

**Somerset County Council**  
**Regulation Committee – 10 February 2022**  
**Report by Service Manager - Planning & Development, Enforcement & Compliance**

**Application Number:** SCC/3854/2021

**Date Registered:** 22 December 2021

**Parish:** Evercreech Parish Council,

**District:** Mendip District Council

**Member Division:** Mendip South,

**Local Members:** Councillor Claire Sully, Councillor Alex Wiltshire

**Case Officer:** Ruth Amundson

**Contact Details:** [planning\\_control@somerset.gov.uk](mailto:planning_control@somerset.gov.uk)

**Description of Application:** Section 73 application to vary conditions 2 (approved plans), 3 (noise mitigation) and 4 (night time noise limit) in respect of planning permission reference 2017/3147/CNT (section 73 application to amend condition 2[approved plans and specification], 3 [noise mitigation] and 5 [dust control] in respect of planning permission 2013/2083 for the construction of an Anaerobic Digestion plant)"

**Grid Reference: Easting** - 363548, **Northing** - 137105

**Applicant:** BioConstruct,

**Location:** Unit 22, Evercreech Junction, Shepton Mallet, Somerset, BA4 6NA

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

The key issues to consider are:

- The principle of development and policy context
- Does the proposal represent sustainable development
- Impact of the proposal on the highway network
- Impact of the proposal on residential amenity – noise, odour and dust
- Impact of the proposal on landscape character and visual amenity

**It is recommended that:**

1. **planning permission be granted subject to the conditions set out in section 10 of this report and subject to a deed of variation being agreed to the existing section 106 obligation relating to highway improvements.**
2. **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.**

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

2.1 The site is located at the northern end of Evercreech Business Park. The business park was developed on former railway land (a station and marshalling yard) and comprises a number of businesses, including the Evercreech waste transfer station on land to the south of the application site. Access to the business park is directly from the A371.

2.2 The village of Evercreech lies 1.4 kilometres to the north east of the site, the Bath and West Showground 2.15km to the north and the village of Ditchat approximately 1.05km to the south west. The town of Shepton Mallet lies 6km to the north. The application site is set within an agricultural land, with fields to the north and west. Industrial, retail, storage, transport and other uses occur in the developed areas to the south and east.

2.3 The proposed AD plant site is a relatively level parcel of land extending to about 1.6ha, with landscaped bunds topped by fences to the northern and western boundaries. The AD facility is under construction.

## **3. The Proposal**

3.1 The application seeks to vary conditions attached to the substantive permission for the site following a change in technology.

3.2 The application seeks to vary conditions 2, 3 and 4, which are set out below.

### ***Condition 2***

*The development hereby permitted shall be carried out in strict accordance with the approved plans and specifications [as listed below and as varied by the non-material amendments dated 8 September 2017 and 26 November 2018 and the S73 application hereby approved], and with any scheme, working programme or other details submitted to and approved in writing by the Waste Planning Authority in pursuance of any condition attached to this permission.*

*Application Documents List:*

*(i) Planning Application form;*

*(ii) 'Design and Access Statement' (GP Planning, September 2013);*

*(iii) 'Planning Statement' (GP Planning, September 2013), including,*

- Appendix 3 Anaerobic Digestion Process Diagram;*
- Appendix 4 Feedstock Report;*
- Appendix 5 Grid Connection Information; and*
- Appendix 9 Interpretative report on Ground Investigation.*

*Evercreech AD Plant 3 Job No. 26195/Rev C*

*BioConstruct December 2021*

*(iv) 'Air Quality Assessment for a Proposed AD Facility Near Evercreech, Somerset' (GFE Environmental, September 2013);*

*(v) 'Preliminary Ecological Appraisal – Evercreech Junction AD Plant' (Scales Consultancy Ltd, 5 September 2018);*

*(vi) 'Flood Risk Assessment for Tamar Energy, Anaerobic Digestion Facility, Evercreech' (Craddy Pitchers Davidson, Ref. 9722w001, September 2013);*

*(vii) 'Proposed Anaerobic Digestion Facility, Evercreech - Landscape and Visual Assessment' (Nicholas Pearson Associates, ref. TE/NPA/10678, September 2013);*

*(viii) 'Highways and Traffic' (December 2018);*

*(ix) Drawings and Illustrations*

- 'Site Location Plan' (GP Planning, ref. GPP/TE/E/13/01rev1, 1:25000@A4);*
- 'Site Plan' (GP Planning, ref. GPP/TE/E/13/02rev2, 1:5000@A3);*
- 'Site Context Plan Including Distances to Properties' (GP Planning, ref. GPP/TE/E/13/04rev1, 1:5000@A3);*
- 'Site Context Plan Including Aerial Photograph' (GP Planning, ref. GPP/TE/E/13/05rev1, 1:5000@A3);*
- 'Site Layout (Existing)' (Jones AD, ref. 13017\_01, 1:500@A2);*
- 'Site Layout' (Qila Energy, ref. 13017\_02 revP11, 1:500@A2);*
- 'Site Layout Plan' (Qila Energy, ref. G021A3 revR3, 1:500@A3);*
- 'Site Elevations' (Qila Energy, ref. 13017\_03 revR7, 1:250@A1);*

- 'Site Sections' (Qila Energy, ref. 13017\_04 revR7, 1:250@A1);
- 'Reception Building' (Qila Energy, ref. 13017\_RB1, 1:200@A2); and
- 'Vehicle Movements' (Qila Energy, ref. 13017\_V1, 1:500@A2)

(x) 'Odour Management Information Note' dated 8 November 2013 and updated November 2017 and December 2018.

*Reason: To enable the Waste Planning Authority to deal promptly with any development not in accordance with the approved plans.*

**Condition 3**

*The proposed combined heat and power (CHP) units shall not be brought into operation until:*

*(a) a screening fence has been constructed in accordance with the specification provided in the Site Layout Plan ref. G021A3 revision R3, and this fence shall be retained for the duration of the development hereby permitted;*

*(b) detailed specifications of the proposed CHP units and exhaust silencers have been submitted to and approved by the Waste Planning Authority.*

*Reason: In the interests of the residential amenities of the area.*

**Condition 4**

*Noise emissions during the hours of 2300-0700 from the development hereby permitted shall be limited to a maximum free field level of Leq (15min) 25 dB(A) when measured at an exposed bedroom window of any residential property.*

*Reason: In the interests of the residential amenities of the area.*

3.3 The proposals include minor changes to the layout of the site and to the buildings and finishing materials. The number of CHP units would be reduced from 3 to 1 and the reception building would be redesigned to increase the floor area from 1,496m<sup>2</sup> to 1,726m<sup>2</sup>, to completely clad the building in Juniper Green clad sheeting, to increase the number of roller shutter doors from 5 to 7 and to introduce 7 personnel doors / fire exits.

3.4 In addition, the applicant seeks to omit an acoustic bund from the development, and to increase the 25 decibel night time limit in condition 4 to 38 decibels.

3.5 The proposals are summarised below.

No.	Item	Change
1	Weighbridge	Minor position change
2	Weighbridge Office / Ancillary Building	Design and minor position change
3	Car Parking Spaces	Position change and reduction from 7No. to 5No. parking spaces
4	Odour Control Filter	Design change and repositioned
5	Reception Building	Design change
6	Transformer	Minor position change
7	Substation	Minor position change
8	LV Board	Minor position change
9	Buffer Tank (Heating System)	New addition
10	CHP Engine	Position change and reduction from 3No. to 1No.
11	Boiler	New addition
12	Emergency Generator	New addition
13	Gas Upgrading Unit	Minor design and position change
14	Grid Entry Unit	Minor position change
15	Propane Tanks (10.00m Exclusion Zone)	Minor design and position change
16	Flare (10.00m Exclusion Zone)	Minor design and position change
17	Digestate Storage Tank (20.00mØ)	Position change, size and number reduced
18	Fire Safety Tank	New addition
19	Pre-Storage Tank	Position change
20	Buffer Tank (12.00mØ)	New addition
21	Fermenter Tank (3No. @ 20.00mØ)	Reduced number of tanks and position change
22	Technical Building	New addition, replacing the control room
23	Post Fermenter Tank (2No. @	New addition in location of previous

	24.00mØ)	Digester Tanks
24	Gas Processing Unit, Pasteurisation Tank (3No.), Technical Container	New position and minor design change
25	Reception Tank for Ferric Chloride	New addition
26	Bund Gate Minor position change	
27	Oxygen Generator Room	New addition
28	External Containment Floor Sumps	Below ground drainage element
29	Condensate Pit (1.00mØ)	New addition, below ground system

## 4. Background

4.1 Permission was granted in 2015 for an AD facility at the site, reference 2013/2083. Following a change in the technology to be employed at the plant permission was granted in 2020 to vary the conditions, reference 2017/3147/CNT, to allow for a new site layout. The current application has been made due to a further change in the technology.

4.2 A separate application was submitted, reference SCC/3866/2021, to amend a planning obligation in respect of the timing of highway improvement works required under the previous permission. This is being dealt with by the service manager under the scheme of delegation.

## 5. The Application

5.1 Documents submitted with the application:

- Application form
- Site location plan
- Drawings, plans and sections showing the proposed changes
- Design and access statement
- Specifications of plant and machinery used in the process
- Odour abatement specification and statement
- Noise impact assessment

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

The AD facility falls within schedule 2 11(b) – installations for the disposal of waste. The previous planning permission was assessed under the 2017 EIA Regulations. Since then the 2020 Regulations have come into effect; however it is noted that the current application would be considered the same under either the 2017 or 2020 EIA Regulations. It is clear that the current proposal should be considered under Schedule 2, 13(b) *'Any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed.'* The 2020 EIA Regulations require that the proposal be screened for EIA if *'The development as changed or extended may have significant adverse effects on the environment'*, and so it is considered that the development must be screened.

It is considered that this report demonstrates that the current proposal would generate broadly similar effects to that which was previously permitted under reference 2017/3147/CNT, and it is therefore concluded that the development as changed would not be likely to have significant effects on the environment. Consequently, the proposed development is considered to be Schedule 2 development, but not EIA development. An Environmental Statement is not therefore required.

## **7. Consultation Responses Received**

### External Consultees

#### 7.1 Mendip District Council

No objection raised following the submission of additional information.

#### 7.2 Environment Agency

No response received.

Comment: The AD facility will operate under an environmental permit issued by the EA which will regulate the process to minimise any environmental effects.

#### 7.3 Ditcheat Parish Council

No objection raised following the submission of additional information

#### 7.4 Evercreech Parish Council

We support Somerset County Council's original conditions set on this application in 2017, the evidenced conditions were put in place with good reason re close proximity of residential properties and should not be amended/changed. We therefore recommend refusal.

#### 7.5 East Pennard District Council

No response received

### Internal Consultees

#### 7.8 None.

## Public Consultation

7.10 The application was advertised by means of a site notice and letters to 74 houses and businesses near the site.

7.11 Twenty six representations were received raising concern about the proposal. The matters raised included noise and the need to retain controls over night time noise, dust, air pollution, dust, light pollution, odour, effect on health of local residents, traffic and traffic noise, the height of the flue and lack of monitoring of the facility. The letters raised objection to the removal of controls over these matters.

Comment: The current application seeks to make minor variations to the site layout and associated plant / machinery because of a change in the technology proposed to be used. The application also proposes to remove a requirement for a noise attenuation fence and this is discussed below. In terms of the other matters raised, the environmental permit would regulate the processes involved to minimise effects on the environment, including air pollution. It is proposed that other conditions and mitigation measures that applied to the previous permission be carried over to any new permission granted. Guidance in the NPPF (paragraph 188) and NPPW (paragraph 7) advises that decisions on planning applications should focus on whether a proposal is an acceptable use of land and should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

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

8.1 The key issues for Members to consider are:-

- The principle of development and policy context
- Does the proposal represent sustainable development
- Impact of the proposal on the highway network
- Impact of the proposal on residential amenity – noise, odour and dust
- Impact of the proposal on landscape character and visual amenity

### **8.2 The Development Plan**

The Somerset Waste Core Strategy Development Plan Document up to 2028. Adopted February 2015.

Mendip Local Plan 2006 to 2029, part 1 adopted December 2014, part 2 adopted December 2021.



### **8.3 Material Considerations**

National Planning Policy Framework 2021

National Planning Policy for Waste October 2014

National Planning Policy Guidance

## **9. Analysis**

### **9.1 The principle of development and policy context**

9.1.1 Permission was granted in 2013 for an AD facility at the site. In 2017 permission was granted for amendments to the facility to facilitate new technology. The Somerset Waste Core Strategy was adopted in February 2013 and has not changed since that permission was granted. The 2017 permission has been lawfully implemented and development could continue under that permission but the current application seeks further amendments to take account of different technology now proposed to be used.

9.1.2 The Mendip District Plan part 1 was adopted in 2014 and the same policies apply as when permission was granted for the AD facility in 2017. Part 2 of the plan was adopted in 2021 and deals with site specific allocations, but policy DP25 continues to support integrity of productivity of Mendip's established employment areas in the towns and rural areas, including at Evercreech Junction.

9.1.3 The National Planning Policy for Waste was published in 2014 and has not changed since the previous permission for an AD facility at the site. The National Planning Policy Framework was last revised in 2021 but continues to support planning decisions in line with the development plan.

9.1.4 In principle, the proposal is in line with the development plan and there is an established fall-back position. The main consideration is the effect of the proposed changes in terms of its impact on the amenity of the surrounding area, particularly with regard to noise.

### **9.2 Sustainable development**

9.2.1 Policy SD1 of the Somerset Waste Core Strategy states that planning permission will be granted, without delay, for proposals that improve the economic, social and environmental conditions in the area, unless material considerations indicate otherwise. The Mendip District Local Plan also has sustainability as a central theme that underpins the local policy context.

9.2.2 In this particular case, it is considered that the following assessment demonstrates that the proposal represents sustainable development, by reason that it satisfies the relevant planning policies within the Development Plan. Consequently, it is considered that the proposal accords with Policy SD1 of the Somerset Waste Core Strategy.

### **9.3 Impact of the proposal on the highway network**

9.3.1 It is not proposed to increase throughput of waste at the site and the proposed changes do not materially alter the capacity of the AD plant. The vehicle trips associated with the plant were previously assessed to be acceptable and the Highway authority has raised no objection to this application.

9.3.2 The 2017 application was subject to a section 106 agreement that required highway improvement works, including a right turn lane into the business park from the A371. These works will continue to be required as part of the development now proposed. Consequently, a Deed of Variation will need to be prepared by the Council and signed by all parties to ensure that the provisions of the Section 106 agreement apply equally to the development proposed in the event that planning permission is granted.

9.3.3 The impact of the proposal on highway safety and capacity is considered to be acceptable and there is no conflict with SWCS policy DM6, which states that planning permission will be granted where the proposed development would not have a detrimental impact on the local and strategic highway network, suitable access is deliverable and alternatives to road transport have been considered.

### **9.4 Impact of the proposal on residential amenity – noise, odour and dust**

#### Noise

9.4.1 The nearest houses are located at a distance of some 300 metres from the site, which is surrounded by bunds up to 5 metres in height along the northern and western boundaries. In addition, the land rises steeply near the eastern site boundary, so that there is a difference in levels of approximately 3 metres between the site and the land to the immediate east. Nevertheless, a number of objections have been received from residents in Evercreech, Ditchat and from properties along the A371 to the east.

9.4.2 SWCS policy DM3 states that permission will be granted for waste management development provided that it has been demonstrated that it will not generate significant adverse impacts from noise, dust vibration, odour emissions, illumination, visual intrusion or traffic. A noise impact assessment has been provided which has been assessed by Mendip District Council environmental health department. The assessment concludes that an acoustic barrier would not be beneficial given the existing screening from the site's topography and intervening buildings and the height of the CHP exhaust which is presumed to be the dominant noise source. The application, therefore, seeks to remove this requirement of the 2017 permission.

9.4.3 Having regard to the advice received from Mendip District Council and subject to a condition requiring the combined heat and power (CHP) unit to operate unless in accordance with the specifications of the CHP unit and exhaust silencers submitted with this application, it is considered that the proposed change to condition 3 would not result in a significant adverse effect on the amenity of residential properties near the site.

9.4.4 The application originally also sought to change condition 4, which sets a night time noise limit of 25 decibels, on the grounds that that the 25dB limit currently set is more stringent

a condition than is necessary to demonstrate that the plant will not have adverse impacts on residential amenity in line with BS8233:2014 and WHO guidelines. The application proposed a residual noise level of 38dB measured at an exposed bedroom window of any residential property.

9.4.5 However, Mendip District Council objected to this change. A revised dBx Acoustics' report and modelling was submitted by the applicant which concludes that it is possible to meet the 25dB(A) limit with the proposed mitigation in place. There is no longer a requirement to vary Condition 4 and the applicant has withdrawn that part of the proposal.

#### Odour

9.4.6 An odour mitigation specification has been provided.

9.4.7 In addition to the above, it is noted that the operation of the site will be strictly regulated by the Environment Agency, including the processes that are associated with odour. The National Planning Policy Framework (NPPF) makes clear that local planning authorities should not focus on the control of processes or emissions themselves where these are subject to approval under pollution control regimes and that local planning authorities should assume that these regimes will operate effectively. The environmental permit would ensure that an adverse impact in terms of odour would not be experienced by residential properties and businesses near the site.

9.4.8 A condition attached to the extant planning permission requires an Odour Control Scheme to be submitted to, and approved by, the Waste Planning Authority prior to the receipt of materials for processing. This condition would be carried forward to any new permission granted, with the result that the Waste Planning Authority would retain control in respect of any adverse effects relating to odour.

#### Dust

9.4.9 A Dust Management Plan dated November 2017 was submitted as part of the 2017 application. The document considered each element of the proposed operation that would potentially generate dust, and sets out the measures that would be used to control these adverse effects. The Dust Management Plan was independently reviewed and found to be satisfactory. a condition would be attached to any new planning permission to require the operation of the site in accordance with a Dust Management Plan

9.4.10 Taking account of the above, it is concluded that any potential dust emissions associated with the proposal could be effectively mitigated.

#### Illumination

9.4.11 A condition attached to the 2017 permission required details of lighting to be submitted for the approval of the local planning authority and that lighting should be limited to operational hours and the period 30 minutes before and after those hours. This condition would be carried forward to any new permission granted.

The application demonstrates that the potential adverse effects of noise, dust, light pollution and odour can be minimised and effectively mitigated. The proposal would not cause adverse

effects on the amenity of those living or working near the site and is in accord with SWCS policy DM3.

## 9.5 Impact of the proposal on landscape character and visual amenity

9.5.1 The proposed changes to the approved scheme are outlined at section 3 of this report. A number of changes are proposed but they are considered to be minor and the overall character and appearance of the development would not be materially altered. The changes would not significantly change the scale or massing of the plant previously approved and the proposed plant would not have a greater impact on the landscape or visual amenity than the previously approved scheme.

## Conclusion

Having regard to the matters considered above, it is considered that the application has demonstrated that the proposed changes would not have a significantly greater impact on the environment or on the amenity of those living and working near the site than the development previously approved. Any adverse effects can be mitigated to acceptable levels and the proposal is consistent with the relevant policies in the development plan and national planning policy guidance.

## 10. Recommendation

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

### Conditions

#### 1 Completion of Development

The development hereby permitted shall be carried out in strict accordance with the approved plans and specifications [as listed below and as varied by the non-material amendments dated 8 September 2017 and 26 November 2018 and the S73 application reference 2017/3147/CNT], and with any scheme, working programme or other details submitted to and approved in writing by the Waste Planning Authority in pursuance of any condition attached to this permission.

Application Documents List:

- (i) Planning Application form;
- (ii) 'Design and Access Statement' (GP Planning, September 2013);
- (iii) 'Planning Statement' (GP Planning, September 2013), including,
  - Appendix 3 Anaerobic Digestion Process Diagram;
  - Appendix 4 Feedstock Report;
  - Appendix 5 Grid Connection Information; and
  - Appendix 9 Interpretative report on Ground Investigation.
- (iv) 'Air Quality Assessment for a Proposed AD Facility Near Evercreech, Somerset' (GFE Environmental, September 2013);
- (v) 'Preliminary Ecological Appraisal – Evercreech Junction AD Plant' (Scales Consultancy Ltd, 5 September 2018);

(vi) 'Flood Risk Assessment for Tamar Energy, Anaerobic Digestion Facility, Evercreech' (Craddy Pitchers Davidson, Ref. 9722w001, September 2013);  
(vii) 'Proposed Anaerobic Digestion Facility, Evercreech - Landscape and Visual Assessment' (Nicholas Pearson Associates, ref. TE/NPA/10678, September 2013);  
(viii) 'Highways and Traffic' (December 2018);

(ix) Drawings and Illustrations

- Drawing no. 26195/151– Site Location Plan.
- Drawing No. 26195/606 Rev 0 – 2017 S73 Planning Layout with 2021 S73 Planning Layout Overlay'
- Drawing No. 26195/640 Rev D – Proposed Site Sections'.
- Drawing no. 2619/620 rev B Proposed Reception building
- Drawing no. 26195/640 Odour control filter and stack
- Drawing no. 26195/610 revA – CHP unit/site layout
- 'Vehicle Movements' (Qila Energy, ref. 13017\_V1, 1:500@A2)

(x) 'Odour Management Information Note' dated 8 November 2013 and updated November 2017 and December 2018 and odour abatement specification 2021.

Reason: To enable the Waste Planning Authority to deal promptly with any development not in accordance with the approved plans.

xi) Email from Plandescil dated 6 October 2022 re condition 4.

xii) Design and access statement December 2021

## 2 Noise Mitigation

The combined heat and power (CHP) unit hereby approved shall not be operated except in accordance with the detailed specifications of the CHP unit and exhaust silencers provided with the application.

Reason: In the interests of the residential amenities of the area.

## 3 Noise Limit

Noise emissions from the development hereby permitted shall be limited to a maximum free field level of Leq (15min) 25 dB(A) when measured at the boundary of any residential property.

Reason: In the interests of the residential amenities of the area

## 4 Dust Control

The development hereby permitted shall be carried out in accordance with the approved Dust Management Plan dated November 2017 for the duration of the development hereby permitted.

Reason: In the interests of the residential and ecological amenities of the area.

## 5 Deliveries

No deliveries to or from the development hereby permitted shall enter or leave the site except between the following times:-

0700 hours and 1800 hours Mondays to Fridays; and

0800 hours and 1330 hours Saturdays.

No deliveries shall enter or leave the site on Sundays, Bank Holidays or National Holidays.

Reason: To minimise disturbance to neighbours and the surrounding area.

## 6 Highway Works

The development hereby approved shall not be brought into use until a Travel Plan has been submitted to and approved, in writing, by the Local Planning Authority. The Travel Plan shall include a scheme to measure, on an annual basis in perpetuity, the actual level of traffic generated from the site. It shall also make clear that, in the event of the level of traffic exceeding a defined amount, a right-hand turn lane shall be constructed on the A371 to access the Evercreech Junction Industrial Area, in accordance with the details approved through application 2013/2083 and in accordance with the timescale agreed and set out in the Travel Plan. The development shall thereafter be carried out in accordance with the approved Travel Plan including, if necessary, the construction of the right-hand turn lane.

Reason: In the interests of highway safety.

## 7 Odour Control

Prior to the receipt of materials for processing within the development hereby permitted, an Odour Control Scheme shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall consider and minimise the release of odours from the site as a result of the delivery, storage and movement of agricultural materials for processing at the site. Thereafter the development shall be undertaken fully in accordance with the scheme so approved.

Reason: In the interests of the residential amenities of the area.

## 8 Lighting

(i) Prior to their installation details of the external lighting units to be mounted on the reception building shall be submitted to and approved in writing by the Waste Planning Authority. Thereafter the development shall be undertaken fully in accordance with the scheme so approved.

(ii) No external lighting shall be operated at the site except within the permitted operating hours and the 30 minutes immediately before and after those hours.

Reason: To reduce the visual impact of the development and minimise nightglow in the interests of the amenities of the area.

## 9 Landscaped Bunds

No trees or shrubs on the boundary bunds shall be lopped, topped, or felled without the express written consent of the Waste Planning Authority. Any such trees or shrubs removed without consent, or being severely damaged as a result of the development/operations hereby permitted at the site, shall be replaced with trees/shrubs of similar species (of an appropriate size and suitable species fit for purpose) in the planting season immediately following any such occurrence. For a period of five years following any replacement planting the new 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 other of similar size and species. Only where it is impractical to replace an existing mature tree/shrub that has been lost as a result of the development hereby permitted, or where prevailing conditions indicate replacement planting of like for like would be certain to

fail, shall replacement planting with other species (of an appropriate size and suitable alternative species fit for purpose) be planted in the first planting season following any such loss of planting.

Reason: To minimise the visual impact of the development and to maintain the landscape character and biodiversity of the locality.

## **11. 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 policies in the development plan particularly relevant to the proposed development are:-

Somerset waste Core Strategy development plan document – adopted February 2013

DM3 – Impacts on the environment and local communities

DM6 – Waste Transport

SD1 – Presumption in favour of sustainable development

Mendip District Local Plan 2006-2029 Part I: Strategy and Policies adopted December 2014

- DP1: Local Identity and Distinctiveness
- DP4: Mendip's Landscapes
- DP7: Design and Amenity of New Development
- DP8: Environmental Protection
- DP9: Transport Impact of New Development

Mendip District Local Plan 2006-2029 Part 2: Sites and Policies adopted December 2021

- DP25 : Employment Land

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.