

Somerset County Council

Regulation Committee – November 2022

Report by Service Manager - Planning & Development, Enforcement & Compliance:

**Application Number:** SCC/3940/2022

**Date Registered:** 21 April 2022

**Parish:** Compton Pauncefoot Parish,

**District:** South Somerset District Council ,

**Member Division:** Blackmoor Vale,

**Local Member:** Councillor Sarah Dyke

**Case Officer:** Ruth Amundson

**Contact Details:**

**Description of Application:** Section 73 planning application which seeks a variation of planning condition 2 that limits lorry movements from Blackford Quarry

**Grid Reference: Easting** - 366000, **Northing** - 125188

**Applicant:** Mr Zak England, Somerset Stone Supplies

**Location:** Blackford Quarry, Blackford Hill, Yeovil, Somerset,BA22 7EA

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

The main issue is the impact on the local environment and on the living conditions of nearby residents as a result of the proposal to increase the number and vary the type of vehicles used to haul stone from the site to the processing facility at Tout Quarry.

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

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

2.1 Blackford Hill Quarry is a small building stone quarry located approximately 900 metres south of the centre of the village of Blackford, which itself lies to the south of the A303 Yeovil to Wincanton road and 42 kilometres east of Taunton. The site is an historic quarry that was used to produce stone for agricultural use before small-scale commercial extraction commenced in 2021.

2.2 Access is gained via an agricultural track from the minor road leading from Blackford to Charleton Horethorne at Quarry Hill. The boundary of the site is marked by mature hedgerow and a bank adjacent to the road to the east and there is woodland to the north and west, forming part of a small copse within which the quarry is situated. To the south the site adjoins open agricultural fields.

2.3 The settlement pattern surrounding the site is characterised by small villages and scattered, isolated dwellings. Quarry Hill Cottage, the nearest, lies 45 metres to the north east of the entrance to the quarry. A small group of houses lies approximately 150 metres to the south east of the extension area.

### **3. The Proposal**

3.1 Permission was granted on 1 July 2021 for an extension to Blackford Hill Quarry, reference CC/3777/2020. Permission was granted subject to a number of conditions restricting the proposed development, including a condition requiring the development to be carried out in accordance with the approved plans, drawings and documents, which included correspondence describing the access, number of trips and type of vehicles.

Planning Permission Ref: SCC/3777/2020 therefore specifies the exact type of HGV allowed to transport stone, which is a 3-axle articulated lorry tractor unit with a demountable body able to carry a 16-tonne payload.

3.2 The current application seeks to vary the conditions restricting the type and number of vehicle movements. It states that due to the characteristics of the stone being extracted, the permitted HGV can only accommodate payloads of up to 10 tonnes rather than the originally envisaged 16-tonnes. The quarry has, therefore been exporting only around 20 tonnes a week.

3.3 The applicant has investigated a number of options. To minimise fuel use, the operator would like the option to use a short tipper trailer on the existing vehicle, retaining the cap of 2 HGV loads (4 movements) per week for that vehicle combination. However, to provide operational flexibility, it is proposed to change the restrictions on HGVs transporting stone to include the following options:

- a) 4 HGV loads (8 HGV movements) per week using a 3-axle tractor unit with a demountable tipper body (the vehicle currently approved); or
- b) 2 HGV loads (4 HGV movements) per week using a 3-axle tractor unit with a short tipper trailer (the number of vehicle trips currently approved); or
- c) 2 HGV loads (4 HGV movements) per week using a 3-axle tractor unit with a demountable tipper body and 1 HGV load (2 HGV movements) per week using a 3-axle tractor unit with a short tipper trailer.

The current application does not seek to amend any other aspect of the previously approved development, including output, method of working or restoration.

## **4. Planning history**

4.1 Permission was granted in 2021, reference SCC/3777/2020 for the extraction of 21,000 tonnes of natural building stone over a period of 14 years. The stone produced at the site had characteristics that make it suitable for conservation of historic buildings in the local area as well as new buildings reflecting the local vernacular.

4.2 Mineral is extracted using a single excavator and stone is transported to the applicant's masonry works at Tout Quarry for cutting and dressing. The dressed stone is also sold from Tout Quarry.

4.3 Not all the stone excavated is expected to be suitable for building and lower quality material will be retained on site to restore the quarry to agricultural use when mineral extraction ceases.

## **5. The Application**

5.1 Documents submitted with the application include the following

Application form

Supporting statement

Transport statement

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

6.1 The proposed development falls within schedule 2 of the 2017 EIA regulations. The application has been screened and it is not considered to be EIA development.

6.2 The quarry is small-scale and the effects have been assessed to be limited and experienced over a temporary period of 14 years. The potential impacts, including noise, dust, additional traffic movements, loss of agricultural land, visual impact, landscape impact, impact on ecology and habitats and impact on heritage assets are capable of mitigation through the imposition of planning conditions.

6.3 The site is not within or close to a sensitive area as defined in the regulations, the site area is significantly less than 15 hectares and at 1,500tpa the output would be less than the indicative threshold of 30,000tpa where EIA is more likely. In view of this and having regard to the selection criteria, the proposal is unlikely to generate significant environmental effects or effects over a wider than local area.

6.4. Restoration of the site would significantly reduce the effects in the longer term and offers the opportunity for environmental enhancement. The effects of quarrying are, therefore, reversible through the restoration of the site.

## **7. Consultation Responses Received**

## External Consultees

### 7.1 North Vale PC

The application should be refused for the following reasons:

Paragraph 5 of the applicant's planning statement requests to vary condition 2 of the original grant of planning permission 'due to the characteristics of the stone being extracted'

The 'characteristics' of the stone are the same now as at the time of the original planning application, this is not a valid reason to vary the conditions.

Local residents are already suffering in full the expected noise, dust, vibration and congestion of heavy vehicles on narrow lanes. There is no justification to further reduce their amenity by acceding to the applicant's request to either increase the size of the vehicles or increase the frequency of the journeys.

### 7.2 Blackford and Compton Pauncefoot Parish Meeting

The application should be refused for the reasons below.

As PM Chair I carried out a full community consultation prior to the original application to re-open Blackford Quarry as a commercial enterprise. The objection to the quarry was overwhelming and I made inputs to that effect at the time.

I have consulted again and identified no change in the community's very negative view on Blackford Hill Quarry and its impacts. Many residents are horrified that yet more heavy and now even longer vehicles might travel through Blackford, with transit numbers increased by up to 100%. I am aware that a number of objections to that effect have already been made.

In trying to establish the veracity of the claims made by the applicant I asked the Council for extraction data from the quarry, but to date none has been made available, despite previous advice that the Council could obtain this at any time. This key piece of data ought to underpin the rigorous consideration of the applicant's claims.

The application does not present any sort of balanced argument for change. There would be significant impacts on the community through increased highway risk and heavy vehicle transit nuisance, but these are hardly addressed. The community is being asked to accept further impositions and degradations to the quality of life here, simply as a result of the failure of the quarry operator to define his operating parameters correctly in the first place. Such extra impositions on the village are unreasonable.

There is a developing highways nightmare in Blackford due to quarry related traffic. Heavy vehicle traffic has become much worse since the approval of Blackford Hill Quarry. The traffic associated with the now heavily used Plantation Hill (agricultural) quarry at Maperton routes through the village via an agricultural track and exits onto Quarry Hill. Evidence of significant overloading of the highway and elevated safety risk has been forwarded to SCC and SSDC for months but SCC Highways Department seems content that the village is being turned into a major quarry haul route. I invite the Highways responder and the Planning Officer to walk the haul route to the A303 with me so that the issues and risks can be properly appreciated

### 7.3 CPRE Somerset

CPRE Somerset attended the Regulations Committee to object to the original application. The case was then made by the applicant and quarry operator that this was a small relic quarry from which a modest amount of stone would be extracted for repair of historic buildings.

The new proposed changes involve a very substantial percentage increase in output and/or the number of HGV movements and/or the size of vehicle from levels originally consented.

This quarry is located on a narrow rural lane between two residential conservation areas. Conservation Areas are heritage assets protected by law. The site is also located in close proximity to residential dwellings, which are suffering unacceptable impacts to residential amenity from dust and noise. The narrow lane is used by pedestrians, cyclists and riders. It is clear from resident's comments that there are serious cumulative impacts also now arising, as this lane also services another nearby quarry. Great weight should be given to such cumulative impacts in the planning balance.

We are extremely concerned that Blackford Parish Council, in its consultation response, should describe the existing quarrying operations at this site as having created 'nightmare conditions' for residents. National, County and Local Policy gives great weight to the amenity of residents affected by quarrying operations.

On these grounds, we ask that this proposal should be refused.

### 7.4 South Somerset District Council

SSDC do not wish to raise any objections however request that the impact of additional traffic/larger vehicles is assessed adequately by Somerset County Council Highways Authority and that sufficient consultation is undertaken with Blackford Parish Council, as well as Charlton Horethorne Parish Council and neighbouring residents.

### 7.5 Charleton Horethorne PC

No response received

#### Internal Consultees

### 7.8 Highways Development Management

"As detailed in the submitted information the Highway Authority has no objections to either proposal subject to a suitable condition to impose the controls on the new method of working."

### 7.9 Minerals and Waste Policy

"... on the basis that the variation relates only to the type of HGV vehicle to be used and/or increasing the number of weekly HGV movements to a maximum of 4 per week, the proposed scheme does not give rise to any mineral policy issue. Thus, no mineral policy objection is raised. I would support the condition as recommended by the Highway Authority."

### 7.10 SCC Rights of Way

No response received

### Public Consultation

7.10 The application was advertised by means of a press notice and a notice posted at the site. Nineteen representations were received raising the following issues:-

Noise

Vibration

Disturbance from HGVs

Dust, mud and debris on the road

Danger to pedestrians, cyclists and horse riders from HGVs

Road safety – poor visibility

Road safety – narrow roads

Potential damage to causeway structure

Damage to road verges

Heritage concerns – historic structures and conservation area

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

8.1 The key issues for Members to consider are:-

Planning policy and the principle of the development

Impact on the living conditions of neighbours

Impact on highway safety and capacity

Environmental impact

### **8.2 The Development Plan**

By virtue of 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 development plan comprises:

The Somerset Minerals Plan Development Plan Document up to 2028 Adopted February 2015

The South Somerset Local Plan 2006-2028

### **8.3 Material Considerations**

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

National Planning Policy Framework 2021

Planning Practice Guidance

### **8.4 The principle of the development**

8.4.1 The principle of mineral working has been established by the 2020 permission. The current application seeks to vary the limitations imposed by conditions on that permission but if the current application was refused, the applicant would be entitled to continue working under the terms of the previous permission. If approved, the current application would form a new permission in its own right and those conditions that remain relevant should be carried over to the new permission. The council may, however, review the conditions and revise them if appropriate.

8.4.2 Policy SMP 5 Building stone supports the extraction of stone where

- a) the proposal will deliver clear economic and other benefits to the local and/or wider communities; and
- b) there is an identified need for the specified stone; and
- c) the nature, scale and intensity of the operation are appropriate to the character of the local area; and
- d) the proposal includes measures to mitigate to acceptable levels adverse impacts on the environment and local communities.

8.4.3 The policy also sets out the importance of an adequate supply of building stone so that the local character of Somerset is maintained. The Plan highlights that the use of reconstituted or imported stone can produce different aesthetics or physical characteristics to local stone.

8.4.4 The NPPF, Paragraph 205 states that great weight should be given to the benefits of mineral extraction, including to the economy. It also encourages mineral planning authorities to recognise the small-scale nature and impact of building and roofing stone quarries and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

8.4.5 The proposed development is consistent with SMP policy SMP5 and paragraph 205 of the NPPF subject to consideration of the environmental and amenity impacts of the development.

### **8.5 Highways and transportation**

8.5.1 No increase in annual output is proposed but the applicant has found that the current limit on the number of loads and the type of vehicle used for transportation is unduly restrictive.

8.5.2 The applicant has advised that the quarry produces large block stone and smaller walling stone. . When loading a lorry with small walling stone, to achieve a good payload due, the stone is packed together with very few voids. In contrast, when loading large block stone the voids are bigger hence less pay load.

8.5.3 The quarry was initially operated by the landowner not the applicant under permitted development rights for agriculture and extraction focussed on smaller walling stone at that time. Since the applicant commenced operation in 2021 the focus has been on producing larger block stone.

8.5.4 The demountable body on the permitted HGV will only accommodate payloads of up to 10 tonnes, due to the size and shape of the stone being extracted. With only 2 weekly HGV loads permitted, the quarry is therefore only able to operate at about 20 tonnes per week output rather than the 32 tonnes anticipated under the permitted movements, so is running more than a third under capacity.

8.5.5 In order to save on transportation costs, stone will always be transported using the fewest vehicle movements possible, the application states. However, the applicant asks for flexibility to increase the vehicle movements using the tractor with demountable body from the 2 loads a week currently permitted should the need arise or to use the permitted tractor body with a short tipper trailer, which has more length to accommodate a payload of up to 16 tonnes or a combination of both.

8.5.6 Operating within the limit on HGVs imposed under the previous application the outputs for the last 11 months (October 2021 to August 2022) have totalled 1,010.3 tonnes. With only 1 month left during this operational year, it is clear that the consented 1,500 tonne per annum limit has not been met.

8.5.7 The proposed variation to the permitted vehicle movements would allow the permitted 1,500 tonnes a year to be achieved. Currently, condition 8 not only limits outputs from the quarry but also requires the Applicant to keep and make available records. As a result, there is already a mechanism to control outputs, even if the 4 HGV loads per week was adopted.

8.5.8 8The application is supported by a transport assessment, which has been independently reviewed by SCC Highways Development Management. The report assesses the implications of the proposal and concludes that the proposal would have no material impact on the safe operation of the local highway network. It also provides diagrams showing that the short tipper trailer unit can enter and exit the quarry to the north within the confines of the public highway.

8.5.9 The Highway Authority has reviewed the transport statement and concludes that it does not consider up to 8 vehicle movements (4 trips) in a week to be onerous in highway terms, as this is within the daily variation which could already be experienced in a rural area where seasonal agricultural traffic could amount to more than 8 additional movements in a



week. The highway authority, therefore, raises no objection subject to the wording of the new condition reflecting the amended details.

8.5.10 Having regard to the advice of the highway authority, it is considered that the proposal is consistent with SMP policy DM9: Minerals Transportation, which states that applications must demonstrate that the road network serving the site is suitable for the proposed volume and nature of the traffic associated with it without undue harm to the character of the countryside or settlements having regard to highway safety, alignment, proximity to buildings, air quality, capacity of the road network and disruption to local communities.

## **8.6 Impact on the living conditions of local residents**

8.6.1 SMP policy DM8: Protecting Local Amenity states that planning permission will be granted for mineral development subject to the application demonstrating that the proposal will not generate an unacceptable adverse impact on local amenity and measures will be taken to mitigate impacts from vibration, dust and odour, noise and lighting.

8.6.2 The proposal could result in a maximum of two additional vehicle trips a week using a tractor and demountable trailer as previously permitted or the same number of vehicle trips as previously approved i.e. 2 using a short tipper trailer with a 16-tonne capacity.

8.6.3 The additional impact of two additional trips per week in terms of noise, dust and vibration is considered to be very minor and the quarry traffic would remain a small proportion of the overall traffic on the local road network. Conditions restricting the hours for vehicle movements could be re-imposed to minimise any additional impact.

8.6.4 Subject to a condition restricting hours for vehicle movements and the development being carried out as described with a maximum of 4 vehicle trips a week over the two days a week the quarry is permitted to operate, it is considered that the small increase in vehicle movements would not have an unacceptable impact on the living conditions of neighbours

## **8.7 Environmental impact**

8.7.1 No change is proposed to the processes or method of mineral extraction previously approved within the site. Mineral extraction will take place above the water table and mineral waste will be retained on site for restoration purposes in accordance with the approved drawings. Taking this into account, the proposal would not result in an unacceptable impact on the water environment, ecology, landscape character and air quality or an unacceptable increase in noise and dust.

8.7.2 The proposal has the potential to increase noise, dust and disturbance from vehicle movements. However, given the small scale of the proposed increase in vehicle trips, it is considered that this can be adequately regulated through planning conditions. The proposal is, therefore, in accordance with SMP policy DM8: Protecting Local Amenity, DM4: Water resources and flood Risk and paragraph 174 in the National Planning Policy Framework.

## **8.8 Other considerations**

8.8.1 There are no footpaths within the site but PROW runs along Blackford Hill adjacent to the site. Traffic enters and exits the site from the north, travelling towards the A303. The route

takes vehicles through the Blackford conservation area and across a causeway structure to the north of the site, which has been monitored for structural defects. Objections have been received on the grounds of the impact of the proposal on pedestrians and cyclists using the rural roads near the site and the impact on historic buildings within the conservation area. Concern has also been expressed about the impact of the additional vehicle trips on the causeway structure.

8.8.2 While those concerns are noted, the total number of vehicle trips generated by the quarry would remain small and they would form a small proportion of the total number of vehicles using the road network near the site. The small increase in vehicle trips has to be weighed against other material considerations, including the support for building stone production in policy SMP5 and support for rural industries, which in turn support the local economy (paragraph 84, NPPF). The NPPF recognises that there are three strands to sustainable development: Economic, Social and Environmental. Paragraph 11 sets out a presumption in favour of sustainable development which encourages local planning authorities to approve development proposals that are in accord with an adopted development plan without delay. Policy SMP SD1: Presumption in favour of sustainable development reiterates that message, stating that permission should be granted unless material considerations indicate otherwise taking into account whether any adverse impacts would demonstrably outweigh the benefits or where specific policies indicate that development should be restricted.

## **8.9 Conclusion**

8.9.1 The proposal is considered to be in accordance with the development plan and there are no material planning indications that indicate a decision should be taken other than in accordance with the development plan.

### **Human Rights Act 1998**

Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.

The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.

All material planning issues raised through the consultation exercise have been considered and it is concluded that by determining this application the County Planning Authority would not detrimentally infringe the human rights of an individual or individuals.

### **Climate Change**

Somerset's Climate Emergency Strategy was adopted in November 2020. The aim of the strategy is to reduce carbon emissions in the county and make Somerset a county resilient to the inevitable effects of Climate Change.

The strategy provides some high-level detail explaining what climate change is and what causes it, where carbon emissions arise from globally, nationally and locally and what the impacts will be here in Somerset. It also sets ambitious goals to become a carbon neutral county by 2030 and also outlines what the five Somerset councils intend to do to address the most important issues around the Climate Emergency

The adopted Minerals Local Plan predates the Climate Emergency declaration, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. Planning is concerned with land use in the public interest. The key focus of overarching policy is to provide opportunities for holistic change by promoting a move away from landfill, promoting the decentralization of energy production, and by reducing the reliance on primary won fossil fuels such as oil, coal and gas.

## **9. Recommendation**

9.1 It is recommended that planning permission be granted subject to the following conditions.

### **Conditions**

1. The development hereby permitted shall be commenced within three years of the date of this permission. Written notification of the date of commencement shall be sent to the mineral planning authority within seven days of commencement.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 and to enable the mineral planning authority to monitor the development

2. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information (including details on the proposed materials) provided on the application form and the following plans/drawings/documents:

SCC/3777/2020

Application form 22 December 2020, certificates and fee

Covering letter 22 December 2020

Supporting statement and appendices A, B, C, D, E, F, G dated 22 December 2020

Drawing number 803A/001 Location Plan  
Drawing number 803A/002 Site Plan  
Drawing number 803A/003 Topographical Survey  
Drawing number 803A/004 Phase 1 Working Plan  
Drawing number 803A/005 Phase 2 Working Plan  
Drawing number 803A/006 Restoration Plan  
Drawing number 803A/007 Sections Phase 1  
Drawing number 803A/008 Sections Phase 2  
Drawing number 803A/009 Restoration Sections  
Email re vehicle trips dated 11/03/2021

SCC/3940/2022

Application form dated 21 April 2022

Planning statement dated 21 April 2022

Transport statement dated April 2022

Reason: To define the permission.

3. This permission shall be limited to a period expiring on 31 December 2035. There shall be no working of building stone on the site after that date and the site shall be fully restored in accordance with the submitted details by 31 December 2036.

Reason: To ensure that the development is carried out in accordance with the application and to ensure that the site is satisfactorily restored within a reasonable timescale and in accordance with Policy SMP8 of the Somerset Minerals Plan 2015-2030.

4. In the event of the cessation of winning and working of minerals prior to 31 December 2035 which, in the opinion of the mineral planning authority, constitutes a permanent cessation within the terms of paragraph 3 of schedule 9 of the Town and Country Planning Act 1990, a restoration and aftercare scheme shall be submitted in writing to the mineral planning authority within 6 months of the cessation. Once approved the restoration scheme shall be fully implemented within 6 months from the date of approval and aftercare shall be carried out for a period of five years after the completion of restoration.

Reason: To ensure that the site is restored to a beneficial after-use in a timely manner to protect local amenity and in accordance with Policy SMP8 of the Somerset Minerals Plan 2015-2030.

5. No operations or uses authorised or required by this permission shall be carried out on the site except between the following times:-

\*0800 hours and \*1700 hours Mondays to Fridays

There shall be no working on Saturdays, Sundays, Bank Holidays or National holidays

Reason: To protect the amenity of the local area and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030 and Policy EQ7 of the South Somerset District Local Plan 2006-2028.

6. No waste other than waste stone derived from the application site shall be deposited on the site.

Reason: To define the extent of this permission and to protect the visual amenity of the area in accordance with Policy DM1 of the Somerset Minerals Plan 2015-2030 and Policy EQ2 of the South Somerset District Local Plan 2002-2028.

7. No vehicles used in connection with the development hereby permitted shall enter or leave the site except between the following times:-

0800 hours and 1700 hours Mondays to Fridays;

There shall be no vehicle movements on Saturdays, Sundays, Bank Holidays or National Holidays.

Reason: To protect the amenity of the local area and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030 and Policy EQ7 of the South Somerset District Local Plan 2006-2028.

8. The total output of materials from the site shall not exceed 1,500 tonnes in any calendar year. The operator shall retain such records as necessary to demonstrate the amount of material that has been removed and shall provide them on request to the mineral planning authority.

Reason: To minimise the likelihood of disturbance from the development and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030 and Policy EQ7 of the South Somerset District Local Plan 2006-2028.

9. Any surface water runoff during operation shall be discharged at a rate and volume no greater than greenfield runoff rates and volumes, and post operation (restoration) the site shall be restored to greenfield conditions including the provision of any drainage measures that are necessary to achieve this.

Reason: To ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the mineral planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the mineral planning authority). The remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policy EQ7 Of the South Somerset District Local Plan 2006-2028.

11. The development hereby approved shall be carried out in strict accordance with the scheme for prevention of pollution during the construction and operational phases of development approved on 12 August 2021 under reference SCC/3777/2020/Cond11. The scheme includes details of the following:

1. Site security.

2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.
7. Any facilities for the storage of oils, fuels or chemicals associated with this development

The scheme shall be implemented in full throughout the duration of the development.

REASON: To prevent pollution of the water environment and in accordance with Policy EQ7 of the South Somerset District Local Plan 2006-2028

12. No winning and working of minerals shall take place below the water table.

Reason: Working below the water table would require more detailed consideration of impact on groundwater.

13. The development hereby approved shall be carried out in strict accordance with the details of materials and design of any floodlighting approved on 18 August 2021 under reference SCC/3777/2020/Cond13.

Reason: To minimise disturbance to bats and to protect the amenity of the local area in accordance with Policies EQ4 and EQ7 of the South Somerset District Local Plan 2006-2028.

14. Trees, shrubs and other plants shall be planted in accordance with the details set out in the application documents within the first planting season following commencement of the development and measures for their protection in the course of the development, shall be implemented as described in the details supplied under reference SCC/3777/2020/Cond 14 and approved on 30 September 2021. For a period of five years following their planting the trees/shrubs shall be protected and maintained, and any trees/shrubs which die, or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size and species, unless the County Planning Authority gives written approval to any variation.

Reason: To protect amenity, biodiversity and amenity interests in the local area and in accordance with Policy DM1 of the Somerset Minerals Plan 2015-2030 and Policy EQ2 of the South Somerset District Local Plan 2006-2028.

15. For the duration of the development hereby permitted, existing hedges and trees around the application site boundary shall be retained and maintained.

Reason: To protect amenity interests in the local area and in accordance with Policy DM1 of the Somerset Minerals Plan 2015-2030 and Policy EQ2 of the South Somerset District Local Plan 2006-2028.

16. The development hereby approved, including ground works and vegetation clearance, shall take place strictly in accordance with the environmental management plan (EMP:Biodiversity) approved under reference SCC/3777/2020/Cond16 on 27 September 202, which includes the following:-

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones", including hedgerow and tree buffer zones marked by suitable fencing or barriers,
- c) The location and timing of sensitive works to avoid harm to biodiversity features,
- e) The times during construction when specialist ecologists need to be present on site to oversee works,
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority,
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person,
- h) Use of protective fences, exclusion barriers and warning signs,
- i) Ongoing monitoring, including compliance checks by a competent person during construction and immediately post completion of construction works

The approved EMP shall be adhered to and implemented throughout the duration of the development strictly in accordance with the approved details

Reason: In the interests of European and UK priority species and habitats listed on section 41 of the Natural Environment and Rural Communities Act 2006, and to ensure that adequate measures are put in place to avoid or manage the risk of pollution during construction and operation of the proposed development in accordance with policies DM3 and DM7 of the Somerset Waste Core Strategy 2013



17. The development hereby approved shall be carried out strictly in accordance with the biodiversity enhancement plan (BEP) approved on 17 September 2021 under reference SCC/3777/2020/Cond17. including provision of the following:

a) Two bat boxes (Schwegler 1FF) shall be installed onto mature trees at the boundaries of the site to enhance roosting opportunities.

b) One no. Schwegler 1B and one no. Schwegler 2H bird boxes shall be installed onto retained trees at the boundary

c) Installation of two Schwegler no 10 swallow nesting cups or similar shall be erected on to a main beam of the open-sided building near the entrance to the site at a height above three metres.

d) The hedgerows on the site will be cut on a three-year rotation allowing sections to mature to a height of at least three metres following the principles set out in "How to Manage a Hedgerow for Wildlife - The Wildlife Trusts".

Reason: In accordance with Government policy for the enhancement of biodiversity within development sites as set out in paragraph 170(d) of the National Planning Policy Framework and the Environment Bill 2020.

18. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, in accordance with the details approved under reference SCC/3777/2020/Cond18 on 14 September 2021. The approved scheme shall be maintained and implemented until the use of the site discontinues.

Reason: In the interests of highway safety and to protect the amenity of the local area and in accordance with Policy TA5 of the South Somerset District Local Plan 2006-2028.

19. Notwithstanding the provisions of part 6, class C and part 17 of schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking, re-enacting or modifying that order, which relate to mineral working for agricultural purposes and development ancillary to mining operations, there shall be no development or activity at this site additional to that specified in this planning permission.

Reason: To enable the mineral planning authority to adequately control the development according to the submitted application and to minimise disturbance to the local area.

20. The development hereby approved shall be carried out strictly in accordance with the dust control and mitigation scheme approved on 31 August 2021 under reference SCC/3777/2020/Cond20 which includes:

- minimising drop heights when returning waste stone to the site;
- impact of wind direction on the risk of dust escaping the site boundaries towards residential properties;
- frequency of visual assessments for dust, recording of the assessments and required actions;
- complaint handling procedures including measures for review of the scheme in response to those complaints.

The approved scheme shall be fully implemented from the time the development hereby permitted is first brought into use and shall be

maintained in full for the duration of the development hereby permitted.

Reason: To protect the amenity of the local area and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030 and Policy EQ7 of the South Somerset District Local Plan 2006-2028.

21. The development hereby approved shall be carried out strictly in accordance with the scheme approved on 30 September 2021 under reference SCC/3777/2020/Cond21, setting out measures to minimise noise impact, including:

no mechanical breaking of stone

No mechanised screening of stone

plant and machinery shall be operated and maintained to minimise noise and fitted with silencers in accordance with the manufacturer's specification

no tonal reverse warning devices shall be used

The approved scheme shall be implemented in full throughout the duration of operations.

Reason: To protect the living conditions of nearby residents and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030 and Policy EQ7 of the South Somerset District Local Plan 2006-2028

22. Noise levels during arising from site operations shall not exceed an Laeq(1-hour) level of 46dB free field at the boundary of any residential dwelling present at the time of this planning permission.

Reason: To protect the living conditions of nearby residents and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030 and Policy EQ7 of the South Somerset District Local Plan 2006-2028

23. No topsoil or sub soil shall be removed from the site. All soils stripped from the excavation area shall be stored separately to prevent mixing and shall be protected from contamination until required. Topsoil, subsoil and overburden stores shall not exceed three metres in height and shall be graded, seeded with grass and subject to weed control.

Reason: To ensure availability of sufficient and suitable restoration materials to restore the site once mineral extraction has been completed and in accordance with Policy SMP8 of the Somerset Minerals Plan 2015-2030

24. Within three months of the completion of winning and working of minerals an aftercare scheme detailing such measures as may be required to bring the land to a condition suitable for agricultural after-use shall be submitted for the approval of the mineral planning authority. The scheme shall include - details of cultivation, seeding and management of grassland in accordance with the rules of good husbandry

- fertiliser and lime application based on soil analysis
- grazing management
- field water supplies
- ditch, water course and piped drainage systems to manage surface water run-off and prevent soil erosion

provision for an annual review to consider the operations that have taken place in the preceding 12 months and the programme of management for the next 12 months. The parties to the review shall be the mineral planning authority, the site owner and site operator together with any other organisation or body that may be required to advise on the aftercare.

- At least four weeks before the date of each review, the operator shall provide the mineral planning authority with a written record of the operations and management covered by the review.

Once approved the scheme shall be carried out in full for a period of five years.

Reason: To ensure satisfactory aftercare takes place and the site is returned to beneficial use and in accordance with Policy SMP8 of the Somerset Minerals Plan 2015-2030

## **INFORMATIVES**

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

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

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 Minerals Plan Development Plan Document up to 2030, adopted February 2015

South Somerset Local Plan 2006-2028

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

SMP 5: Proposals for the extraction of building stone

DM9: Minerals transportation

DM8: Protecting local amenity

3 The County Planning Authority has also had regard to all other material considerations.

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

In dealing with this planning application the County 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, Minerals Local Plan 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 County Planning Authority has

sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.

The proposal is in accordance with the Development Plan and in particular the following policies:

5 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.

6 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.

7 The applicant's attention is drawn to the attached comments of the Environment Agency and Lead Local Flood Authority, which are included for information / action.