

Somerset County Council

Regulation Committee – 29th July 2021

Report by Service Manager - Planning & Development.

Application Number: SCC/3728/2020

Date Registered: 23 June 2020

Parish: Henstridge

District: South Somerset

Member Division: Blackmoor Vale

Local Member: Cllr W Wallace

Case Officer: Rowan Quick

Contact Details:

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

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

Applicant: Mr Rob Chapman

Location: Copse Quarry, Landshire Lane, Henstridge

1. Summary of Key Issues and Recommendation(s)

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

2. Description of the Site

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

3. The Proposal

- 3.1 The application proposes the infilling of the quarry area with inert waste materials derived from local construction sites and the applicant's own sites, with the importation of the waste to be undertaken solely by the applicant and his business. The proposal also includes measures to enhance the landscaping at the site, with the planting of additional trees, shrubs and grassland, with the latter to be maintained with grazing sheep until the additional planting has been established.
- 3.2 The inert materials will be utilised by infilling the quarry area to achieve final levels similar to those that existed before development of the quarry, with the volume of materials required being 30,413m³.

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

4. Background

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

5. The Application

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

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

6. Environmental Impact Assessment (EIA)

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

7. Consultation Responses Received

External Consultees

7.1 South Somerset District Council

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

7.2 Henstridge Parish Council

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

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

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

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

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

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

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

On 3rd March, the agent provided the following information for Henstridge Parish Council –

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

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

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

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

7.3 **Stalbridge Town Council**

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

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

7.4 **Abbas & Templecombe Parish Council**

In principle, members have no objections.

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

No further comments to make on the application.

7.5 **Environment Agency**

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

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

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

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

On 18th March, the EA were consulted on the revised Contamination Risk Assessment and provided the following comments –

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

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

On 12th May 2021, an email was sent to the EA to clarify the following points:

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

The EA responded to this with the following comments –

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

7.6 **Natural England**

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

Internal Consultees

7.7 **Highways Development Management**

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

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

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

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

7.8 **Lead Local Flood Authority**

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

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

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

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

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

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

7.9 **Acoustics Specialist**

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

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

The full response can be found of the applications webpage.

7.10 **County Ecologist**

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

Bats

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

Birds

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

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

Badgers

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

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

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

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

Biodiversity Enhancement (Net Gain)

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

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

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

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

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

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

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

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

7.11 Minerals and Waste Policy

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

7.12 Public Consultation

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

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

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

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

8.1 The key issues for Members to consider are:

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

8.2 The Development Plan

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

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

8.3 Material Considerations

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

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

8.4 Planning Policy Considerations

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

8.5 Highways and Traffic

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

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

8.5 Ecology and Landscape

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

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

8.6 Drainage and Flood Risk

- 8.6.1 The site is located within Flood Zone 1 and, as part of the application, a Flood Risk & Design Statement has been submitted. Concerns were initially raised by Somerset County Council's Flood Risk Team regarding surface water flooding within the site boundary, likely to be associated with the low point of the site. It is understood that water will naturally migrate to the lower areas of the quarry once it is filled in, but there is the potential that this storage volume is displaced. The Flood Risk Team therefore requested clarity on how much water has the potential to accumulate within the quarry and subsequently be directed elsewhere upon infill.
- 8.6.2 The Flood Risk & Design Statement was revised in February 2021 in order to address this issue, and the revised report notes that a depression is to be formed in the centre of the site to collect residual runoff. The area will facilitate around 370m³ of surface water storage roughly equating to the greenfield pre-development storage volume provided by the existing depression in the quarry. The area of landscaping surrounding this depression will provide interception to the rainfall within the site boundary and provide a gentle gradient towards the storage zone. The stored surface water will permeate through the proposed permeable inert fill and into the existing quarry basin, as it did pre-development. In addition, the report demonstrates that the site satisfies the Sequential Test given the type of the development works.
- 8.6.3 Somerset's Flood Risk Team are content with the proposal and have no further comments to make. Therefore, it is considered that the proposal is in accordance with Paragraph 163 of the NPPF and Policy DM7 (Water Resources) of the Somerset Waste Core Strategy.

8.7 Groundwater and Pollution

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

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

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

8.7.4 The conclusions from the report demonstrate:

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

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

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

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

8.8 Concluding Comments

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

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

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

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

9. Recommendation

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

COMMENCEMENT

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

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

STRICT ACCORDANCE WITH PLANS/DOCUMENTS

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

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

TEMPORARY PERMISSION

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

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

PRE-COMMENCEMENT CONDITIONS

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

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

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

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

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

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

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

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

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

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

POST-COMMENCEMENT CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

RESTORATION

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

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

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

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

Informative Note

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

10. Relevant Development Plan Policies

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

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

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

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

Somerset Waste Core Strategy

WCS2: Recycling and Reuse

WCS5: Location of Strategic Waste Sites

WCS4: Disposal

DM2: Sustainable Construction and Design

DM3: Impacts on the Environment and Local Communities

DM4: Site Restoration and Aftercare

DM6: Waste Transport

DM7: Water Resources

South Somerset Local Plan

SS2: Development in Rural Settlements

EQ2: General Development

EQ4: Biodiversity

EQ6: Woodland and Forests

EQ7: Pollution Control

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

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

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