4) within the s106 agreement.

The rate of extraction at Bartletts Quarry is proposed to be up to 900,000tpa, and the proposed extraction of 3Mt would be completed in approximately 3 years. Existing noise and blasting limits and monitoring arrangements are already controlled by conditions on the planning permission 2016/0025/CNT and limit impacts on the local community. The proposed s106 modification would also ensure road traffic would not exceed currently consented levels on the A361.

In my view my earlier consideration would seem to still apply to the revised submission. However, I have reviewed the new information and make a number of observations.

#### Comments

In my view there may be ambiguity in the three Phase working diagrams CQ PS1, CQ PS2 and CQ PS3 as they show arrows of development moving both southward and eastward yet the text on the drawings states "The extraction would progressively work mineral from north to south to its full extent. Operations would be divided into sub-phases that push faces back in a westerly direction." The westerly progress of face development would appear to conflict with the drawing and this may be significant to Schedule B - condition 13 (Method of Working).

While I would agree with the applicant's statement(ES5.8) in regard to 'active quarries' and I note the potential for reactivation of Westdown Quarry, close to the south and west boundary of Bartletts Quarry, has been indicated(ES4.8) to merely bring about a redistribution of current Whatley road exports, rather than having any increasing effect.

I note 11.37 of the ES states "Noise levels and blast vibration levels would be monitored to ensure that they comply with the limits set out in the approved Environmental Scheme for the quarry and the relevant conditions on the existing planning permission. As a result, no significant adverse noise and/or blasting effects are predicted on the local population". In my view there is possibility of some increased perception in the regularity of blasting events however, this would in my view be a minor cumulative effect were it to arise from the infrequent blasting expected with any Westdown Quarry reactivation.

Chapter 5 of the ES deals with Air Quality, Noise and Vibration and Appendix 5.1 provides an updated Environmental Monitoring Scheme as required by planning permission 2016/0025/CNT. This is seen to incorporate the changes previously proposed and confirmed on 7/12/20. In my email of 7/12/20 I commented on the operators intention to exclude the consideration of planning limits from properties in the ownership of the operator and I note 2.1.2 of the Environmental Scheme includes such a reference.

The NPPF does not provide guidance on the protection of amenity at property in the ownership of an mineral operator. The Public Inquiry outcome at Yellow Marsh Farm (SCC vs Moons Hill Quarry) was a test case that would suggest lower standards of protection from noise and vibration can be appropriate for those choosing to reside in property in the ownership of the operator, if this facilitates economic extraction but not without defining limits on noise or vibration. In the situation of reactivating extraction within Bartletts Quarry, where residential separation distances are approximately 500m or more, the wording detail may have little consequence as the need for noise and blast vibration limits to change would be unlikely. However, this wording may set a precedent that would not, in my view, be appropriate were it to be used as an example of a scheme for other sites. I would therefore recommend the Environmental Scheme 2.1.2 should indicate it would apply for further agreed revision when it finds it necessary to identify a property in operator ownership and has a need for relaxation of planning limits. In this way supporting justification could be provided to the Mineral Planning Authority so as to agree reasonable relaxation of noise and vibration limits.

(Case Officer note: forwarded to agent on 16/07/21 a verbal response will be given at the committee meeting)

#### Public Consultation

7.11 139 letters of objection to SCC/3835/2021 and 124 letters of objection to SCC/3833/2021

- Applications SCC/3748/2020 and SCC/3742/2020 were rejected by the Regulation Committee on 14 January 2021. These new Applications seek to represent so called new evidence of benefits which simply do not exist whereas the effects on the inhabitants of this village of having these new major quarrying operations on our door-step remain as they were presented in the previous objections to which the Regulation Committee responded. It should do the same now.

- increased noise from sirens, blasting and machinery

- increased traffic on already congested roads

- health impacts – pollution from dust and dirt

- impact on wildlife

- unpredicted changes to the ecosystem from quarrying below the water table (Case Officer note: the quarrying will be above the water table)

- The 6-10 additional jobs in the supply chain are unsubstantiated claims by the applicant – not “evidence”.

- The projected increase in rail tonnage for 2021 is the applicant’s own forecast – not “evidence”.

- AI are producing at a rate of 5.5m tonnes a year at Torr vs an allowed production tonnage of 8m. Their concession to limit production to the 8m tonnes allowed INCLUDING Bartlett’s is evidence, but evidence of their desire to avoid the investment needed to address their problem of excess scalpings at Torr.

- Reopening a disused quarry, on the basis of demand forecasts that will fluctuate is short sighted and not sustainable. AI have the potential to achieve their output objectives from the existing Torr Quarry with appropriate investment. The original decision to reject the proposal recognises the detrimental impact additional quarrying would have on the community. It is furthermore more sustainable for jobs and the environment to work out a quarry fully, before working another.

- with the recent 4 Planning applications from Hanson to resume extraction at Westdown, the concerning cumulative effects of which we spoke in October, are greatly increased

- they should invest in new additional washing plant at torr then the need to reopen would not be required.

- The benefits do not outweigh the cumulative impacts.

- impact on ecology

- Sandwiched between 2 A-roads, Cloford already has plenty of traffic noise to deal with, not to mention the grinding of AI machinery which is audible 24/7.

has failed to provide any substantive evidence of increased demand that identifies a

requirement to immediately reopen Bartlett's Quarry;

- has not addressed and considered the cumulative impacts of concurrent working of both the Torr Works Quarry and Bartlett's Quarry on the local communities and environment;
- has failed to provide any evidence that the requirement for the concurrent working of both quarries outweighs the demonstrable harm which will be caused. Concurrent working will only exacerbate negative cumulative effects; and
- has provided no evidence to address SCC's rationale for attaching the Condition to the 2020 Consent. Therefore, there are no reasons that demonstrate that the situation in 2020 with the restrictions on current quarry workings is any different as of today's date.
- The Climate Change discussion ((section 2.24 ff) is cursory and does not discuss the targets and practical actions the applicant is proposing to take at Torr to meet its claimed CO2 reduction targets. Surely quarries should be reducing their emissions by 45% in line with the recent Dutch ruling on Shell.

## **8. Comments of the Service Manager – Planning Control, Enforcement & Compliance**

8.1 The key issues for Members to consider are:-

- planning policy considerations and the justification for the proposals;
- highways and traffic;
- ecology;
- other environmental impacts and their control; and
- How have the reasons for refusal for SCC/3742/2020 and SCC/3748/2020 previously refused by this committee in Jan 2021 been overcome through this proposal

### **8.2 The Development Plan**

8.2.1 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the following documents, with their policies of relevance to this proposal being listed in Section 10 of this report:

- Somerset Minerals Plan (adopted 2015)
- Mendip Local Plan Part I: Strategy and Policies 2006-2029 (adopted 2014)

### **8.3 Material Considerations**



8.3.1 Other material considerations to be given due weight in the determination of the application include the following:

- the National Planning Policy Framework, February 2019
- Planning Practice Guidance
- Mendip Local Plan Part II: Sites and Policies (emerging)
- North Somerset and Mendip Bats Special Area of Conservation Guidance on Development

#### **8.4 Planning Policy Context and the justification for the proposals**

Policy Context for the 2012 Torr Quarry Application

8.4.1 At time of determination of the Torr Quarry planning application in 2012, the local minerals policy context was provided by the Somerset Minerals Local Plan that had been adopted in 2004. When that Plan was adopted, Somerset benefitted from a quantity of permitted reserves (626 million tonnes) that substantially exceeded the forecast requirement for the Plan period to 2011 (225 million tonnes) and the subsequent 15 years (225 million tonnes). Policy M35 (Crushed Rock Supply from Somerset) therefore took a restrictive approach towards proposals that would create additional reserves:

*“Proposals for the extraction of crushed rock aggregates will not be permitted unless:*

- *there are exceptional circumstances where there is a demonstrable need that cannot be met from existing permitted sources of supply; or*
- *the proposal will result in significant benefits to the environment or local communities without significantly increasing the size of the landbank.”*

8.4.2 The report to Regulation Committee on 5 January 2012 concluded that the proposal to deepen the quarry and extend its timescale was contrary to Policy M35, as it was considered that the identified need for crushed rock aggregates could be met from other quarries in Somerset. However, it was stated in the report that, notwithstanding the lack of compliance with Policy M35, there were policy-related social, economic and environmental benefits that would warrant permission being granted. One element of this balance was Policy M36 (Dormant and Inactive Sites), which stated that:

*“Where there are extant permissions at dormant sites which nonetheless*

*cannot comply with the policies of this Plan or are considered unlikely to resume working, the Minerals Planning Authority will seek to secure their relinquishment and reclamation."*

8.4.3 Supporting paragraph 6.2.22 of the Minerals Local Plan stated that, other than in exceptional circumstances, the release of significant quantities of new reserves will not be permitted unless progress can be secured on the relinquishment or modification of those dormant sites which are considered unable to comply with the Plan's policies or are unlikely to resume working. Paragraph 6.3.1 of that Plan provided a list of dormant quarries in an unacceptable location, with potential for an unacceptable impact on the environment and/or unlikely to resume working that would be subject to Policy M36, but Coleman's Quarry was not included in this list as it is not defined as 'dormant' [however, Cloford Quarry, referred to below, was included].

8.4.4 The applicant for the Torr Quarry extension provided an explanation of why they were unable to offer relinquishment of any of their sites, and instead offered to postpone any further working at the inactive Coleman's Quarry while planned and economic reserves remained at Torr Quarry. In recognition of their interest in the nearby Cloford Quarry only being leasehold, a personal pledge was also made not to reactivate that quarry while reserves remain at Torr Quarry. These commitments were included in the Section 106 Agreement that was signed prior to issue of the Torr Quarry permission in the form of Clause 11.1 relating to Coleman's Quarry [reproduced in paragraph 3.6 of this report] and Clause 12 for Cloford Quarry [which is not proposed to be altered through the current applications]:

"AI covenants with the LPA and (as a separate covenant) with the EA that they and their successors in title as tenants to the Cloford Lease will not resume extraction of carboniferous limestone or dewatering within Cloford Quarry until such time as the commercial extraction of carboniferous limestone from the Operative Torr Land and associated dewatering as authorised by any subsisting and current planning permission shall have ceased"

Current Policy Context

8.4.5 Since the Regulation Committee's consideration of the Torr Quarry application in

January 2012, the policy context has evolved through publication and subsequent amendment of the National Planning Policy Framework [NPPF], together with adoption of the Somerset Minerals Plan in 2015. The February 2019 version of the NPPF reiterates the presumption in favour of sustainable development and the need for plans to take a positive approach to meeting development needs [paragraph 11], and underlines the essential requirement:

*“that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs” [paragraph 203] and requires that “great weight be given to the benefits of mineral extraction, including to the economy” [paragraph 205].*

8.4.6 Somerset’s strategic role in the supply of crushed rock aggregates is recognised in Objective A of the Minerals Plan which aims to:

*“ensure that Somerset is able to provide an adequate and steady supply of minerals, contributing to national, regional and local requirements without compromising the natural and historic environment, supporting in particular...the county’s nationally important role in crushed rock supply”*

8.4.7 Policy SMP2 (Crushed rock supply and landbank) of the Minerals Plan commits the County Council to maintaining a rolling 15 years landbank of permitted reserves of Carboniferous Limestone and Silurian Andesite throughout the Plan period. The most recent figure for the landbank for crushed rock aggregates is 32.4 years from the end of 2017 (based on a ten years’ average of sales).

8.4.8 While the proposals that are the subject of this report will not create any additional reserves of crushed rock aggregates – rather, they will bring forward the timescale within which existing reserves above the water table within Coleman’s Quarry can be worked – it is appropriate to consider Policy SMP3 (Proposals for the extraction of crushed rock):

“Planning permission for the extraction of crushed rock will be granted subject to the application demonstrating that:

- a) the proposal will deliver clear economic and other benefits to the local and/or wider communities; and
- b) the proposal includes measures to mitigate to acceptable levels adverse

impacts on the environment and local communities.

Land has been identified as an Area of Search for Silurian Andesite extraction as shown in policies map 1b.”

8.4.9 The Somerset Minerals Plan does not have an equivalent to Policy M36 of the previous Minerals Local Plan which sought the relinquishment of dormant mineral permissions, although paragraphs 6.61 to 6.69 outline circumstances in which revocation or modification of dormant permissions may be sought if considered necessary or desirable. However, the quarries that are grouped together as Coleman’s Quarry, while currently inactive, are not classed as ‘dormant’. Two nearby quarries – Cloford and Westdown – are classed as dormant.

8.4.10 The Minerals Plan includes a range of other policies that address the impacts and opportunities of mineral working and, where relevant to the development being proposed, these are addressed in subsequent sections of the report.

#### 8.5 The Justification for the Reopening of Bartlett’s Quarry

8.5.1 As noted above, Objective A of the Somerset Minerals Plan recognises Somerset’s role in meeting national aggregates needs as well as its regional and local role. This strategic role is also highlighted in reports produced by the Aggregate Working Parties [AWPs] for London and the South East.

8.5.2 London is wholly dependent on the importation of crushed rock by rail from elsewhere, with its 2018 Local Aggregate Assessment<sup>1</sup> noting that imports have been around 3 to 3.5 million tonnes annually and that the South West is the main source. Paragraph 6.4 of that document advises that “London’s reliance on crushed rock depends on local planning authorities in other parts of the country accepting disturbance to their residents to allow minerals operators to continue to exploit material for London’s benefit”<sup>1</sup>.

8.5.3 The most recent annual monitoring report for the South East AWP<sup>2</sup> indicates that

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<sup>1</sup> Available at [https://www.london.gov.uk/sites/default/files/london\\_laa\\_july\\_2018.pdf](https://www.london.gov.uk/sites/default/files/london_laa_july_2018.pdf)

<sup>2</sup> Available at <https://documents.hants.gov.uk/see-awp/SEEAWP-annual-report-2018.pdf>

sales of imported crushed rock from rail depots amounted to 4.5 million tonnes in 2018, with Somerset being the most important source.

8.5.4 As one of two Somerset rail-linked quarries (the other being Whatley), Torr Quarry supplied 3.65 million tonnes of crushed rock by rail in 2018, predominantly to London and the South East, with a further 1.85 million tonnes transported by road to more local markets. To meet anticipated increased demand arising from infrastructure development in these other regions, notably from HS2, the applicant proposes to increase the volume of crushed rock transported from Torr Quarry by rail to 4.6 million tonnes, with road-based output to reduce to 0.9 million tonnes, and to recommence extraction at Bartlett's Quarry to provide an additional 0.9 million tonnes to deliver the balance of the local need.

8.5.5 The planning permission for Torr Quarry allows for a maximum annual output of 8 million tonnes, of which no more than 3 million tonnes can be transported from the site by road, and these limits would be sufficient to meet the predicted requirements<sup>2</sup> of 4.6 million tonnes by rail and 1.8 million tonnes by road [i.e. 6.4 million tonnes in total] without requiring any contribution from Bartlett's Quarry. However, the applicant states that Torr Quarry is most efficient at an annual output of 5.5 million tonnes as the quantity of scalpings<sup>3</sup> that would be produced at a higher output would exceed the capacity of the quarry's washing plant. It is stated that Torr Quarry has insufficient space for a larger washing plant, while increased production of scalpings would lead to their stockpiling on the quarry floor and consequent sterilisation of underlying reserves.

8.5.6 As an alternative to the options of reopening Bartlett's Quarry or increasing output at Torr Quarry, the applicant has investigated a further option of meeting the balance of local supply from their Callow Rock Quarry in the west Mendips. As that quarry already supplies local Somerset markets, it would face a shortfall in its own ability to

<sup>3</sup> Scalpings are the clay-contaminated stones removed during processing which can be washed to provide a lower grade aggregate product

<sup>4</sup> Kilotonnes of CO<sub>2</sub> equivalent based output while maintaining local road-based supply, in line with Objective A of the Somerset Minerals Plan.

meet its current markets that would need to be met through the applicant's Westleigh Quarry in Devon and/or from competitors' quarries in Somerset. The applicant has modelled the transportation carbon impacts of these options, with the following results:

Torr/Bartlett's 37.5 ktCO<sub>2</sub>e/year

Torr/Callow Rock/Westleigh 45.0 ktCO<sub>2</sub>e/year

Torr/Callow Rock/Westleigh/Competitors 41.0 ktCO<sub>2</sub>e/year

The proposal to reopen Bartlett's Quarry to supplement Torr Quarry's output is therefore the most sustainable option in terms of carbon emissions from vehicle movements.

8.5.7 If Somerset is to maintain its strategic role as the major source of rail borne crushed rock aggregates for London and the South East, as well as continuing to meet its own local needs, its major limestone quarries need to retain the flexibility to increase rail-

8.5.8 Policy SMP3 of the Minerals Plan presumes in favour of approving proposals for crushed rock extraction, subject to the two tests indicated in paragraph 8.4.8. The applicant has indicated that the reopening of Bartlett's Quarry would result in 6 to 8 additional jobs as well as supporting the operator's 200 existing local staff, which represents a benefit to the local economy. Given the constraints placed on Torr Quarry by its capacity to manage scalpings, together with the greater carbon impacts of supplementing local supply through Callow Rock and other quarries, the reopening of Bartlett's Quarry appears to be the most sustainable, albeit short term, option that will limit impacts on the wider Somerset community.

8.5.9 It should also be noted that The National Planning Policy Framework (introduced March 2012) placed a new requirement on all mineral planning authorities. NPPF paragraph 145 states:

"Minerals planning authorities should plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled aggregates)..." This is part of the monitoring arrangements for the Managed Aggregates Supply System (MASS) as set out in

Government Guidance.

8.5.10 With regard to the second test of Policy SMP3 concerning mitigation of adverse impacts, it is necessary to consider the potential adverse impacts from recommencing extraction at Bartlett's Quarry in detail before reaching a conclusion.

## **8.6 Highways and traffic**

8.6.1 This is a matter of concern referred to numerous times in the letters from objectors.

8.6.2 However traffic levels are set to decrease if this were to be allowed as it would remove the need to import limestone from Torr Works to the asphalt plant at Colemans along the A361 – which equates to the removal of 6,000 HGV movements per year.

8.6.3 There are also concerns about cumulative impacts from nearby applications either proposed or already approved. Therefore this was factored in in the applicants planning statement and the following conclusion reached:

'A cumulative assessment has been completed for the A361 in the vicinity of Colemans Quarry, with the following developments included:

- a. Land at Green Pits Lane – 82 residential dwellings and associated infrastructure in South Nunney. The planning application was approved in December 2020;
- b. Westdown Quarry – pre-application for the long-term resumption of permitted limestone extraction. The proposals are presented as a re-distribution of existing road traffic from Whatley to allow that quarry to concentrate on rail exports;
- c. Trinidad Work Concrete Factory – proposed concrete products factory with associated development. The application is at EIA screening stage;
- d. Solar Farm at Weston Town Farm – installation of a 4.5MW solar array, currently at screening stage in the application process; and
- e. Land North and South of Sandys Hill Lane – mixed use development for up to 250 house, employment and retail. Outline permission granted in March 2021.

The cumulative assessment identifies that the traffic flows on the A361 within the AM and PM peak hours are expected to increase by up to 11% and 14% respectively, but as the A361 is a strategic route, it is anticipated that it can support this level of increase so no cumulative impact on the A361 have been identified when considered with the planned and committed developments.'

8.6.4 At the time of writing the County Highway Authority comments are awaited and a verbal update will be given at the meeting – however in the light of a reduction in vehicle movements and given that previously there was no objection it is considered that a 'no objection subject to conditions' will be provided.

## **8.7 Ecology**

8.7.1 Policy DM2: Biodiversity & Geodiversity of the Somerset Minerals Plan allows for development that "will not generate unacceptable adverse impacts on biodiversity"

and where measures will be taken to mitigate [adverse impacts] to acceptable levels...such measures shall ensure a net gain in biodiversity where possible". The application site is close to the Mells Valley SAC, designated for its exceptional breeding population of greater horseshoe bats, and the Mendip Woodlands SAC which is sensitive to dust deposition from quarrying.

8.7.2 In response to the consultation the SCC Ecologist commented as follows:

'Due to short expanse of time (under 12 months) please refer to previous assessments and consultation response made by SES, in regards to the HRA and general Ecology, as these are still considered valid.'

8.7.3 In the previous committee report it was noted that:

'The County Council's Ecologist has subsequently undertaken screening and appropriate assessment under the Conservation of Habitats and Species Regulations 2017 to consider the potential for the proposed development to have significant effects on the Special Area of Conservation. This assessment concludes that "the proposed removal of Condition 2 of Schedule B of the permission of application 2016/0025/CNT is unlikely to affect the integrity of the features of the Mells Valley SAC or the Mendip Woodlands SAC".

The appropriate assessment has been forwarded to Natural England for their consideration, and they concur with its findings that significant effects on the SACs are unlikely to occur.'

8.7.4 It should be noted that a condition was imposed on 2016/0025/CNT in relation to enhancing the area in the interests of bats which shows a net gain in terms of biodiversity and this will be carried over in any new permission. Therefore the proposal clearly complies with Policy DM2.

## **8.8 Other Environmental effects**

8.8.1 Policy DM8 of the Somerset Minerals Plan states that:

"Planning permission will be granted for mineral development subject to the application demonstrating:

(a) that the proposed development will not generate unacceptable adverse impacts on local amenity;

(b) measures will be taken to mitigate to acceptable levels (and where necessary monitor) adverse impacts on local amenity due to:

(i) vibration;



- (ii) dust and odour;
- (iii) noise; and
- (iv) lighting.

Page 33(c) how the applicant intends to engage with local communities during the operational life of the site.”

8.8.2 The recommencement of quarrying of limestone at Bartlett’s Quarry has the potential to cause adverse impacts on the local community and environment through the generation of noise, vibration, dust and traffic. However, the existing permission provides a range of conditions to control and mitigate these effects, including limitations on hours of working, noise, blasting, lighting and dust, together with requirements for screening banks. The applicant has provided an updated environmental scheme including measures for the monitoring of noise, vibration and dust together with a complaints procedure, and implementation of this scheme can be secured through the new permission.

8.8.3 The existing noise conditions previously imposed through the ROMP were reviewed by the County Council’s acoustics officer in the determination of application 2016/0025/CNT in 2020, and these remain ‘fit for purpose’, subject to requiring details to be submitted for any new plant that may be installed in the quarry.

8.8.4 The removal of Condition 2 of 2016/0025/CNT and variation of the S106 Agreement as applied for will not alter the nature of, or controls over, the potential impacts of extraction at Bartlett’s Quarry, but will bring forward the timescale for the reopening of that quarry by around 20 years and facilitate the working of Torr and Bartlett’s Quarries in parallel rather than sequentially. It is considered that the conditions proposed to be retained and amended, as indicated in section 9 of this report, will ensure that compliance is achieved with Policies SMP3 and DM8 of the Minerals Plan.

8.8.5 As is the case with Bartlett’s Quarries, mineral operations at the nearby operational quarries – Torr, Whatley and Halecombe – are subject to conditions controlling noise, vibration and dust. Given these ongoing controls, together with the physical separation between Bartlett’s and the other quarries, it is considered that the proposed recommencement of extraction would not result in any significant

cumulative effects.

8.8.6 Consideration of impacts on the water environment is a key issue for a limestone quarry, and Policy DM4: Water Resources & Flood Risk of the Somerset Minerals Plan requires an application to demonstrate avoidance of unacceptable adverse impacts on the water resource including the quality of ground and surface water. The current permission includes conditions limiting working to a depth of 120m AOD, which will avoid working below the water table, and preventing pollution, and it is proposed that these conditions be retained in any new consent, which will ensure that the development complies with Policy DM4.

### **8.9 How have the reasons for refusal for SCC/3742/2020 and SCC/3748/2020 previously refused by this committee in Jan 2021 been overcome through this proposal**

8.9.1 The applicant puts forward the reasons why the refusal reasons have been overcome in his planning statement:

'The key benefits of our application are considered to be:

- Jobs and investment in the local economy, re-opening Bartletts would create up to 8 new permanent jobs and at least 6 to 10 jobs within the wider supply chain. This will complement the existing AIUK employment in Somerset of over 200 people through direct and supply chain;
- Removing over 6,000 HGV movements that currently deliver limestone from Torr and Callow to the Colemans Asphalt production plant annually (ref, Nov 19 to Nov 20). Colemans Asphalt plant would be supplied with limestone materials from Bartletts quarry;
- The introduction of measures to ensure that vehicles supplying markets to the north of the quarry utilise the Bulls Green Link Road;
- The application is all about enabling us to move more material by rail whilst maintaining local road based supplies which will prevent alternative supplies having to be transported over longer distances by road to maintain supply;
- No requirement to de-water as the permitted reserves to be worked at Bartletts are all above the water table;
- Enabling Somerset to continue to meet the local and national need for minerals supply at a critical time in the recovery of our economy. We are aware of a number of strategic infrastructure schemes that are planned for the local area which may need to be supplied by routes from sea imports and road delivered from these ports. This will increase lorry

movements and over longer distances, resulting in an increase carbon footprint;

- In September 2020 Lafarge Holcim, our parent company, became the first global building materials company to sign the Net Zero Pledge with 2030 science based targets validated by the Science Based Targets initiative. Locally this is already translating into action on the ground with a trial having already taken place using hydro-treated vegetable oil (HVO) fuel on a train carrying 4,000 tonnes of aggregate from Torr to Acton (London) which delivered a reduction in CO2 emissions of 1,810kg compared with standard diesel use; and Supporting Statement for the Re-opening of Bartletts Quarry, May 2021

## 2 Aggregate Industries UK Limited

- AIUK is also in discussion with a specialist in solar energy to develop a direct renewable energy source for Torr Quarry. A planning application will be submitted by this company in due course.

In addition, to further reduce the potential for cumulative effects of Torr and Bartletts operating concurrently it is now proposed to include the output from Bartletts Quarry wholly within the consented 8 million tonne a year limit for Torr. This will ensure that there is no increase in currently consented quarry capacity on the East Mendips as a result of the proposed development. This change will, along with the previous commitments on road transport, no de-watering, compliance with noise and vibration limits and maintenance of perimeter bunds to screen the workings, further demonstrate the lack of harmful cumulative effects from Torr and Bartletts operating in tandem.

It also remains our view that circumstances have changed significantly since 2012 when the s106 agreement was entered into and the more recent 2020 condition was only imposed due to concerns from the County Solicitor regarding the potential enforceability of that agreement, ie there were no new reasons for the 2020 condition it was simply imposed to improve the enforceability of the original 2012 s106 undertaking. In 2012 when the original undertaking was given, it was as an alternative to meeting the tests on relinquishing dormant permissions required by policy M36 of the previous Somerset Minerals Plan which has since been replaced and the current version of the Somerset Minerals Plan no longer contains such a policy.

In addition economic circumstances have moved on since 2012 when crushed rock production in Somerset was below 10 million tonnes a year. As at 2017 (the latest year for which published figures are currently available) this had increased to over 14 million tonnes a year. This increase in production is being driven by the demand for rail borne aggregates in the South East, which in turn is putting increasing pressure on maintaining local road based supplies from Torr. The building of HS2 and the record infrastructure investment announced in the National Infrastructure Strategy mean that the maintenance of an adequate and steady supply of minerals to the SE is now fundamental to the delivery of these plans. So the current situation of just Torr seeking to supply both the local and the SE market is putting production pressures on Torr and an increase in productive capacity is needed to help maintain minerals supply.

Since the 2020 applications the balance between road and rail transport from Torr has already

started to change as stated in the 2020 applications. The road/rail split in the previous applications was 3.65Mt by rail and 1.85Mt road. On current projections for 2021 the split will be 4.3Mt by rail and 1.2mt by road so already less material is available for the local market as demand from the SE and London continues to grow.

The need for the additional productive capacity to supply local, road based markets that re-opening Bartletts Quarry would provide is therefore now more urgent.'

8.9.2 These reasons are considered valid and form a cogent basis for members to overturn their previous decision to refuse the applications.

### **8.10 Matters raised by objectors not already covered above**

8.10.1 Objectors seems to be questioning the claims of extra employment that are raised by the applicant and whilst this is understandable the planning statement is written by a qualified professional who is a member of an institute whose claims must be trusted so as not to bring disrepute to said institute.

8.10.2 Objectors claim that quarrying may happen below the water table but any such quarrying would need to be the subject of a further planning application where the concerns would be played out and any harm would be assessed at that point (it should be noted that the applicants have not expressed an interest in doing so at this point)

## **Conclusion**

The reasons outlined above show why the Members can come to a different conclusion than they did in January 2021 and can reasonably approve this application as being in accordance with both local and national policy. There will be no increase in traffic (indeed a reduction) the environmental effects can be controlled by conditions and there will be no adverse visual impact by reopening the quarry and new jobs will also be created. The cumulative impacts have been adequately assessed in the light of other significant applications in the area and the harm will be negligible.

## **9. Recommendations**

9.1 In respect of application SCC/3742/2020, subject to completion of the deed of variation required to secure the modifications proposed in application SCC/3748/2020, it is recommended that planning permission be GRANTED subject to the imposition of the following conditions [with deletions from the extant conditions shown struck through and additions shown underlined], and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager –Planning & Development:

### **Conditions**

Schedule A: Conditions for North Quarry

[No change to existing conditions]

## Schedule B: Conditions for Bartlett's Quarry

### DURATION OF PERMISSION

1. This permission shall be limited to a period expiring on 21st February 2042.

Reason: In accordance with Schedule 5 of the Town and Country Planning Act 1990.

~~2. No further extraction of Carboniferous limestone or dewatering shall be undertaken within Bartlett's Quarry prior to the permanent cessation of commercial extraction of Carboniferous limestone and associated dewatering at Torr Works Quarry. Written notification of the permanent cessation of extraction and dewatering at Torr Quarry shall be provided to the Mineral Planning Authority not later than 28 days prior to the recommencement of extraction and/or dewatering within Bartlett's Quarry.~~

~~Reason: To avoid potential cumulative effects on local communities and environment from the concurrent working of Bartlett's Quarry and Torr Works Quarry.~~

### SCREENING BANKS AND SOIL MANAGEMENT

2. The environmental banks on the boundaries of the site shall be retained for the duration of the winning and working of minerals.

Reason: To ensure the appropriate visual and acoustic screening of the quarry in accordance with Policies DM1 and DM8 of the Somerset Minerals Plan.

3. No topsoil or subsoils shall be removed from the complex or used otherwise than for restoration purposes.

Reason: To ensure the availability of soils to assist in the restoration of the quarry in accordance with Policy DM7 of the Somerset Minerals Plan.

4. In the restoration of the complex subsoil shall not be used as topsoil, and subsoil shall not be placed on topsoil unless the Mineral Planning Authority in writing agree otherwise for specific locations.

Reason: To ensure the availability and proper management of soils to assist in the restoration of the quarry in accordance with Policy DM7 of the Somerset Minerals Plan.

### LANDSCAPING

5. A scheme and phased programme relating to Bartlett's Quarry for the landscape treatment of the quarry benches and any fencing proposals shall be submitted in writing to the Mineral Planning Authority within six months of the date of the Decision Notice and approved in writing by the Mineral Planning Authority. Trees, bushes and hedges planted in accordance with the approved scheme shall be maintained to the satisfaction of the Mineral Planning Authority and any trees or plants which within five years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Mineral Planning Authority gives written consent to any variation.

Reason: To ensure that landscaping of the quarry is undertaken in a timely manner in accordance with Policy DM1 of the Somerset Minerals Plan.

6. All planting shall be carried out within the first available planting season following the completion of each quarry bench in accordance with the approved scheme and programme as agreed under Condition 5.

Reason: To ensure that landscaping of the quarry is undertaken in a timely manner in accordance with Policy DM1 of the Somerset Minerals Plan.

7. No felling or removal of trees and hedgerows shall be undertaken within the site unless the prior agreement of details, including provision for replacement planting, has been obtained from the Mineral Planning Authority.

Reason: To ensure the retention of vegetation that contributes to the local landscape and biodiversity in accordance with Policies DM1 and DM2 of the Somerset Minerals Plan.

#### OUTPUT

8. The total output of Carboniferous Limestone from the Coleman's Quarry complex shall not exceed 2.8 million tonnes over the 36 calendar months commencing on the first day of the month following that in which this Decision Notice is dated or over any subsequent period of 36 calendar months.

Reason: To ensure that the scale of operations and traffic movements does not adversely local communities and the highway network in accordance with Policies DM8 and DM9 of the Somerset Minerals Plan.

9. The operators shall maintain records of their monthly output and shall make them available to the Mineral Planning Authority at any time upon request. All records shall be kept for at least the 36 months or subsequent periods notified under Condition 8.

Reason: To facilitate monitoring of the impacts of the quarry in accordance with Policies DM8 and DM9 of the Somerset Minerals Plan.

#### WASTE MATERIAL

10. Unless otherwise approved in writing with the Mineral Planning Authority no waste shall be deposited on the site other than quarry waste arising within the complex.

Reason: To limit the number of traffic movements to the site in accordance with Policy DM9 of the Somerset Minerals Plan.

#### WORKING HOURS

11. Save in exceptional circumstances to maintain safe quarry working (which shall be notified in advance to the Mineral Planning Authority), or unless the Mineral Planning Authority has agreed otherwise in writing, there shall be no primary crushing, primary screening, or face working operations including the loading of dump trucks at the complex except between 0600 and 2000 hours Mondays to Fridays and 0600 to 1200 hours Saturdays. There shall be no such work on Sundays or Bank holidays or National holidays.

Reason: To limit the potential adverse impacts on local communities in accordance with Policy DM8 of the Somerset Minerals Plan.

#### METHOD OF WORKING

12. Development shall proceed only in accordance with the phasing details shown on Drawings Nos ~~297/11, 297/12 and 297/13 dated March 1993 and described in planning application Ref: 077905/007 and supplementary information or such other phasing as may be agreed in writing by the Mineral Planning Authority~~ CQ PS-2 and CQ PS-3.

Reason: To ensure that development of the quarry is undertaken in an appropriate phased manner.

13. Except within the area of the water compensating pond no extraction shall take

place within the site below 120 metres AOD.

Reason: To limit potential impacts on groundwater within the local water environment in accordance with Policies DM4 and DM5 of the Somerset Minerals Plan.

14.No excavation shall take place at a horizontal distance of less than 3 metres from the planned edge of the excavation which is the inner edge of the peripheral bunding as shown on Drawing No 297/13 CQ PS-1 dated ~~July 1990~~ March 2020 and submitted with the planning application. When the working face advances to 40 metres horizontal distance from the planned edge, a geotechnical assessment shall be made and no extraction shall take place at a horizontal distance of less than 30 metres from the planned edge unless measures have been agreed in writing with the Mineral Planning Authority to ensure the safety of the site's boundary.

Reason: To ensure that mineral development has no adverse impact on the stability of neighbouring land in accordance with Policy DM10 of the Somerset Minerals Plan.

15.Dust suppression will be carried out for the duration of the operations hereby approved in accordance with the measures of the approved Environmental Scheme (Advance Environmental, ~~1st February 2008~~ 8 December 2020) or any subsequent scheme that may be approved by the Mineral Planning Authority.

Reason: To limit the potential adverse impacts on local communities in accordance with Policy DM8 of the Somerset Minerals Plan.

16.No new crushing or screening plant shall be installed at the complex otherwise than in accordance with details previously submitted in writing and approved by the Mineral Planning Authority.

Reason: To ensure that the Mineral Planning Authority retains control over new plant and to limit the potential adverse impacts on local communities in accordance with Policy DM8 of the Somerset Minerals Plan.

~~18. Within six months of the date of this decision, a revised Environmental Scheme, addressing dust suppression and the monitoring of noise and blasting, shall be submitted to the Mineral Planning Authority. On its approval~~



by the Authority, the Scheme shall replace the current Environmental Scheme referred to in Conditions 16, 22 and 27.

Reason: To limit the potential adverse impacts on local communities in accordance with Policy DM8 of the Somerset Minerals Plan.

#### NOISE

17. Between the hours of 0600 and 2000, the noise levels arising from the winning and working of minerals or from any ancillary operation within the complex shall not exceed 47 dB LAeq (1 hour) free field at any existing noise sensitive property constructed before the first day of this permission.

Reason: To limit the potential adverse impacts on local communities in accordance with Policy DM8 of the Somerset Minerals Plan.

18. Between the hours of 0600 and 2000, the noise levels arising from the winning and working of minerals or from any ancillary operation shall not exceed 47 dB LAeq (1 hour), free field at Castle Hill Farm except when working is on the top bench when levels shall not exceed 50 dB LAeq (1 hour).

Reason: To limit the potential adverse impacts on local communities in accordance with Policy DM8 of the Somerset Minerals Plan.

19. Between the hours of 2000 and 0600 the noise levels arising from the winning and working of minerals or from any ancillary operation within the complex shall not exceed 42 dB LAeq (1 hour) free field at any existing noise sensitive property constructed before the first day of this permission.

Reason: To limit the potential adverse impacts on local communities in accordance with Policy DM8 of the Somerset Minerals Plan.

20. Noise monitoring will be carried out for the duration of the operations hereby approved in accordance with the measures of the approved Environmental Scheme (Advance Environmental, 1st February 2008/8 December 2020) or any subsequent scheme that may be approved by the Mineral Planning Authority.

Reason: To limit the potential adverse impacts on local communities in accordance with Policy DM8 of the Somerset Minerals Plan.

21. Noise mitigation measures shall be used on the existing plant in Orchard Quarry to reduce noise levels currently experienced in Holwell due to quarry

operations. Such measures shall include a programme of encapsulation of crushers and screens.

Reason: To limit the potential adverse impacts on local communities in accordance with Policy DM8 of the Somerset Minerals Plan.

22. The noise conditions and the monitoring scheme shall be reviewed by the Mineral Planning Authority and the operator at intervals of 24 months after approval of the revised Environmental Scheme required by Condition 18 the date of this planning permission and may be varied by mutual agreement to improve the effectiveness of the scheme.

Reason: To limit the potential adverse impacts on local communities in accordance with Policy DM8 of the Somerset Minerals Plan.

#### BLASTING

23. Unless otherwise agreed by the Mineral Planning Authority no blasting shall be carried out except between the following times:

0700 to 1900 Mondays to Fridays

0700 to 1200 Saturdays

There shall be no blasting or drilling operations on Saturday afternoons, Sundays or Bank holidays or national holidays.

Reason: To limit the potential adverse impacts on local communities in accordance with Policy DM8 of the Somerset Minerals Plan.

2624. Ground vibration from blasting shall not exceed a peak particle velocity of 9mm/second at, or near, the foundations of any vibration sensitive building or residential premises. The measurement to be the maximum of three mutually perpendicular directions taken from the ground surface.

Reason: To limit the potential adverse impacts on local communities in accordance with Policy DM8 of the Somerset Minerals Plan.

25. Blast monitoring will be carried out for the duration of the operations hereby approved in accordance with the measures of the approved Environmental Scheme (Advance Environmental, 1st February 20088 December 2020) or any subsequent scheme that may be approved by the Mineral Planning Authority.

Reason: To limit the potential adverse impacts on local communities in

accordance with Policy DM8 of the Somerset Minerals Plan.

#### WATER RESOURCE PROTECTION

26. Unless a new scheme has been agreed in writing with the Mineral Planning Authority, the operator will comply with the "Scheme for Water Resource Protection" dated 11 January 1993, which has been agreed with the National Rivers Authority (now the Environment Agency). A new scheme for Water Resource protection shall be submitted in writing to and agreed in writing by the Mineral Planning Authority, within 6 months of the date of this decision notice. The new scheme shall then be implemented for the duration of the permission unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To limit potential impacts on groundwater within the local water environment in accordance with Policies DM4 and DM5 of the Somerset Minerals Plan.

27. Unless otherwise agreed in writing with the Mineral Planning Authority, the operator shall recharge the water compensating pond if such recharge shall in the opinion of the Mineral Planning Authority be rendered necessary by subwater table mineral working at Coleman's Quarry. The water used for this purpose shall be the water so extracted from Coleman's Quarry or such other water as the Mineral Planning Authority may approve in writing but shall in either case comply with such standards of quality as the Mineral Planning Authority may specify in writing.

Reason: To limit potential impacts on groundwater within the local water environment in accordance with Policies DM4 and DM5 of the Somerset Minerals Plan.

#### PREVENTION OF POLLUTION

28. All oils, lubricant and other pollutants shall be handled on the complex in such a manner as to prevent pollution of any watercourse or aquifer.

Reason: To limit potential impacts on surface water and groundwater within the local water environment in accordance with Policies DM4 and DM5 of the Somerset Minerals Plan.

29. Facilities shall be installed and maintained to ensure that the wheels and

chassis of vehicles are cleaned prior to leaving the complex or to crossing the A361 from Crees Quarry to Orchard Quarry.

Reason: To limit the transfer of mud and other debris onto the public highway in the interests of the safety of road users and public amenity in accordance with Policy DM8 of the Somerset Minerals Plan.

#### SHEETING OF LORRIES

30.All loaded lorries leaving the complex, except for vehicles less than three and a half tonnes gross vehicle weight, part-loaded articulated lorries and lorries carrying stones in excess of 500 mm shall be adequately sheeted to secure their loads.

Reason: To limit the spillage of transported aggregates onto the public highway in the interests of the safety of road users and public amenity in accordance with Policy DM8 of the Somerset Minerals Plan.

#### AFTERUSE

31.Progress with the restoration and aftercare scheme shall be reviewed at least once in each calendar year with the Mineral Planning Authority before the start of the Autumn / Winter planting season.

Reason: To ensure that restoration and aftercare of the quarry progress in a timely manner in accordance with Policy DM7 of the Somerset Minerals Plan.

32.Within two years of written notification from the Mineral Planning Authority that they have reasonable cause to believe that any buildings, structures or machinery remaining on the complex are no longer required for the purposes for which they are installed or erected and that the Mineral Planning Authority has determined accordingly, all buildings, structures or machinery to which such determination relates shall be removed from the complex.

Reason: To ensure that restoration and aftercare of the quarry progress in a timely manner in accordance with Policy DM7 of the Somerset Minerals Plan.

33.Not later than 21st August 2041 or the permanent cessation of quarrying, whichever is the sooner, a detailed scheme, for the restoration and aftercare of the complex and of all land held by the operator in connection with it shall be submitted to the Mineral Planning Authority for approval. The scheme shall be

implemented within six months of its approval or such longer period as may be agreed with the Mineral Planning Authority and shall include the removal of the quarry plant when no longer required for the processing of stone from the complex.

Reason: To ensure that restoration and aftercare of the quarry progress in a timely manner in accordance with Policy DM7 of the Somerset Minerals Plan.

34. On the permanent cessation of operations or their temporary cessation for a period of two months or longer, the complex shall be maintained in a manner such that it poses no danger to members of the public. An effective fence, details of which are to be approved by the Mineral Planning Authority before its construction, will be erected where necessary to prevent unauthorised access.

Reason: In the interests of public safety and amenity in accordance with Policy DM8 of the Somerset Minerals Plan.

#### ECOLOGY

35. ~~Within six months of the date of this Decision Notice~~ Prior to the recommencement of extraction a bat habitat management plan for Bartlett's Quarry shall be submitted in writing to the Mineral Planning Authority for approval identifying:

- the conservation of existing wildlife features of importance to bat species;
- the management of existing vegetation in the interests of bats;
- a restoration scheme identifying appropriate mitigation and protection

measures for bats; and

- timetable for implementation of management measures.

The measures identified will be implemented upon written approval of the scheme by the Mineral Planning Authority.

Reason: To ensure the appropriate management and enhancement of habitat suitable for bats in accordance with Policy DM2 of the Somerset Minerals Plan.

36. No external lighting shall be used within Bartlett's Quarry unless a "lighting design for bats" has been submitted to and approved in writing by the Mineral Planning Authority. The lighting design shall:

(a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places

or along important routes used to access key areas of their territory, for example, for foraging; and

(b) show how and where external lighting will be installed (through the provision of 'lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their resting places.

All external lighting that may be installed shall be in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.

Reason: To ensure that any new lighting is installed in a manner that does not adversely affect bats species within and near the quarry in accordance with Policy DM2 of the Somerset Minerals Plan.

9.2 In respect of application SCC/3748/2021, it is recommended that the following modifications are made to the S106 Agreement relating to Torr Quarry [with deletions from the extant clauses shown struck through and additions shown underlined], and that authority to undertake any minor editing which may be necessary to those modifications be delegated to the Service Manager –

Planning & Development:

Amend Clause 11.1:

"Not to resume ~~extraction of carboniferous limestone or de-watering~~ within Colemans Quarry until such time as the commercial extraction of carboniferous limestone from the Operative Torr Land and associated de-watering as authorised by any subsisting and current planning permission shall have permanently ceased and written notification of such cessation has been provided to the LPA. Following resumption of de-watering within Coleman's Quarry, no further extraction of carboniferous limestone or associated dewatering shall be undertaken within the Operative Torr Land."

Add new Clause 11.3:

"Not to resume extraction of carboniferous limestone within North Quarry, Orchard Quarry and Crees Quarry until an updated set of working and restoration conditions

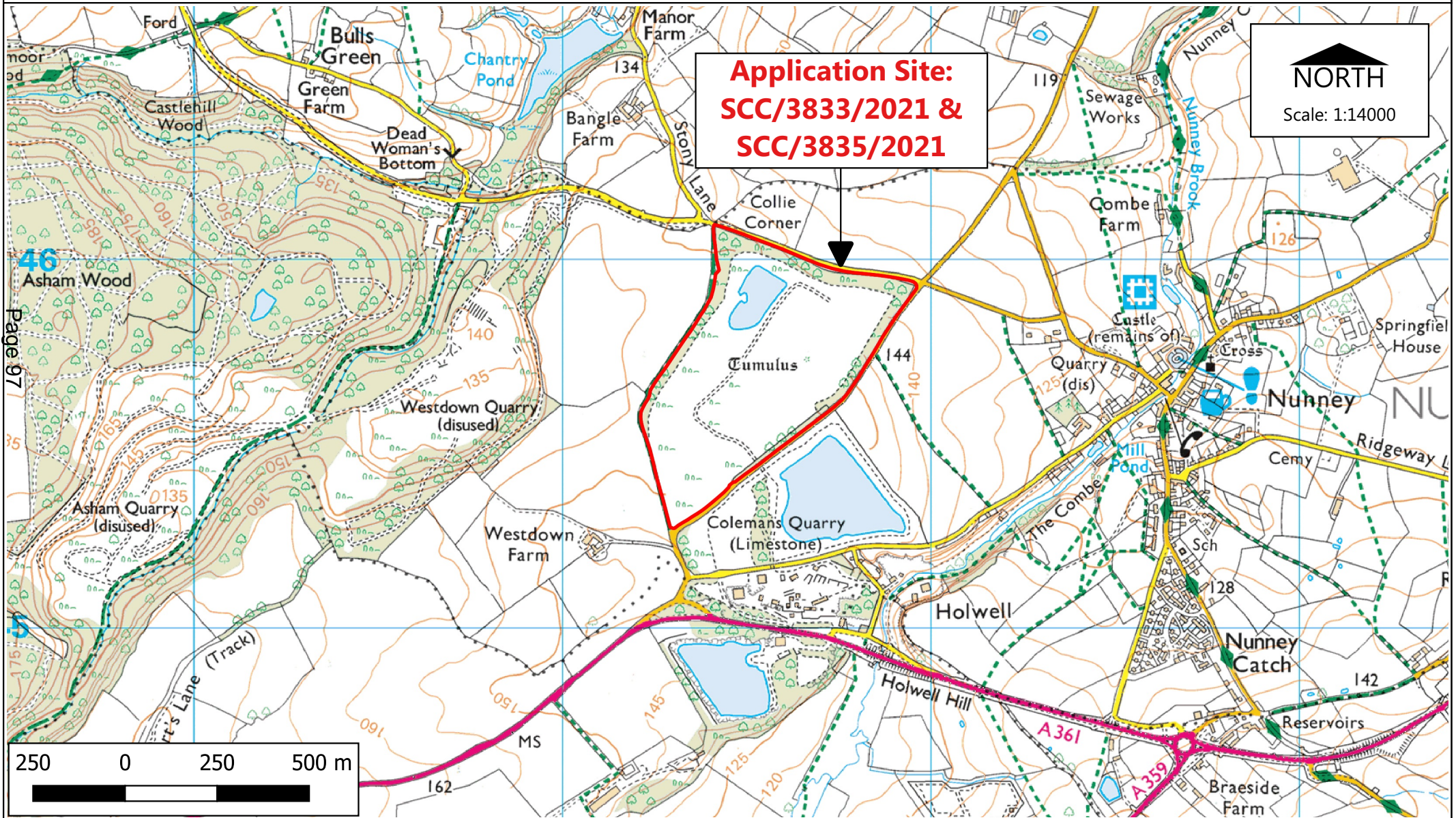
have been submitted to and approved in writing by the Mineral Planning Authority."

Add new Clause 11.4:

"The total combined annual output of carboniferous limestone from Coleman's Quarry and the Operative Torr Land that is transported by road shall not exceed 3 million tonnes. The operators shall maintain records of the monthly output and means of transportation from these quarries and shall make them available to the LPA at any time upon request."

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**SOMERSET**  
County Council

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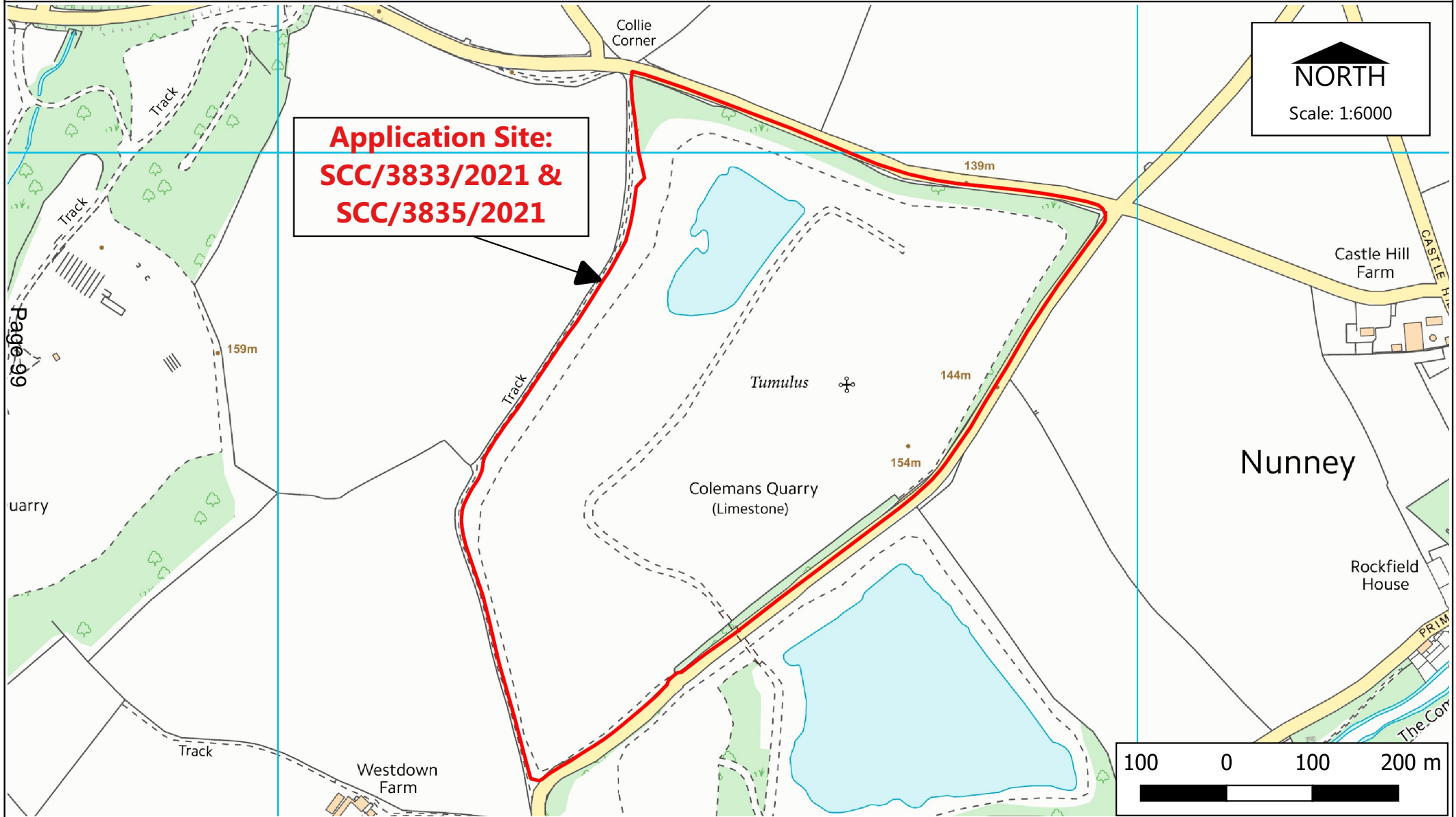
Planning Control  
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## LOCATION PLAN

Dated: 06/07/2021

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Paul Hickson,  
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**SITE PLAN**

Dated: 06/07/2021

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