

Somerset County Council

Regulation Committee – 29th 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 Assessment¹ 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”¹.

8.5.3 The most recent annual monitoring report for the South East AWP² indicates that

¹ Available at https://www.london.gov.uk/sites/default/files/london_laa_july_2018.pdf

² 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 requirements² 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 scalpings³ 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

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

⁴ Kilotonnes of CO₂ 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 ktCO₂e/year

Torr/Callow Rock/Westleigh 45.0 ktCO₂e/year

Torr/Callow Rock/Westleigh/Competitors 41.0 ktCO₂e/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.

26.24. 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 2008 to 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."