

Date: 11 January 2022  
Our ref: 378254  
Your ref: SCC/3839/2021



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**BY EMAIL ONLY**

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Dear Colin

**Planning consultation:** SCC/3839/2021 HRA & Appropriate Assessment - Temporary storage of Limestone Scalpings.

**Location:** Land to the North of Torr Works, East Cranmore, Shepton Mallet

Thank you for your consultation on the above dated 20 December 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 - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Mells Valley Special Area of Conservation and Mendip Woodlands Special Area of Conservation.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options as detailed in the appropriate assessment should be secured:

- Bat Habitat Creation - The development will provide an equivalent minimum of 0.92 hectares of optimal habitat accessible to greater horseshoe bats.
- Bat Habitat Management - The management of the Replacement Bat Habitat created as mitigation will be carried out in accordance with the submitted Management and Monitoring Scheme of Replacement Bat Habitat (Wiltshire, 2021) and be implemented within three months prior to the commencement of tipping on the permitted site.
- Dust Suppression Scheme - A revised Dust Suppression Scheme shall be submitted to the Minerals Planning Authority prior to use of the site for tipping.
- Biodiversity Management Plan - An updated Torr Biodiversity Management Plan shall be approved in writing by the Minerals Planning Authority prior to the use of the approved site for tipping.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

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

### **Internationally Designated Sites**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all the mitigation measures listed within the appropriate assessment conclusion are secured in any planning permission given.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

### **Other advice**

In addition, Natural England would advise on the following issues.

### **Best and Most Versatile Agricultural Land or Minerals and Waste reclamation**

Natural England has considered this proposal in the light of our statutory duties under Schedule 5 of the Town and Country Planning Act 1990 (as amended) and the Government's policy for the sustainable use of soil as set out in paragraphs 174 and 175 of the [National Planning Policy Framework](#) (NPPF).

Based on the information provided in support of the planning application, we note that the proposed development would extend to approximately 9.9 ha, including some 9.0 ha of 'best and most versatile' (BMV) agricultural land; namely Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system.

While Natural England does not wish to comment in detail on the soils and reclamation issues arising from this proposal, we would expect the Planning Authority to take the economic and other benefits of the BMV land into account (in line with para 174 and 175 of the NPPF). We would also make the following points:

1. We are satisfied that that the site working and reclamation proposals provided in support of this application meet the requirements for sustainable minerals development, set out in current [Minerals Planning Practice Guidance](#), particularly section 6 on restoration and aftercare of minerals sites.
2. In particular, we have noted that the following Sections, Appendices and Plans of the EIA (or Supporting Statement) are sufficient to demonstrate that an equivalent area of the BMV land disturbed as a result of the development, would be reinstated to a similar quality, suited to a productive agricultural after use.
3. In accordance with Schedule 5, Part 1, Paragraph 4 (1) of the Town & Country Planning Act 1990, Natural England confirms that it would be appropriate to specify agriculture as an afteruse, and for the land to be reclaimed in accordance with Paragraph 3 (1) of the 1990 Act; namely that the physical characteristics of the land and soil resource to be restored, so far as practicable, to what they were when last used for agriculture.
4. Should the development proceed (and subject to no more accurate information coming to light during the working of the site), Natural England is satisfied that the Soils and Agricultural Land Classification Report (ES Appendix 2) constitutes a record of the pre-working physical characteristics of the land within the application site boundary.

5. Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil resource is able to retain as many of its important functions as possible. This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration on how any adverse impacts on soils can be avoided or minimised.
6. Some suggested conditions to safeguard soil resources and achieve a high standard of agricultural reclamation are attached, which may be of use.
7. The Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#) provides detailed advice on the choice of machinery and method of their use for handling soils at various phases, which we strongly recommend is followed. For agricultural after uses, the best available practice is using the excavator-dump truck combination in conjunction with the sequential 'strip' method (Sheets A – D).
8. More general advice for planning authorities on the agricultural aspects of site working and reclamation can be found in the Defra Guidance notes [Reclaim minerals extraction and landfill sites to agriculture](#), which again we strongly recommend is followed.

If you are of the opinion that this proposal may have significant implications for a greater loss of agricultural land, or other considerations which we should take into account, Natural England would be pleased to advise further.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

Should the proposal change, please consult us again.

Yours sincerely,  
Rhona Savin  
Wessex Team