

The Regulation Committee

Minutes of the meeting of the Regulation Committee held on Thursday 29 July 2021 at 10.00am in the Luttrell/Wyndham Room, County Hall, Taunton.

Present:

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

Other Members Present:

Cllr T Munt
Cllr W Wallace

Officers Present:

Mrs J Allen, Solicitor
Mr C Arnold, Planning Officer
Mrs R Quick, Planning Officer
Mrs H Vittery, Service Manager - Planning and Development

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

- Due to a change in legislation the County Council was no longer able to hold virtual meetings

- Today's meeting would be run using a hybrid format with Committee members and key officers physically present in County Hall
- Other elected members and officers could physically or remotely join the meeting to speak on specific agenda items or observe
- There was provision for any members of the public registered to speak to attend the meeting (NB. Public speakers were present in County Hall but reduced room capacity due to social distancing regulations limited their ability to speak to the members to audio/visual means)
- The meeting was being broadcast and therefore other members of the public could observe the meeting remotely.

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

Cllr N Taylor (substitute Cllr A Bown)

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

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

Cllr M Caswell	Member of Sedgemoor District Council
Cllr J Clarke	Member of Mendip District Council
Cllr N Hewitt-Cooper	Member of Mendip District Council
Cllr A Kendall	Member of South Somerset District Council and Yeovil Town Council

3 **Minutes** - Agenda Item 3

The Minutes of the meeting held on 24 June 2021 were signed as a correct record.

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

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

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

5 **Importation of Waste Materials, Copse Quarry, Henstridge SCC/3728/2020** - Agenda Item 5

(1) The Committee considered a report and presentation provided by the Planning Officer, Colin Arnold.

The Planning Officer, with reference to the report, supporting papers and the use of maps, plans and photographs outlined the 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 was located on Landshire Lane in Henstridge.

The main issues for Members to consider were put to the Committee:

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

The Planning Officers presentation further covered: details of relevant plans and policies, the Somerset Waste Core Strategy and South Somerset Local Plan; the inclusion of restoration of quarries within relevant policies; there have been no objections from the Highways Authority subject to the use of specific access/egress routes; the proposed landscaping arrangements and associated positive environmental impacts; the buffer zone around a badger set on the site; the site is in flood zone 1; and that following the completion of a Land Contamination risk

assessment the Environment Agency had withdrawn their initial objection to the development.

Public Participation

(2) Mrs Lavinia Carey addressed the committee, raising the following points: she lives in the vicinity of the application site; concerns regarding the traffic report; a request for the completion of a full traffic survey to include usage at peak times; the Council's acceptable limit for HGVs' likelihood of meeting other traffic if the 2020 report of "less than a 2% chance of meeting a quarry lorry at any point along Landshire Lane" is found to be incorrect; and that other large vehicles including farm machinery also use the route.

The Local Member, Cllr William Wallace addressed the Committee and requested clarification if there had been an official site visit. Cllr Wallace further noted: previous applications concerning the site; the lack of passing places on Landshire Lane; that the lane is jointly owned with Dorset County Council, and that as such in his opinion, their involvement was essential; the lack of visibility on the lane; and that there is a deep ditch in the lane verge.

The Chair responded and stated that a site visit for the application had not been undertaken.

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

- The Parish Council had commented on the impact on the road.
- The highways officer provided a response informing that a site visit couldn't be conducted at the time due to non-essential travel.
- Quarrying in the area had permissions from the 1940's/50's. The proposal would include the movement of no more than 5 vehicles per day, the road was used for agricultural purposes and the lane did have passing bays.
- Collision data for the lane had been checked and there had been no reported collisions. If the ditches in the lanes were dangerous it would be reflected in the collision data.

- There were no reasons to object to the proposal due to the impact not being severe.
- It was reaffirmed there was no increase in traffic, with a 2% chance of encountering a lorry, therefore the application had been recommended for approval.

(4) The Committee proceeded to debate covering matters including: the impact of 5 vehicles per day, 10 movements in total per day; passing areas on the road; peak time traffic assessments; the possibility of introducing conditions restricting movement at peak times; and confirmation that the waste planning authority would have oversight of restoration, and it was questioned if there was ecology oversight. The Committee further considered: the potential to request the applicant log the materials being brought onto the site; pre-application advice taken by the applicant; the impact of climate change on flood risk assessments; the potential traffic restrictions at weekends; and a request for the County Highways Authority to undertake a review of the lane reference to the unsafe ditch.

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

- The flood risk assessment calculated adverse impacts from Climate Change which would be taken into account.
- The Planning officer was happy to include the introduction of restrictions around vehicle movements over the weekends and bank holidays.

(6) Following debate the Committee proceeded to determine the application as proposed by Cllr Hewitt-Cooper, moved and the Committee RESOLVED:

That planning permission be **GRANTED** subject to the conditions set out in Section 9 of this report together with an additional condition prohibiting HGV movements to and from the site at weekends and on bank holidays, 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.

All members of the Committee stated that they were in attendance for the whole debate and voted in favour, with the exception of Cllr A Kendall who abstained.

- 6 **(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) 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 SCC/3835/2021

(1) The Committee considered the report and presentation provided by the Planning Officer, Colin Arnold. It was highlighted that there was an error on the original application submission and the report and that the application location should read Nunney and not Wanstrow. The Planning Officer further highlighted: that the Council had received three letters supporting the application citing: the positive impact on jobs; the shortage of aggregate; and the positive impact on the economy, and that the County Highways Authority had no objection to the application.

The main issues for Members to consider were highlighted to the Committee:-

- planning policy considerations;
- traffic and highways;
- ecology; and
- other environmental impacts and their control.

The Planning Officer, with reference to the report, supporting papers and the use of maps, plans and photographs highlighted a number of points including: that the site was well screened; the proximity of the A361 to the quarry entrance; the previous application which was refused by the Regulation Committee in 2020 and the reason for refusal; the applicant's request for further information regarding the reasons for refusal; changes to the previous application including the balance between road and rail transport of quarried materials; the current planning permission at Torr had an output limit of 8 million tonnes a year of which no

more than 3 million tonnes was able to leave the site by road; the combined output of both Torr and Bartletts would not exceed the already consented Torr output limit of 8 million tonnes a year; having regard to the likely impacts and the proposed mitigation it was considered that any significant adverse effects were unlikely and, subject to compliance with these limits, no significant adverse noise, dust or vibration effects are therefore predicted; the bunds and tree cover protecting the quarry site; compliance with the mineral plan; the Planning Policy team had raised no objections with the economic benefits outlined; there were no ecological issues raised and relevant assessments had been undertaken; and the previous application for the site considered by the Committee in 2020.

(2) Public Participation

Richard Mawer addressed the committee and provided the following statement:

In January SCC refused the Barletts applications, revised submissions setting out the benefits of concurrently working Torr and Colemans had been received. Legal advice concludes that there is no substantive new evidence in the revised applications. We will consider challenging any approval not considered in accordance with all statutory requirements. Additional evidence of demand was questionable with no empirical evidence behind the company forecasts. All South East and London contracts were already secured last August. There was no need to pursue the cheaper solution of reopening Bartletts. The previous applications were right to be refused as they were in clear breach of SMP3. In the absence of evidence of demand increase, it would be illogical for the committee to reverse the decision.

Andrew Bramston addressed the committee and provided the following statement:

The proposal to reopen was rejected earlier this year, no material changes have been made to the new application with no mitigation changes proposed. The cumulative impacts and mitigation measures were not enough and lead to a 62% increase in HGV traffic. Existing supply could be met from the existing Torr site with appropriate investment and there was no logic in opening a new site for this extraction. The next stage would be to expand Bartletts by digging below the water table and the ongoing impact was unacceptable. SCC had a responsibility

to sustainably managed the Council's natural resources for the nation's strategic reserve, for local communities and for ecology and the environment. The economic benefits were conjecture and not a basis for such a critical decision. The priority had to be investment at Torr to operate effectively and efficiently to meet demand under existing permissions, yet this is ignored in the proposal.

Chris Potter addressed the committee and provided the following statement:

National Planning Policy framework requires consideration of sustainable development. The future demand analysis is poor, with no demand information from the previous committee to change the previous decision, future demand is likely to decrease. Account should be taken into business structural arrangement which would reduce demand such as increased working from home leading to reduced need for office capacity, resulting in repurposing of existing buildings or reuse of materials, reduced need for expansion of transport infrastructure due to reduction in business travel reduced need for retail space, leading to reuse of space and materials. Extraction of crushed rock and transportation to projects like HS2 were not sustainable by the government's definition. In summary the future demand for crushed rock and concrete will decrease. The application leads to increased carbon impact. No specific actions are given to mitigate impact in carbon emissions to meet SCC and AI's own targets, no consideration is given to increased vibration, dust and noise from additional excavation.

Will Palmer addressed the committee and provided the following statement:

The revised submissions show no additional evidence of the benefits of concurrent quarrying relating to jobs. In the first application it was claimed 6 new jobs would be created, moving to 8 in Bartletts, these were the same numbers stated in the new applications. There was no evidence of 6-10 jobs in the wider supply chain. The existing jobs were not at risk should Bartletts remain dormant. It was claimed 500 jobs would be generated from the HS2 concrete slab plant, the current jobs could transfer to Colemans in 2024 on cessation. It was not sustainable if both quarry's were worked out by 2040 with the loss of all associated future employment. There was a lack of clear benefits to the local economy and wider communities. The creation of minimal employment did not offset the cumulative effects from the local environment and economy of

concurrent working contrary to policy SMP3 of the Somerset Minerals Plan 2015-2030 which were the reasons for the refusal of the previous application.

John Martineau addressed the committee and provided the following statement:

As a resident living 700 metres downhill from the quarry, disturbance is experienced with sound, blasting noise, dust and tremors. If Bartletts reopened this would be increased by a factor of 4. Opening Bartletts would lead to more lorries and noise and dangers to other vehicles, cyclists and pedestrians. The objection letter by Mitchelmore's solicitors following legal advice casted considerable doubt on the proposals in relation to the applicant's environment statement failing to comply with regulations and case law. Any approval not considered in accordance with statutory requirements would be challenged.

John Penny addressed the committee and provided the following statement:

Planning officers were satisfied that issues had been addressed that were raised in the previous application. The details relating to jobs, investment and the need for aggregate had been provided in the resubmitted applications. There were over 200 employees in Somerset, contributing to the economy each year. The applications had been addressed to further reduce the concurrent operations of Torr, operating Bartletts wholly within the production limits for Torr, ensuring no increase in the currently consented quarry capacity as a result of the proposed development. Reopening of Bartletts would result in a reduction of 6000 HGV movements per year on the A361. There was no impact on the water environment as the application would only work stone above the water table. There were conditions that control noise dust and blasting limits to acceptable levels. Monitoring and compliance would ensure there were no adverse impacts on local communities. Shortages of construction materials and implications to the economy were emphasised as part of the recovery from the pandemic. Access to essential construction materials was needed immediately for both local businesses and national projects such as HS2 and Hinkley Point C. reopening of an existing quarry was the most sustainable way of achieving this whilst supporting jobs in the local economy.

Alex Johnson addressed the committee and provided the following statement:

There was little operational space due to the method of extraction. Local Somerset businesses relied on the materials available. Opening Bartletts would allow Torr to increase rail distribution which is of high demand due to construction activity. Unlocking the bottleneck would allow service to local customers whilst meeting higher demand in London and the South East. Construction output was expected to rise 13% in 2021 and keep growing in 2022. A net zero pledge had been signed to meet 2030 targets which has translated into action on the ground locally with lower carbon fuels in the aggregate trains from Torr, and a proposed solar scheme planned providing 25% of energy requirements from the operation.

The Chair read out the following statement on behalf of Cllr Phil Ham – As a Ward Councillor.

As the County Councillor for this application, and Chair of the Torr and Colemans Quarry Liaison group I am fully aware of the reasons for this application. There are objectors and its their right to speak, and that is correct.

This Eastern end of the Mendips is known for its quality of Basalt and Limestone . The quarrying industry has been the backbone of employment for the area for hundreds of years with many of the local villages building their history-on this industry and agriculture alone, and in recent years many associated concrete based businesses have grown, i.e. pipes, blocks, slabs , ready mix etc. There is a saying that every Quarry based job creates another seven in the local area.

If you look into the detail of the application, it is obvious that if you don't look at the bigger picture, and the future the Quarry industry will fail. In time Torr will be exhausted, the rail link obsolete resulting in even more lorries on the highway. Bartlett's is an existing Quarry which can supply road deliveries and to the Colemans asphalt plant, while Torr Quarry serves the rail deliveries, this results in less lorry movements that occur today.

In short this means sustainable quarrying over a much longer time period. It will also allow for the new factory at Leighton to produce concrete structures for HS2 from stone from Torr and up to 350 new jobs.

However to fully support the application I would like to see one extra condition.

All deliveries destination to the North go via the Bulls Green road and onto the Old Wells/ Frome road and those going South onto the A361. All lorries from Bartletts not to use the road from Cranmore Piers to Long Cross through Waterlip.

Also if there is any possibility of a section 106 agreement monies towards the construction of a roundabout at the Beacon cross roads (Old Wells / Frome road crosses the A37)

Cllr Martin Dimery – As a Councillor of a neighbouring ward read the following statement:

Having spoken against the re-opening of the Bartlett's quarry in January, I am dismayed but unsurprised to read that the application has been brought back to the Regulation Committee, notably at a time when council meetings are usually not in session, during the school holidays. As I am unable to speak, I would like my comments to be noted.

I have little add to the comprehensively researched argument against quarry expansion submitted to you, except to add that Somerset County Council almost unanimously adopted a Climate Emergency policy and any attempt to re-open or expand the quarries in the Mendips will have such a huge environmental impact as to completely contravene that policy.

(3) In responding to the issues raised by public speakers and the local County Councillor the Case Officer commented that: the application was above the water table; the need for crushed rock; that mineral production was important for mineral reserves; and there was no s106 agreement related to the application.

The County Highways Officer, Ben Sunderland, further noted that it would be unreasonable for the County Highways Authority to object the application due to the reduction in vehicle movements.

(4) The Committee proceeded to debate matters including: the potential to split

road and rail movements by condition and potential monitoring; the potential to condition movements to and from the quarry to restrict usage to certain routes alongside an increase in rail movements; the extensive training provided to elected members; the process for monitoring the cap on road movements; the appeal which has been lodged regarding this site, and its relevance to this application; the Committee's previous decision in January 2020 and associated evidence of changes in demand; the impact of the pandemic on travel and associated demand for aggregate; the reasons for the refusal of the previous application and associated cumulative impacts; potential social hard to local communities; and the climate emergency declared by the Council.

(5) The Chair informed the Committee of the importance of the mineral extraction industry in the Mendip areas through both direct and associated employment, highlighting: Tor Works has approximately 25 years of extraction remaining at current extraction levels, if worked alongside other quarries to balance extraction, however if Tor Works continued to be worked at higher levels of extraction it would be 'worked-out' in 10 years; Tor works is the only quarry on the area with access to a rail head and if 'worked-out' sooner all movements would be by road resulting in an increase in road traffic

(6) The Chair noted that the appeal was in reference to the application considered by this Committee in January 2020.

(7) In response to the points raised in debate officers responded: to condition the split of movement by road and rail could be considered restrictive; the controls afforded by the S106 agreement and planning conditions; the 3 million tonne existing cap on road movements and the potential for this to be expanded and associated monitoring; amendments to the S106 agreement and associated consultation with the Committee Chair and Vice-Chair; monitoring of movements would be completed through regular submissions and information could be requested on an ad-hoc basis as required.

(8) Following debate the Committee proceeded to determine the application. Cllr Hewitt-Cooper, seconded by Cllr Caswell, moved the application subject to officers undertaking discussion with the applicant regarding access/agress routes and amendments to the S016 agreement regarding the volume of material moved by

road (and associated consultations with the Committee Chair and Vice-Chair), the Committee RESOLVED:

a) in respect of SCC/3833/2021, planning permission be **GRANTED** subject to the prior completion of the section 106 deed of variation to secure the modifications proposed in application SCC/3835/2021 to ensure the total combined amount of quarry material transported by road from Bartletts Quarry and Torr Quarry is restricted to no more than 3 million tonnes per annum and is closely monitored and 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. The Planning Service Manager to consult the Operator with regard to securing a routing plan for all HGVs transporting materials to the North to travel via the Bulls Green Road and onto the Old Wells/ Frome Road and those going South onto the A361, and HGVs from Bartletts Quarry to not use the road from Cranmore Piers to Long Cross through Waterlip.

b) in respect of SCC/3835/2021, the modifications detailed in paragraph 9.2 of the report (including the routing options outlined above) 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.

8 **AOB**

- The Chair thanked all committee members attending and reminded officers of the next meeting scheduled in September.

(The meeting ended at 12.12pm)

CHAIR