

By E-mail only

Our ref: EPR/FP3924SK/P001

Date: 11/03/24

Dear Nick,

Environmental Permitting – Recovery vs Disposal assessment of a waste recovery plan

Pre-application reference: EPR/FP3924SK/P001

Prospective applicant name: Castle Hill Quarry Co. Ltd

Site name and address: Old Golf Course Extension of Castle Hill Quarry, Cannington, Bridgwater, Somerset TA5 2QF

You have submitted information to us that includes your assessment that the activity you wish to undertake at your site amounts to a recovery operation.

We have now considered your submission and we would like to advise you that:

We agree with your assessment that your activity is a recovery operation. This advice is based on the information you have provided to support that the waste is being used as a substitute for non-waste material plus details in relation to waste types and quantity and the purpose and nature of the proposal. If you change any of this information between now and when you submit an application, this advice may no longer apply.

Please note that the advice contained in this letter is not in itself a permitting decision or an indication that a permit will be granted or permit variation issued following submission of an application. Further assessment will take place during the permit determination stage and pre-application advice should be sought as required before preparing an application. See appendix for more information.

The following documents are considered to form the approved waste recovery plan:

Title	Reference (where applicable)	Date
Waste Recovery Plan for Old Golf Course Extension, Castle Hill Quarry, V2	WRP, ND/V2	08/03/2024

If you have any questions regarding our advice above please phone me or email NAME@environment-agency.gov.uk

Yours sincerely

Matt Tanner

Senior Permitting Officer

Appendix

Recovery vs Disposal advice

The Recovery vs Disposal (RvD) assessment of a waste recovery plan enables us to advise an applicant regarding whether or not we agree in principle that a proposed waste activity is a recovery operation to inform what type of permit would be required (recovery or disposal).

This assessment is discrete from the pre-application advice that would be provided to support the preparation of a permit application (see below) attracting a separate charge.

Our decision to grant a recovery permit or to issue a variation is subject to further assessment carried out during the permit determination stage. In the case of bespoke permit applications, this includes site-specific risk assessment based on the location of the site and technical requirements of the scheme.

For example:

- RvD assessment considers what waste types *may* be suitable, not what waste types *will* be deemed suitable following technical assessment of a permit application which would take into account the sensitivity of the site location and the proposed appropriate measures to be carried out. This is particularly relevant where non-inert wastes are to be deposited.
- RvD assessment considers whether it has been demonstrated that the scheme will be designed and constructed to be fit for purpose. Further technical assessment of the design and the construction methods and/or quality standards to be met may be carried out during permit determination.

If the permit that you are intending to apply for includes the application of waste to improve / enhance or maintain soil quality (landspreading), you must make this clear in your permit application and provide a benefit statement with your application that shows that the specific use of the waste is suitable and will provide no more soils and/or nutrients than the plants need. This is separate to the RvD assessment of the waste recovery plan.

If you plan to mix or blend waste or manufacture a soil substitute under the permit this should be made clear in the permit application as it is a separate activity that will need to be assessed during permit determination.

Pre-application advice on a recovery permit application

Prior to preparing and submitting an application for a recovery permit, you should review our deposit for recovery guidance (<https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits>) and consider seeking pre-application advice (<https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>).

You should use the paid for enhanced pre-application advice service to discuss your proposal if any of the following apply:

- your site is in a sensitive location (<https://www.gov.uk/guidance/landfill-operators-environmental-permits/plan-the-environmental-setting-of-your-site#sensitive-locations>)
- you are depositing waste on top of a landfill
- you are depositing waste into water
- hazardous waste is to be deposited as part of the scheme

- additional activities (such as landspreading or soil treatment) are intended to be included in the permit

Changes to your waste recovery plan

Before making changes to your proposal you should review our waste recovery plan guidance (<https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits>).

Castle Hill Quarry Co. Ltd



Castle Hill Quarry

Waste Recovery Plan for the Old Golf Course Extension.

8th March 2024 v2.



Notice

This document was produced by Land & Mineral Management for the Castle Hill Quarry Co. Ltd for the specific purpose of providing a Waste Recovery Plan for the Old Golf Course Extension of Castle Hill Quarry.

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Document Control

Version	Date	Author / Checked by	Change Description
Draft 1	25/10/2023	ND/SF	
Version 1	30/10/2023	ND	Submitted.
Version 2	08/03/2024	ND	Restrictions to Waste Code 19 12 12 included.

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Contents

- 1 Introduction1**
 - Recovery Operation1**
 - The Site1**
 - Environmental Permitting Requirements for Recovery Operation1**
 - Guidance1**

- 2 Waste Recovery3**
 - Purpose of the Works3**
 - Amount of Waste.....4**
 - Wastes Suitable for Use5**
 - Obligation for the Works.....6**
 - Operation to Appropriate Standard7**

- 3 Concluding.....8**

Drawings

Reference	Title
1	Location Plan
3	Topographical Survey
9	Final Restoration Plan Rev B
10	Maximum Extent of Extraction
11	As Existing and As Proposed Sections

Appendices

Appendix A	Planning Permission ref: SCC-3894-2021
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1 Introduction

Recovery Operation

- 1.1 This document is a Waste Recovery Plan (WRP) and provides confirmation that the use of waste for the restoration of the Old Golf Course Extension of Castle Hill Quarry, Cannington, Bridgwater, Somerset TA5 2QF constitutes a recovery operation, with 'waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function' (EC Guidance on Directive 2008/98/ED on Waste).
- 1.2 The recovery operation is required to restore the Old Golf Course Extension to accord with the approved restoration scheme, which requires the site to be restored to original ground levels in accordance with Planning Permission ref: SCC/3894/2021 dated 20th October 2023 in Appendix A.

The Site

- 1.3 Drawing 1 shows the location of Castle Hill Quarry which lies to the north west of the village of Cannington. The Old Golf Course Extension (the Site) is outlined in red which lies between Castle Hill and Cannington Park Quarries.
- 1.4 Drawing 3 provides a Topographical Survey plan which shows the site as existing. To the north of the Site is the Eastern Extension to Castle Hill Quarry outlined in mauve. To the west of the Site and the Eastern Extension are two Scheduled Monuments named 'Cynwit Castle' and the 'Settlement South East of the Cannington Park' which are an Iron Age hillfort and a Romano British settlement respectively.

Environmental Permitting Requirements for Recovery Operation

- 1.5 To undertake the necessary works by recovering inert waste in an environmentally sound manner requires an environmental permit. The permitting procedure requires an application for a permit to use waste in a deposit for restoration to be accompanied by a WRP which confirms that the operation is a recovery not a disposal activity.

Guidance

- 1.6 This WRP has been prepared in line with guidance provided on the gov.uk website (at time of writing), [Waste Recovery Plans and Permits](https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits) <https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits>

- 1.7 This WRP explains how the waste will serve a 'useful purpose' and replace other materials as part of a recovery operation addressing the relevant parts of that guidance and includes plans and cross-sections of the works area. The WRP confirms there is a legal obligation for the works, using the minimum material to meet that obligation and that the operation is a recovery activity.

2 Waste Recovery

Purpose of the Works

- 2.1 The Castle Hill Quarry Co. Ltd (CHQC), has been in operation since 1948, supplying regionally important, high quality limestone agricultural and building products from Castle Hill and Cannington Park Quarries.
- 2.2 The limestone from Castle Hill Quarry resource has high purity content and can be crushed to create high quality agricultural feed supplement and soil improver as well as providing aggregate building products.
- 2.3 Due to the limestone's chemical composition and unsurpassed purity, the quarry's main product is a finely ground "flour" which is used as a calcium additive in animal feedstuffs. Supplies are carried by tanker to feed manufacturers throughout the South and Southwest of England and South Wales.
- 2.4 Animal feed flour is the most important of Castle Hill Quarry's output. Within the quarry the purity of the rock is variable and some of the stone is not suitable for animal feed. This can be ground for agricultural lime for farms in the southwest because it has a high "neutralising value" which cannot be matched by the Mendip Oolitic limestone found elsewhere in the region. Lime spreading represents a significant part of CHQC's business which is an essential supplier to the south west's agricultural industry.
- 2.5 In recognition of the dwindling limestone reserves at Castle Hill Quarry, Planning Permission ref: SCC/3894/2021 was granted to extend the quarry. The extension principally covers an area that used to be an old golf course, whilst part of an existing quarry stocking yard and the quarry haul road are also included. The extension area is known as 'the Old Golf Course Extension'.
- 2.6 The 'Old Golf Course Extension' is a continuation of the Eastern Extension to Castle Hill Quarry which was granted Planning Permission in 2019. The Environment Agency agreed a Waste Recovery Plan for the Eastern Extension on 4th December 2019 (EA document ref no: HB3606SS/A001).
- 2.7 Drawing 3 provides a Topographical Survey plan which shows the site as existing. Drawing 10 shows the maximum extent of mineral extraction. Drawing 11 provides as existing and as proposed sections. Here, it is evident that extraction extends to around 28m below original ground level which, if un-restored, would result in a steep sided quarry void.

2.8 Drawing 9 provides the approved restoration scheme for the site. The key driver in the restoration treatments and landform shown Drawing 9 is the need to adhere to Policy SMP8 titled 'Site Reclamation' of the Somerset Mineral Plan (adopted February 2015) which requires:

'Mineral sites should be restored to high environmental standards as soon as practicable, where possible through phased restoration whilst other parts of the site are still being worked.

The restoration, aftercare and after-use of former mineral working sites will be determined in relation to:

- a) the characteristics and land use of the site;*
- b) the surrounding environmental character and land use(s); and*
- c) any specific local requirements.*

Proposals for restoration and aftercare must demonstrate how they meet the criteria set out in policy DM7'.

2.9 When considering the appropriate restoration scheme for the Site, the following aspects had to be adhered too:

- Agriculture is the characteristics and land use of the Site pre-development;
- The surrounding environmental character and land use of the Site's immediate surrounds, excluding quarrying, is that of an agrarian landscape with woodland and hedgerows; and
- The Site is located within the setting of the two adjacent Scheduled Monuments.

2.10 The incorporation of the above aspects, including the need to recreate the setting of the Scheduled Monuments, resulted in the restoration treatments and landform back to original levels shown on Drawing 9.

Amount of Waste

2.11 The existing site levels are shown on Drawing 3 and in cross sections on Drawing 11. Adhering to the approved final landform on Drawing 9 and in section on Drawing 11, requires a volume of 550,000m³ of imported materials. A quarry designer has established this volumetric calculation.

2.12 The amount of waste to be used is the minimum based on achieving the approved landform, which:

- reflects the original topography prior to quarrying;

- marries into the adjacent ground; and
- takes account of all the on site materials such as overburden and soils which are to be used in the restoration works.

Wastes Suitable for Use

- 2.13 A range of inert wastes are suitable to provide the function of a basic engineered fill with the main qualification being that no liquids or powders will be used.
- 2.14 The proposed waste types follow the recommendation of suitable wastes in Environment Agency guidance (<https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/check-if-your-waste-is-suitable-for-deposit-for-recovery>) and are presented in Table 1 below.

Table 1: Proposed Waste Types, List of Waste Codes¹

EWG Code	Description
01 01 02	Wastes from mineral non-metalliferous excavation (overburden & interburden waste only)
01 04 08	Waste gravel and crushed rocks
01 04 09	Waste sand and clays
02 04 01	Soil from cleaning and washing beet
10 12 08	Waste ceramics, bricks, tiles and construction products (after thermal processing)
10 13 14	Waste concrete
17 01 01	Concrete
17 01 02	Bricks
17 01 03	Tiles and ceramics
17 01 07	Mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06
17 05 04	Soil and stones (restricted to topsoil, peat, subsoil and stone only)
19 12 09	Minerals (for example sand, stones) only
19 12 12	Other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11 (Please refer to Paragraph 2.15 for description and restrictions).
20 02 02	Soils and stones (restricted to topsoil, peat, subsoil and stone only)

¹ This list of wastes may be amended during the permitting process, or later in the life of the site, but this would not change the decision of the operation being recovery, therefore the WRP would not be updated.

- 2.15 Waste Code 19 12 12 will be restricted to:
- Crushed bricks, tiles, concrete and ceramics only;
 - Metal from reinforced concrete must be removed;
 - Fines from treatment of any non-hazardous waste or gypsum from recovered plasterboard are excluded.
- 2.16 The wastes types in Table 1 will be physically, chemically and biologically suitable, and confirmed through the environmental permitting process by submission of a Hydrogeological Risk Assessment and the Environmental Management System (EMS) that will include Waste Acceptance Procedures (WAP).
- 2.17 The WAP will be strictly adhered too. This will control operations to ensure they take place in a manner designed to protect the environment. The WAP will ensure no waste from sites which have any indication of being contaminated or that contain dangerous substances will be accepted.
- 2.18 The nature of the wastes are such that they will not biodegrade. Groundwater will not be impacted given the nature of the wastes nor will there be the potential to generate landfill gas and no provision for gas monitoring is required.

Obligation for the Works

- 2.19 When assessing recovery status the Environment Agency will take account of evidence that there is a specific obligation to do the works.
- 2.20 The extant Planning Permission for the Site ref: SCC-3894-2021, requires the reinstatement of the ground back to the approved levels shown on Drawing 9.
- 2.21 Condition 2 of Planning Permission ref: SCC-3894-2021 requires that *'the development hereby permitted shall be carried out in strict accordance with the approved documents and plans..'*. This includes the plan titled 'Final Restoration Plan Rev B' which is Drawing 9 but incorrectly labelled Drawing 6 on the Planning Permission.
- 2.22 The reason given for Condition 2 is too *'enable the County Planning Authority to deal promptly with any development not in accordance with the approved plans'*.
- 2.23 Planning Condition 30 requires:

'The site shall be backfilled and reclaimed in accordance with the levels on approved Plan no: 9 Final Restoration Plan and CASHEXT1610.5.C. The backfilling shall be completed within 5 years of cessation of working the Eastern and Old Golf Course Extensions'.

2.24 The reason given for Condition 30 is too *'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'.*

2.25 The adoption of the landform and restoration treatments shown on approved Drawing 9 must, therefore, be complied with under planning law whether with waste or non-waste material. If the operator does not comply with Drawing 9 then they will be in breach of planning and subject to enforcement action resulting in prosecution. As a result there is a clear legal obligation for the works.

Operation to Appropriate Standard

2.26 The works will comply with planning condition requirements and also any Environmental Permit which will include the operation of a full EMS including a strict WAP. The Site will also be run by an appropriately qualified 'competent person' to manage the operations and ensure compliance with environmental permitting requirements.

2.27 The material brought to site will be checked in accordance with the strict WAP to ensure that non permitted or contaminated waste are not brought to site and so avoiding any pollution risk. The material will be then placed on the excavated ground using earthmoving equipment and will be shaped into the appropriate profile as per the approved landform shown on Drawing 9. The proposed scheme is straightforward and does not require complicated/technical structural works and is essentially an earthmoving exercise with the backfill material contained in the quarry void avoiding the need for any additional construction works.

2.28 The works will be undertaken in accordance with principles of best practice including British Standard BS 6031:2009 (Code of practice for earthworks).

2.29 Upon completion of the works a topographical survey will be undertaken to ensure the Site is restored in accordance with the approved landform.

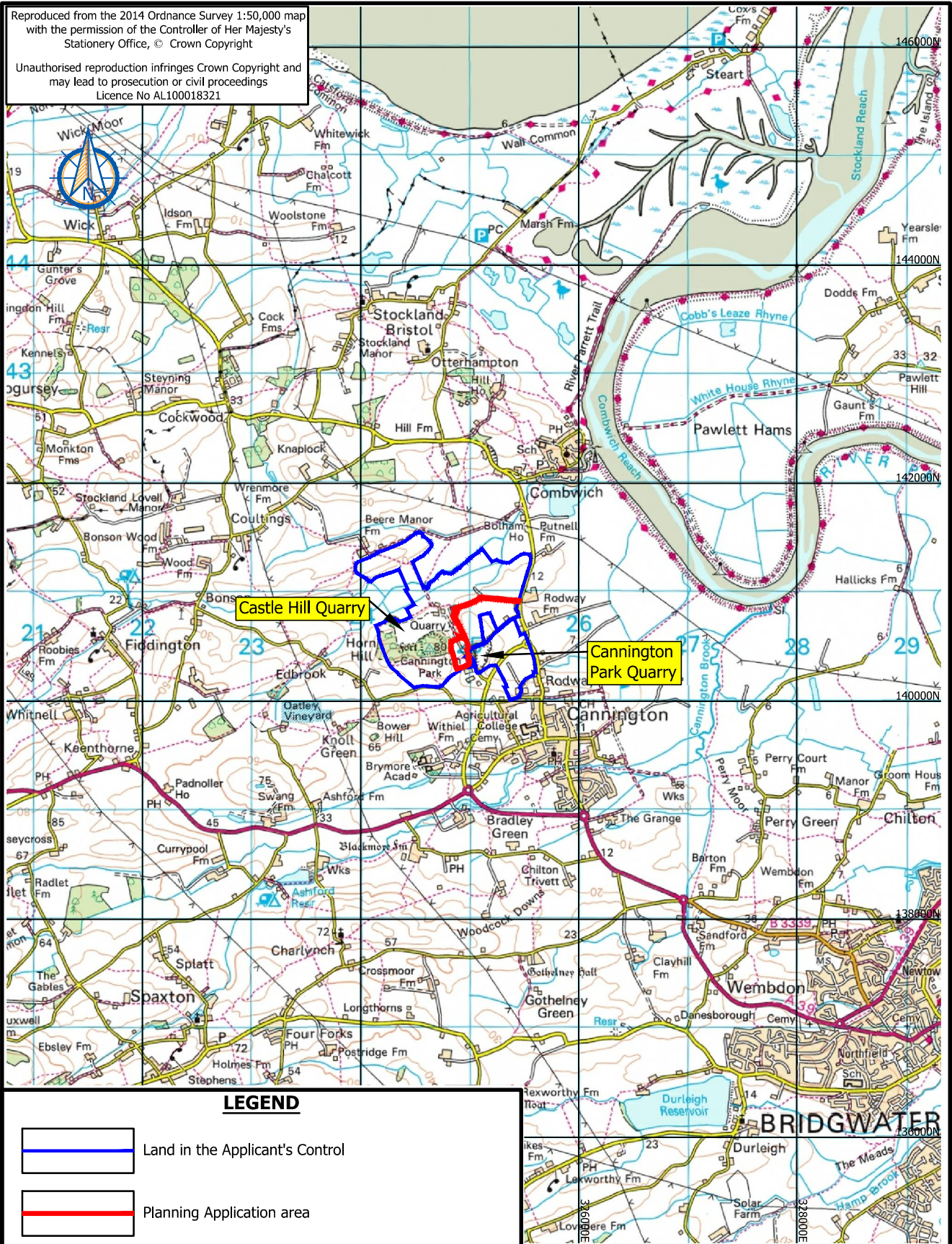
3 Concluding

3.1 This WRP has demonstrated that:

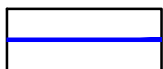
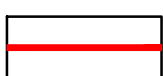
- The purpose of the works is to restore a quarry void to its predevelopment land-uses, character and ground levels which will mitigate the impacts on the setting of two adjacent Scheduled Monuments;
- The amount of waste to be used is the minimum based on achieving the original ground levels as established via a volumetric calculation;
- The proposed range of inert wastes are suitable to provide the function of a basic engineered fill;
- There is a specific legal obligation requiring the work to be done; and
- The works will be undertaken to an appropriate standard.

Drawings

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LEGEND

-  Land in the Applicant's Control
-  Planning Application area

Version	Revision and compilation notes	Date
a	Issued to Client	06.09.2021

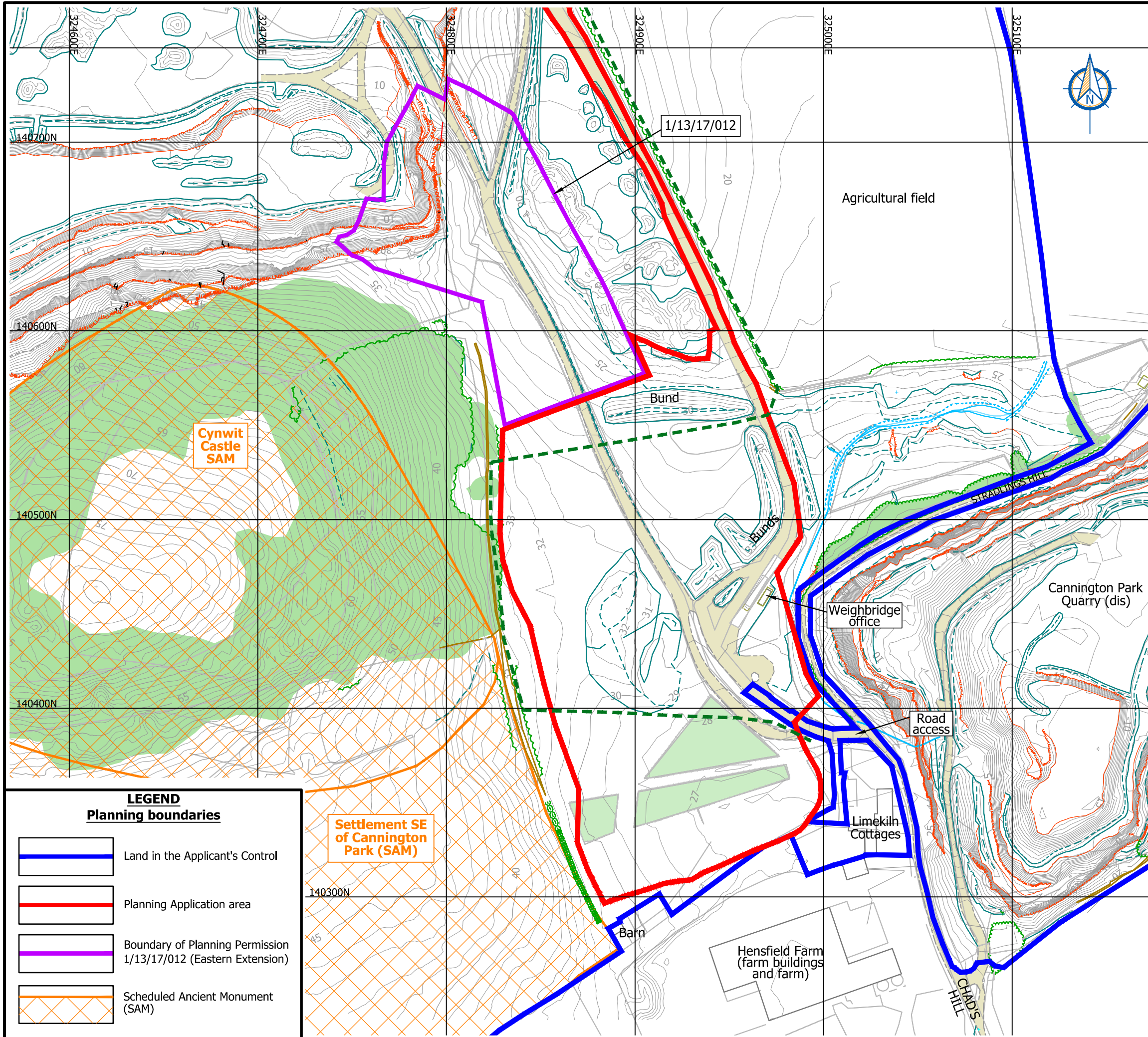
Client	Castle Hill Quarry Co. Limited
Project	Castle Hill Quarry: Old Golf Course Extension




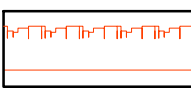
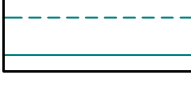




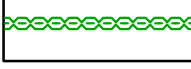
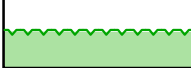
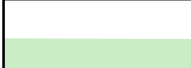
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earth & water resources

Location plan			
Date	Drawn	Checked	Scale
06.09.2021	IB/EMB	JCB	1:50,000 at A4
Drawing Ref	Drawing No	Version	
CHQOGC2109	1	a	



LEGEND

-  35 Ground surface contour 1m intervals (mAOD)
-  Crest of quarry face
Toe
-  Crest of slope
Toe
-  Crest of ditch
Toe
-  Public footpath
-  Haul road
-  Stone wall
-  Hedgerow
-  Woodland
-  Plantation woodland

NOTES

- Based on overall survey by GWP Consultants LLP, dated September 2018 and 2020

Version	Revision and compilation notes	Date
a	Issued to Client	06.09.2021
b	Revised	06.09.2021

Client
Castle Hill Quarry Co. Ltd

Project
Castle Hill Quarry: Old Golf Course Extension

Topographic survey

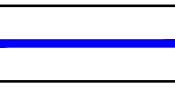

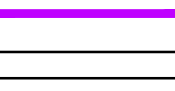



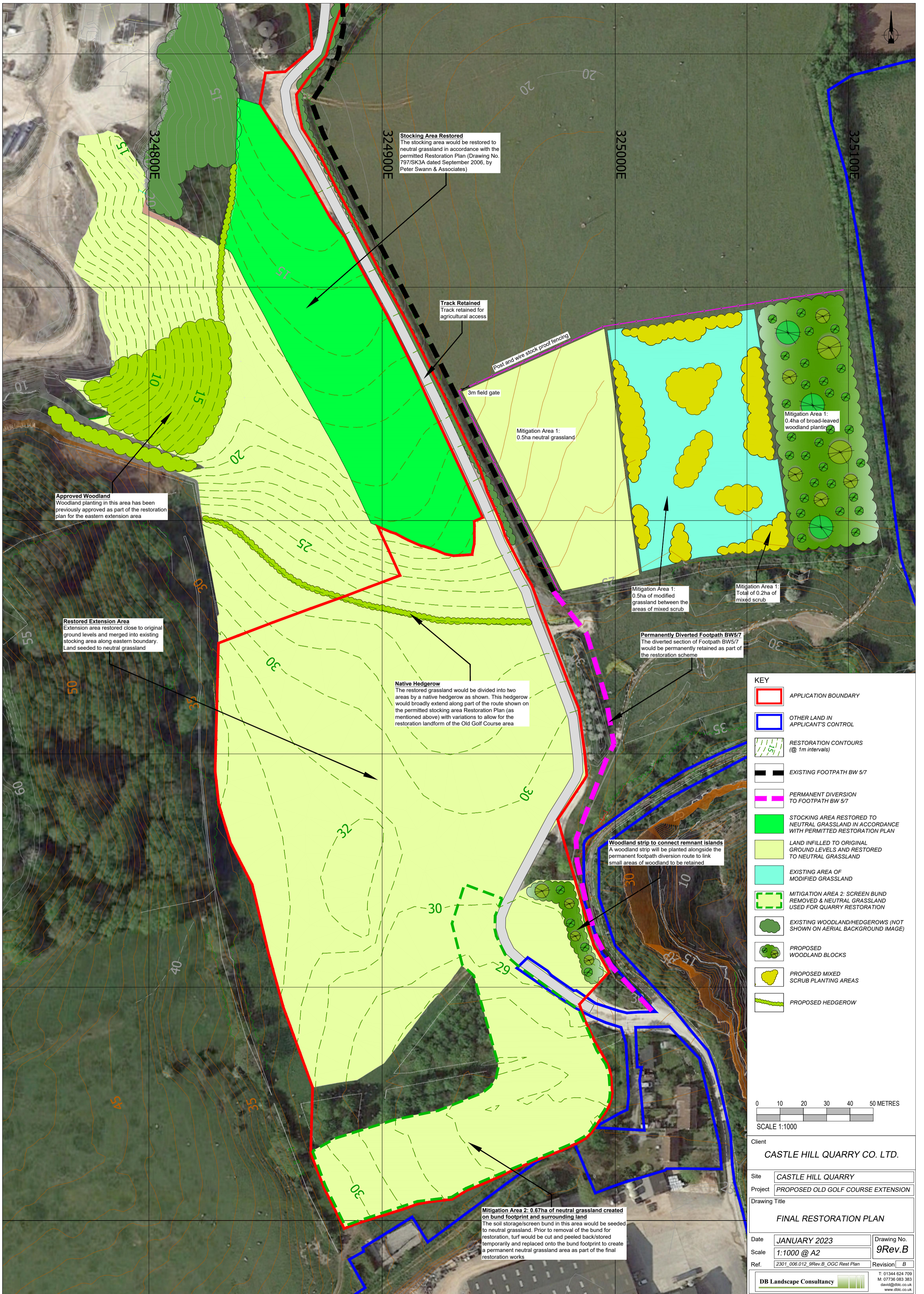
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Date 06.09.2021	Drawn IB/EMB	Checked JCB	Scale 1:2000 at A3
Drawing Ref CHQGC2109	Drawing No 3	Version b	

LEGEND

Planning boundaries

-  Land in the Applicant's Control
-  Planning Application area
-  Boundary of Planning Permission 1/13/17/012 (Eastern Extension)
-  Scheduled Ancient Monument (SAM)



Stocking Area Restored
 The stocking area would be restored to neutral grassland in accordance with the permitted Restoration Plan (Drawing No. 797/SK3A dated September 2006, by Peter Swann & Associates)

Track Retained
 Track retained for agricultural access

Post and wire stock proof fencing
 3m field gate

Mitigation Area 1:
 0.5ha neutral grassland

Mitigation Area 1:
 0.4ha of broad-leaved woodland planting

Mitigation Area 1:
 0.5ha of modified grassland between the areas of mixed scrub

Mitigation Area 1:
 Total of 0.2ha of mixed scrub

Permanently Diverted Footpath BW5/7
 The diverted section of Footpath BW5/7 would be permanently retained as part of the restoration scheme

Native Hedgerow
 The restored grassland would be divided into two areas by a native hedgerow as shown. This hedgerow would broadly extend along part of the route shown on the permitted stocking area Restoration Plan (as mentioned above) with variations to allow for the restoration landform of the Old Golf Course area

Approved Woodland
 Woodland planting in this area has been previously approved as part of the restoration plan for the eastern extension area

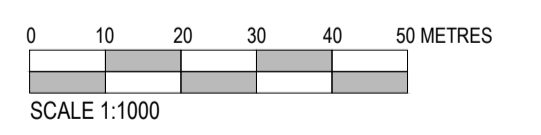
Restored Extension Area
 Extension area restored close to original ground levels and merged into existing stocking area along eastern boundary. Land seeded to neutral grassland

Woodland strip to connect remnant islands
 A woodland strip will be planted alongside the permanent footpath diversion route to link small areas of woodland to be retained

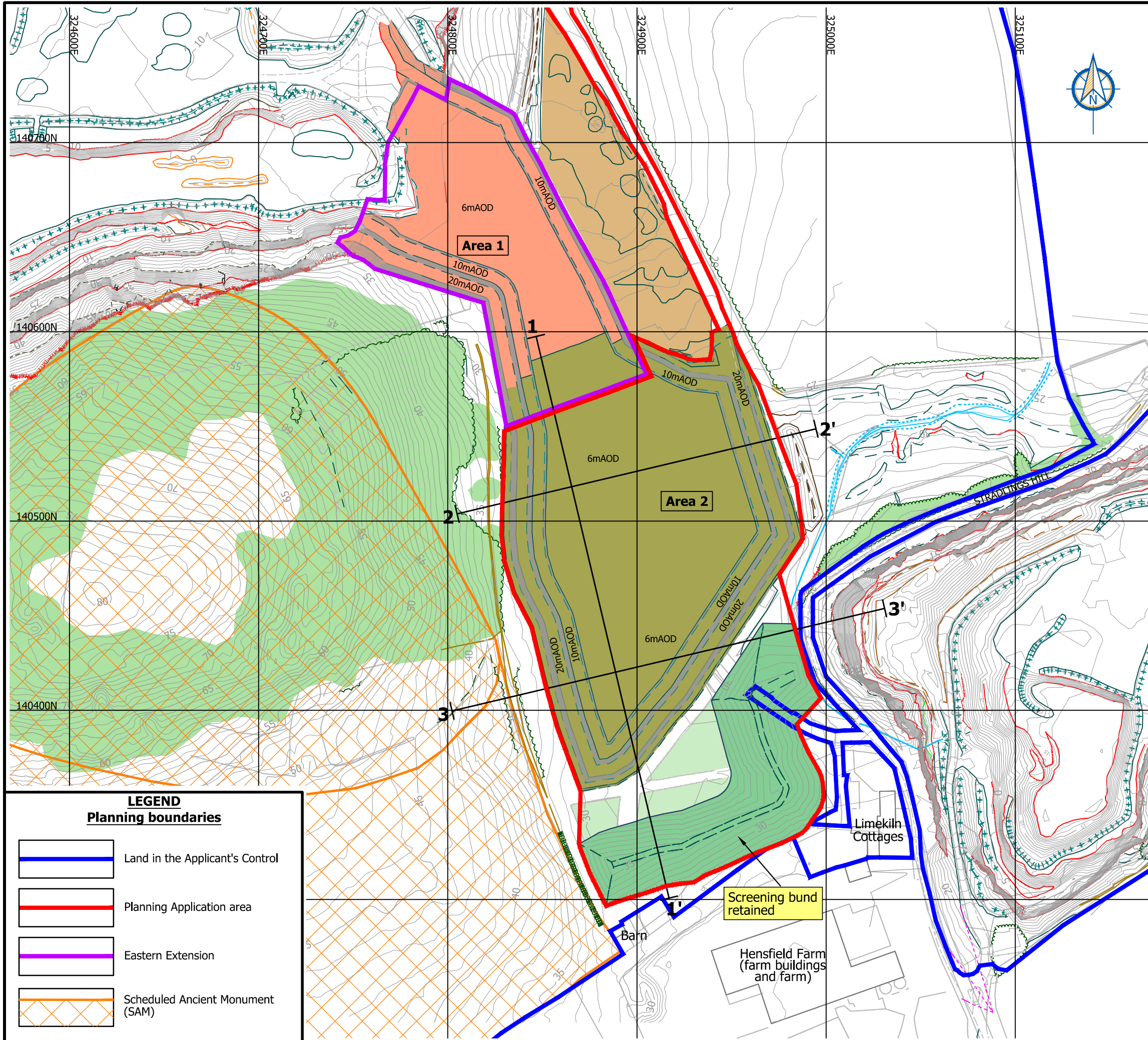
Mitigation Area 2: 0.67ha of neutral grassland created on bund footprint and surrounding land
 The soil storage/screen bund in this area would be seeded to neutral grassland. Prior to removal of the bund for restoration, turf would be cut and peeled back/stored temporarily and replaced onto the bund footprint to create a permanent neutral grassland area as part of the final restoration works

KEY

- APPLICATION BOUNDARY
- OTHER LAND IN APPLICANT'S CONTROL
- RESTORATION CONTOURS (@ 1m intervals)
- EXISTING FOOTPATH BW 5/7
- PERMANENT DIVERSION TO FOOTPATH BW 5/7
- STOCKING AREA RESTORED TO NEUTRAL GRASSLAND IN ACCORDANCE WITH PERMITTED RESTORATION PLAN
- LAND INFILLED TO ORIGINAL GROUND LEVELS AND RESTORED TO NEUTRAL GRASSLAND
- EXISTING AREA OF MODIFIED GRASSLAND
- MITIGATION AREA 2: SCREEN BUND REMOVED & NEUTRAL GRASSLAND USED FOR QUARRY RESTORATION
- EXISTING WOODLAND/HEDGEROWS (NOT SHOWN ON AERIAL BACKGROUND IMAGE)
- PROPOSED WOODLAND BLOCKS
- PROPOSED MIXED SCRUB PLANTING AREAS
- PROPOSED HEDGEROW



Client CASTLE HILL QUARRY CO. LTD.	
Site	CASTLE HILL QUARRY
Project	PROPOSED OLD GOLF COURSE EXTENSION
Drawing Title FINAL RESTORATION PLAN	
Date	JANUARY 2023
Scale	1:1000 @ A2
Ref.	2301_006.012_9Rev.B_OGC Rest Plan
Drawing No.	9Rev.B
Revision	B
DB Landscape Consultancy <small>T: 01344 624 709 M: 07736 083 383 david@dblc.co.uk www.dblc.co.uk</small>	



LEGEND

- Area 1
- Area 2
- Crest of slope
- Toe
- Ground surface contour 1m intervals (m AOD)
- | 2' Line of cross section
- Stone wall
- Hedgerow
- Woodland
- Plantation woodland
- Stockyard

Volume of Rock
Area 1= 155,000m³ (less soils)
Area 2= 490,000m³ (less soils)

NOTES

- This drawing shows the maximum extent of the proposed mineral excavation. This landform will never exist as shown on this drawing due to progressive restoration.
- Based on overall survey by GWP Consultants LLP, dated September 2018 and 2020

Version	Revision and compilation notes	Date
a	Issued to Client	06.09.2021

Client
 Castle Hill Quarry Co. Ltd

Project
 Castle Hill Quarry: Old Golf Course Extension

Maximum extent of excavation

GWP consultants

Upton House
 Market Street, Charlbury
 Oxfordshire OX7 3PJ
 United Kingdom

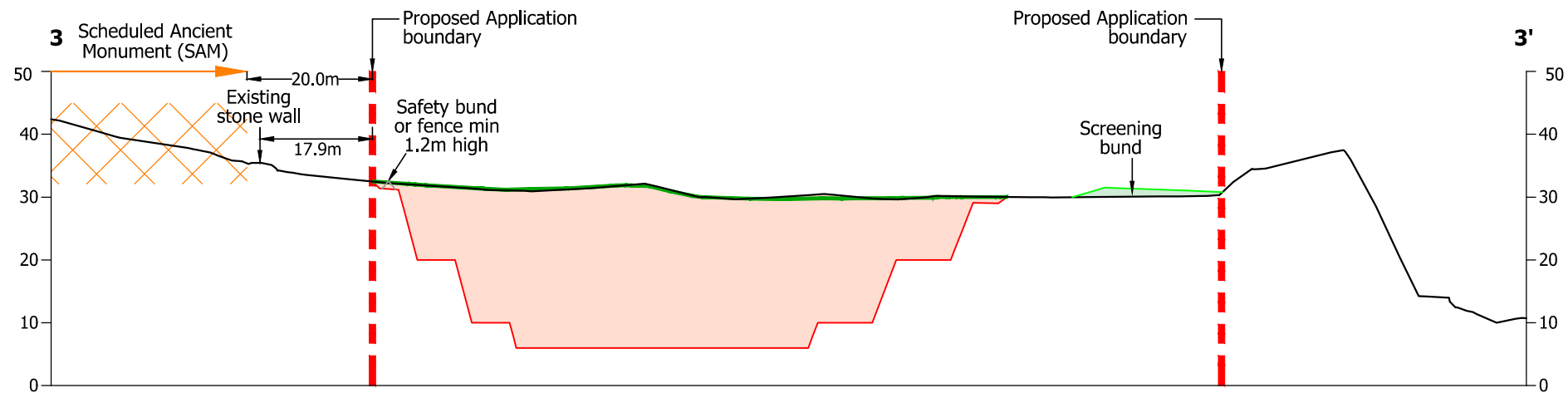
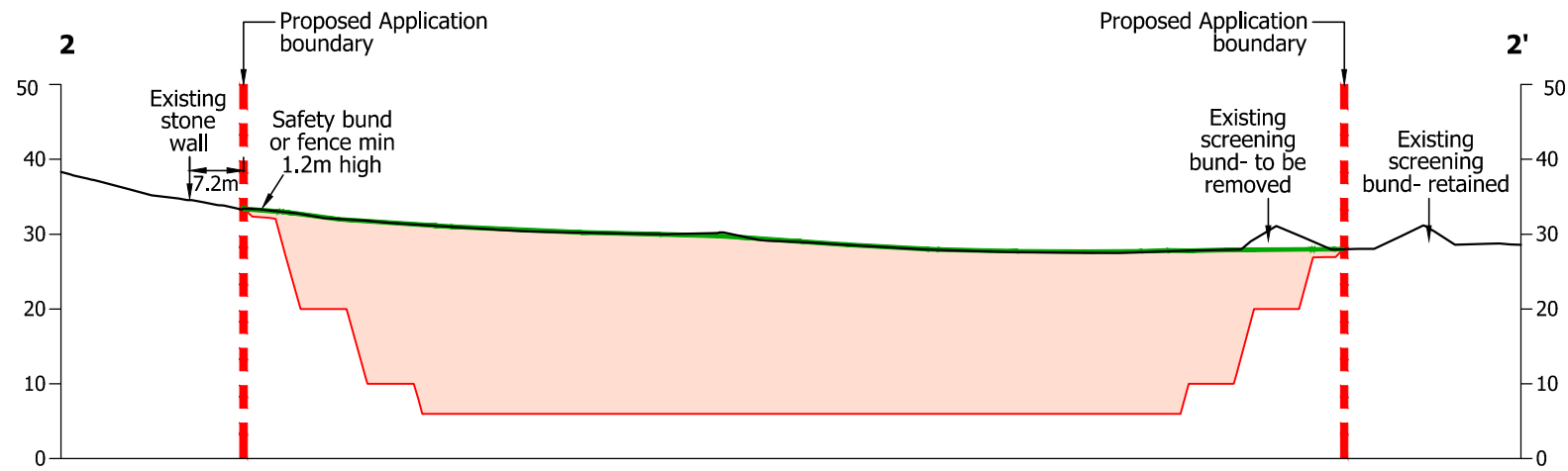
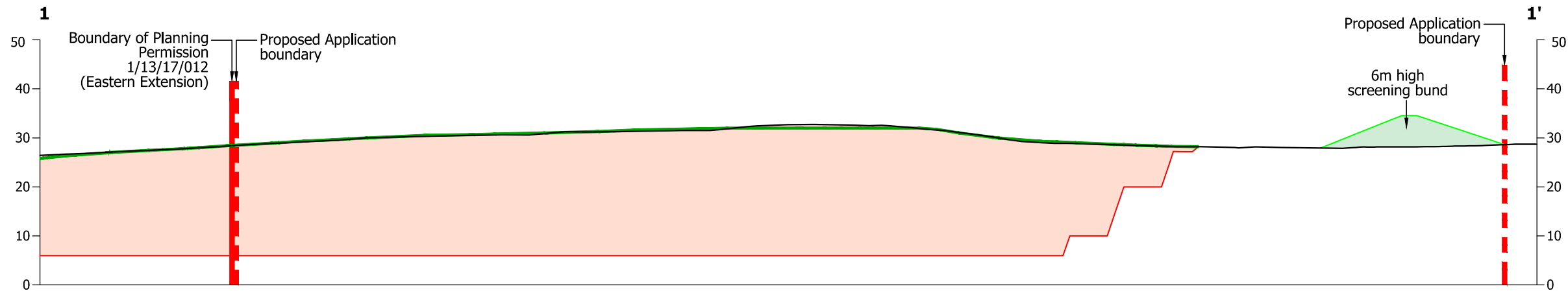
tel +44 (0)1608 810374
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 e-mail info@gwp.uk.com
 web www.gwp.uk.com

Date 06.09.2021	Drawn IB/EMB	Checked JCB	Scale 1:2000 at A3
Drawing Ref CHQGC2109	Drawing No 10	Version a	

LEGEND

Planning boundaries

- Land in the Applicant's Control
- Planning Application area
- Eastern Extension
- Scheduled Ancient Monument (SAM)



LEGEND

	Topographic Survey (September 2018 and 2020)
	Final excavation profile
	Final restoration profile

Version	Revision and compilation notes	Date
a	Issued to Client	06.09.2021

Client
Castle Hill Quarry Co. Ltd

Project
Castle Hill Quarry: Old Golf Course Extension

As existing and proposed sections

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Date 06.09.2021	Drawn IB/EMB	Checked JCB	Scale 1:1000 at A3
Drawing Ref CHQGC2109	Drawing No 11	Version a	

Appendix A: Planning Permission ref: SCC-3894-2021

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of powers under the above Acts and Orders **Somerset Council** as the Local Planning Authority hereby **conditionally Grants Planning Permission** to carry out the following development as described in the plans and drawings submitted.

No:	SCC/3894/2021	Application Dated:	29 October 2021
Applicant:	Steve Ford Castle Hill Quarry Company Ltd Castle Hill Quarry Chads Hill Cannington Bridgwater Somerset TA5 2QF	Agent:	Nicholas Dunn Land & Mineral Management Roundhouse Cottages Bridge Street Frome Somerset BA11 1BE
Proposal:	Planning application to extend Castle Hill Quarry into the Old Golf Course Extension		
Location:	Castle Hill Quarry Chads Hill Cannington Bridgwater Somerset TA5 2QF		

Permission is **granted** subject to the following condition(s): -

Conditions

1. The development hereby permitted shall be commenced within five years from the date of this permission.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in strict accordance with the approved documents and plans:

Plans

1 Location Plan

2 Site Plan

3 Phase 1 Working Plan

4 Phase 2 Working Plan

5 Phase 3 Working Plan

6 Final Restoration Plan Rev B

7 Maximum Extent of Extraction

8 As Existing & As Proposed Sections

9 Road Access Proposals

10 Public Right of Way Plan

11 Mitigation Areas 1 and 2

Planning Application form 29/10/2021.

Planning Statement v1 26th Oct 2021

Appendix 2 Scheme for the Suppression of Dust

Appendix B Biodiversity Impact Assessment. v3 dated 22/09/2021

- Addendum to Biodiversity Impact Assessment version 1.3 dated April 2023.
- Shadow Habitats Regulations Assessment April 2023

Appendix C Historic Environmental Impact Assessment.

Appendix D Hydrogeological Impact Assessment.

Appendix E Landscape & Visual Impact Assessment.

Appendix F Noise & Vibration Impact Assessment.

Appendix G Traffic Technical Note

Non-Technical Summary version 1

Surface Water Management Scheme v2 9th March 2022

Water Environmental Protection Scheme v1 9th March 2022

Response to Environment Agency Comments of April 2022

Response to Environment Agency Comments of September 2022

Surface Water Management Scheme v3 29th June 2022

Water Environmental Protection Scheme v2 29th July 2022

Surface Water Management Scheme v4 12th Aug 2022

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

3. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of

archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological mitigation, the geophysical and GPR survey and the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: In the interests of Archaeology and in accordance with Policy D26 of the Sedgemoor District Local Plan 2011-2032

4. No extraction shall commence until an assessment of the impacts of dewatering on surface and groundwater interests has been submitted and the extent of any mitigation determined and agreed. The work shall be as a minimum that defined under the Water Management Plan 2004 and 2005, under IDO/S/11/B.

Reason: To ensure the impacts of dewatering have not caused adverse impact or derogation at protected rights, lawful uses of water and designated surface waters (CWS), and where impacts have or are likely to occur, mitigation has been provided or agreed and in accordance with Policy DM5 of the Somerset Minerals Plan 2015-2030.

5. No extraction shall commence until an assessment of the impacts of the site-wide restoration on the groundwater flow regime has been carried out. The work shall include the emplacement of material infill in the Eastern Extension and Old Golf Course Extension and shall include the influence on receptors in the surface and groundwater.

Reason: to protect the integrity of protected rights, lawful uses of water and water resources and in accordance with Policy DM5 of the Somerset Minerals Plan 2015-2030.

6. Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For oil and water-borne material, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110%

of the total contents of containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil.

Reason: To minimise the risk of pollution of watercourses and aquifers and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030.

7. Unless otherwise agreed in writing with the Mineral Planning Authority, no tipping or temporary storage of materials shall take place within 10 metres of any watercourse, and all necessary measures shall be taken to ensure that tipped material does not enter any watercourse or culvert.

Reason: To minimise the risk of pollution of watercourses and aquifers and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030.

8. No development hereby approved which shall interfere with or compromise the use of footpath BW 5/7 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

Reason: In order to maintain an adequate public right of way network and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030.

9. Except in emergencies to maintain safe quarry working there shall be no operations other than water pumping, servicing, maintenance and testing of plant within the application site except between the following times:

0700 hours and 1900 hours Monday to Friday and

0700 hours and 1300 hours Saturdays

There shall be no working on Sundays, Bank Holidays and National Holidays.

The Mineral Planning Authority shall be notified within 1 working day of any requirement for emergency operations.

Reason: To protect the amenity of local residents in terms of restricting the hours in which the generation of noise from the development may arise and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030.

10. The plant used for the winning and working of minerals shall be operated so as to minimise noise and shall be fitted with silencers complying with, and maintained to, the manufacturer's specifications.

Plant required to employ reverse warning alarms shall be fitted with, and use, non-tonal devices.

Reason: In the interests of neighbours amenity and protection from undue noise disturbance and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030.

11. Other than for 'Temporary Operations' as defined in Mineral Planning Guidance, the overall noise from operations within the permitted area, and from Castle Hill Quarry, shall not exceed the following freefield Leq(1-hour) noise level limits:

i)47dB(A) at Lime Kiln Cottages and Golf Cottage;

ii)45dB(A) at Edbrook House;

iii)48dB(A) at Beere Manor Farm and Moxhill Farm;

iv)48dB(A) at Putnell Cottages rising to 51dB(A) during periods drilling above the 20m aod bench.

Reason: To protect the amenity of local residents in terms of restricting the generation of noise from the development and recognising short term allowance for noise from more exposed drilling and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030..

12. The noise arising at Lime Kiln Cottages and Golf Cottage from 'Temporary Operations' as defined in Mineral Planning Guidance shall not extend over a period in excess of 8 weeks in any year and not exceed the following freefield Leq(1-hour) noise level limits:

i)75dB(A) between 0900 hours and 1700 hours Monday to Friday;

ii)70dB(A) between 0800 hours and 1800 hours Monday to Friday;

Reason: To restrict the early morning impacts of temporary operations on the amenity of neighbouring residents and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030..

13. Except in exceptional circumstances to maintain safe quarry working no blasting shall be carried out at the site except between the following times:

0800 and 1700 hours on Mondays to Fridays.

There shall be no blasting or drilling operations on Saturdays, Sundays, Bank Holidays or National Holidays.

The Mineral Planning Authority shall be notified within 1 working day of any requirement for blasting under exceptional circumstances.

Reason: To protect the amenity of local residents in terms of restricting the noise and vibration generated by blasting operations and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030.

14. Ground vibration from blasting shall be designed to not exceed a peak particle velocity of 9mm/s to 95% confidence at the foundations of any vibration sensitive building.

Blast design and vibration monitoring records shall be retained on site for at least 36 months after each blast and shall be made available to the Mineral Planning Authority at any reasonable time, at their request.

Reason: To ensure blast design protects amenity at residential locations and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030.

15. Vibration monitoring shall establish the maximum peak particle velocity in three mutually perpendicular directions at or near the foundations of the closest vibration sensitive building whenever blasting is carried out at the site, until such time as a blast monitoring scheme is submitted to, and approved in writing by, the Mineral Planning Authority.

Such a scheme shall include: -

i) the provision of a blast design method sufficient to demonstrate compliance with planning limits with periodic measurement at either the closest dwelling or, a suitable reference monitoring location to confirm the prediction method;

ii) the details of the blast design and measurement records to be kept for 36months after each blast;

Reason: In the interests of neighbours amenity and protection from undue noise and disturbance and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030.

16. Prior to commencing blasting the operator shall submit a scheme to be approved in writing by, the Mineral Planning Authority that defines the actions to be undertaken to provide advance warning of blasting to the closest residents and potential users of public rights of way.

Reason: To protect the amenity of local residents and members of the public using the highway and the Coy Farm footpath and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030.

17. Prior to commencing blasting the operator shall submit a scheme to be approved in writing by, the Mineral Planning Authority that defines the measures to be taken to minimise air overpressure.

Reason: To protect the amenity of local residents in terms of restricting the noise generated by blasting operations and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030.

18. The operator shall record:

- the details of any noise or vibration complaint it receives,
- any investigation that results from a complaint and
- any mitigating measures it might action in response to a complaint.

These records shall be retained for a period of 3 years and made available to the Mineral Planning Authority at any reasonable time, at their request.

Reason: To document actions and responses to issues of noise or vibration disturbance and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030.

19. Prior to the commencement of development a LIDAR survey shall have been submitted to and approved by the Minerals Planning Authority.

Reason: In the interests of the preservation of a scheduled monument and in accordance with Policy D26 of the Sedgemoor District Local Plan 2011-2032.

20. Prior to the commencement of development a revised Management Plan for the Hill Fort shall be submitted to and approved by the Minerals Planning Authority the development shall be carried in full accordance with the approved Management Plan.

Reason: In the interests of the preservation of a scheduled monument and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030.

21. Prior to the commencement of the development hereby permitted details of a Geophysical Survey including the reporting, analysis and interpretation shall be submitted to the Mineral Planning Authority for agreement. The Geophysical Survey and report shall be fully undertaken as approved by the Mineral Planning Authority.

Reason: In order to preserve the setting of two scheduled ancient monuments and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030.

22. 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.

23. In relation to the Habitat Mitigation regarding the Special Area of Conservation (SAC) a vegetated bund must be installed which would run from west to east near the southern boundary of the Site in an area referred to herein as Mitigation Area 2 (refer to Appendix H).

This would provide a linear feature for bats (including barbastelle bats) to forage and commute along and connect to the proposed new woodland and scrub planting to the east (refer to section 4.2.2). The HEP calculation (refer to section 6) indicates that the recommended planting in sections 4.2.2 and 4.2.3 (b) would result in an increase of 0.22 ha of barbastelle bat foraging habitat.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy NH8 of the Somerset West Local Plan

24. In relation to birds:

1. Vegetation clearance shall be timed to avoid the bird nesting season, as detailed in section 6.12 of Adey (2021). If this is not possible, an ecologist should carry out a careful check of all scrub and trees for active bird nests, prior to works commencing and measures in section 6.13 of Adey (2021) should be adhered to. Irrespective of the time of year, if nesting birds are found in the working area, then works must stop immediately, and an ecologist consulted.
2. The proposed scrub and woodland planting discussed in section 4.1.2 shall provide nesting, foraging, and sheltering opportunities for a variety of birds.
3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, etc.
4. The location and timing of sensitive works to avoid harm to biodiversity features.
5. The times during construction when specialist ecologists need to be present on site to oversee works.
6. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)];
8. Use of protective fences, exclusion barriers and warning signs.

9. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy NH8 of the Somerset West Local Plan Core Strategy

25. . A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to commencement of the development. The BEMP will expand on the proposed enhancements as outlined in 'Richard Green Ecology Ltd (April 2023) Addendum to Biodiversity Impact Assessment v1.3 - Castle Hill Quarry - April 2023'.

a. Modified grassland - An area of 0.5 ha of modified grassland shall be maintained within the proposed scrub planting in Mitigation Area 1 to create structure. The modified grassland shall be managed to achieve a moderate enhancement by either implementation of a bi-annual cutting regime, or grazing by low numbers of sheep for no more than one week per month.

b. Restoration phase of the quarry - The quarry restoration broadly corresponds to that detailed within Adey (2021) and this report makes reference to relevant sections therein, where appropriate.

c. Neutral grassland - As part of the long-term restoration plan of Castle Hill Quarry, approximately 2.5 ha of the quarry would be seeded with a neutral grassland mix (Emorsgate EM3 - refer to Appendix I). This would be sown and initially maintained in line with the seed provider's guidelines. Once established, the grassland would be managed by mowing twice a year; once in late-October and once in early-March. A maintenance check would be carried out once a year in June to ensure the health and species composition of the grassland for the first 3 years after seeding. The neutral grassland planted on the screening bund in Mitigation Area 2 (refer to Appendix H and I) during the creation of the quarry, shall be mown to no more than 500 mm and cut into strip-turfs, then rolled back, whilst the topsoil is redistributed. The topsoil should be removed from under the neutral grassland as quickly as possible to avoid having the turf rolled for a prolonged period. On completion of the topsoil removal, the turfs

would be unrolled and left undisturbed to allow them to re-establish. Any damaged turf would be re-seeded with Emorsgate EM3 (or similar).

d. Woodland - An area of native broad-leaved woodland totalling a minimum of 0.05 ha shall be planted along the eastern boundary to provide connectivity (refer to Appendix I). The whips would be checked annually for the first five years after planting to ensure that they are establishing. Any dead whips would be removed and replaced with the same species to ensure that diversity is maintained. The whips would be protected with tree guards to prevent wildlife, particularly deer, from damaging them. The tree guards would be removed in year five (or thereafter if required) from all whips which are sufficiently developed. Refer to Table 8 above for examples of broad-leaved woodland planting mix.

e. Hedgerow - A new hedgerow shall be planted between the western and eastern Site boundary (refer to Appendix I). The new hedgerow shall comprise locally sourced, native species with five or more different woody species per 30 m. One English oak or wild cherry per 30 m would be allowed to grow to full height ensuring a three-dimensional habitat. The hedgerow and mature trees within it would provide the supply of year-round foraging, sheltering, commuting, and nesting habitat for a variety of wildlife. A non-exhaustive list of native hedgerow species is shown in Table 10. New hedgerow planting should be carried out as described in section 6.24 and 6.26 to 6.30 of Adey (2021).

f. Invasive species - Any invasive non-native plant species observed growing within the Site must be removed by a company which specialises in their control and removal/destruction.

g. Immediate biodiversity net gain. Mitigation Area 1 and Mitigation Area 2 must be used for immediate biodiversity net gain as instructed by the Somerset County Ecologist (refer to Appendix H).

The proposed biodiversity net gain measures include:

- i. Enhancing 0.5 ha of modified grassland within Mitigation Area 1 to improve the condition;
 - ii. Planting 0.67 ha of neutral grassland on and to the south of the screening bund in Mitigation Area 2;
 - iii. Planting 0.5 ha of neutral grassland within Mitigation Area 1;
 - iv. Planting 0.2 ha of mixed scrub within Mitigation Area 1;
 - v. Planting 0.4 ha of broad-leaved woodland within Mitigation Area 1; and
 - vi. The creation of 2.5 ha of active open cast quarry within the application area.
- h. The mixed scrub and woodland planting would comprise of species from Table 8.

i. The scrub and woodland must be allowed to establish and mature. All planting failures would be replaced with the same species on an annual basis, during the first five years of planting. Should the presence of any invasive species be identified, they would be controlled and prevented from becoming established. Tree whips would be protected from animal grazing with tree guards, for five years.

j. Neutral grassland - An area of 0.5 ha of Mitigation Area 1 and 0.67 ha of Mitigation Area 2 (refer to Appendix H) would be seeded with a neutral grassland mix totalling a minimum of 15 grass and herb species (such as Emorsgate Special General Purpose Meadow Mixture - EM3 or similar). A non-exhaustive list of examples of other neutral grassland species is shown below in Table 9. The grassland shall be managed by mowing twice a year; once in late-October and once in early-March. A maintenance check would be carried out once a year in June, to ensure the health and species composition of the grassland. Prior to the sowing of grass seed, the ground would be prepared as detailed in section 6.18 of Adey (2021). The neutral grass seed should be sown in the autumn or spring as outlined in section 6.19 of Adey (2021). The short and long-term management of the neutral grassland should follow the steps detailed within sections 6.20, 6.21 and 6.22 of Adey (2021). Long-term management of habitats created should be set out within a Landscape and Ecological Management Plan (LEMP) as described in sections 6.31 to 6.33 of Adey (2021).

Photographs of the installed features will also be submitted to the Local Planning Authority as per Section 6 of the Biodiversity Impact Assessment v3 dated 22/09/2021; and Section 4 Addendum to Biodiversity Impact Assessment version 1.3 dated April 2023.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

4. Habitat Mitigation regarding the Special Area of Conservation (SAC)

a. A vegetated bund must be installed which would run from west to east near the southern boundary of the Site in an area referred to herein as Mitigation Area 2 (refer to Appendix H). This would provide a linear feature for bats (including barbastelle bats) to forage and commute along and connect to the proposed new woodland and scrub planting to the east (refer to section 4.2.2). The HEP calculation (refer to section 6) indicates that the recommended planting in sections 4.2.2 and 4.2.3 (b) would result in an increase of 0.22 ha of barbastelle bat foraging habitat.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy NH8 of the Somerset West Local Plan

26. A Landscape, Ecology and Arboricultural Management and Monitoring Plan (LEAMMP) shall be submitted to, and approved in writing by, the Local Planning Authority before site operations commence. . Long-term management of habitats created should be set out within a Landscape and Ecological Management Plan (LEMP) as described in sections 6.31 to 6.33 of Adey (2021). The content of the LEAMMP shall be based on the 'Ecological Mitigation and Management Framework' (EMMF) dated April 2023 prepared by Richard Green Ecology Ltd, and include, but not necessarily be limited to, the following information:

- a. Description and evaluation of features to be managed; including Location(s) shown on a site map;
- b. Landscape, ecological and Arboricultural trends and constraints on site that might influence management;
- c. Aims and objectives of management;
- d. Appropriate management options for achieving aims and objectives;
- e. Prescriptions for management actions;
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10-year period);
- g. Details of the body or organisation responsible for implementation of the plan;
- h. A Biodiversity Monitoring Strategy, including details of the appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various biodiversity mitigation, compensation and enhancement measures being monitored can be judged; frequency, timings and Locations for data gathering; methods for data gathering and analysis; mode, method, frequency of updates and reporting to the Local Planning Authority, including how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented;
- i. Timeframe for reviewing the plan; and
- j. Details of how the aims and objectives of the LEAMMP will be communicated to the occupiers of the development.

The LEAMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/is responsible for its delivery.

The LEAMMP shall be implemented in full in accordance with the approved details Section 6 of the Biodiversity Impact Assessment v3 dated 22/09/2021; and Section 4 Addendum to Biodiversity Impact Assessment version 1.3 dated April 2023.

Reason: To maintain and enhance biodiversity, to ensure long-term management in perpetuity and to ensure effective monitoring in accordance with the NPPF (in particular section 11), and in accordance with (insert relevant local policy) and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

27. The proposed scrub, woodland, and hedgerow planting detailed in section 4.1.2 shall provide foraging and commuting habitat for bats, including barbastelle, as well as providing landscape permeability for bats travelling west to east and vice versa over the Site. The neutral grassland herbs, scrub, hedgerow, and tree species should also provide a range of invertebrate prey sources for foraging bats in the area.

- Approximately 0.13 ha of the plantation woodland to the south of the Site must be retained and maintained for the lifetime of the development. The screening bund along the southern boundary of the Site must provide a vegetated, linear feature connecting the surrounding habitats to the east and west and the plantation woodland. This must provide continued commuting and foraging habitats for bats during the quarrying phase of the proposal.

- There must be no lighting associated with this development unless otherwise submitted and approved in writing by the local planning authority in the form of a planning application

- Ten woodcrete bat boxes e.g., Schwegler 1FN and Vincent Pro Bat Boxes (or similar) must be installed on mature trees within Cynuit Fort woodland to the west of the Site

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy NH8 of the Somerset West Local Plan

28. Prior to works commencing reptiles shall have been translocated to a suitable retained area of habitat (receptor site) on the Site, i.e., to the retained areas of green space to the west of the Site, in an area between Cynuit Hill Fort and the Site, or to the area of proposed scrub planting in Mitigation Area

- Reptile habitat enhancements must be provided within the retained habitat on Site or within the receptor site to the east, including provision of reptile hibernacula and/or log/brush piles (refer to Appendix F). Government guidelines (gov.uk) state, "If translocating reptiles, the proposal needs a receptor site:

Close to the development site and within the same LPA if possible

- That is at least the same size as the habitat that will be lost, and large if the lost habitat is of high quality

- That will serve the same function as the habitat to be lost, for example it has hibernation features

- With similar habitat to the area that will be lost including waterbodies

- That does not currently support the same species but can be improved to make it suitable

- That will be safe from future development and managed in the long-term.

- The area proposed for works must be isolated using temporary reptile fencing for the duration of the habitat clearance to prevent reptiles from moving into the Site, and artificial refugia installed within. Capture and translocation shall continue until five consecutive inspections of artificial refugia under suitable weather conditions find no reptiles present. Translocation must be carried out between April and October when reptiles are active.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy NH8 of the Somerset West Local Plan

29. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to, and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy NH8 of the Somerset West Local Plan

30. The site shall be backfilled and reclaimed in accordance with the levels on approved Plan no: 9 Final Restoration Plan and CASHEXT1610.5.C. The backfilling shall be completed within 5 years of cessation of working the Eastern and Old Golf Course Extensions.

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

31. 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

32. The Environment Agency advises:

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface. The dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests. This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from the Environment Agency prior to the commencement of dewatering activities at the site. More information is available on gov.uk: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction>.

Where a developer decides not to parallel track their planning and environmental permit applications, the Environment Agency will not offer detailed advice or comments about how permitting issues affects planning.

The Internal Drainage Board advises:

The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under section 23 and 66 of the Land Drainage Act 1991 from the Internal Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District (or from the Environment Agency for an EA Main River).

The Public Rights of Way team advises:

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built

Planning Decision Summary:

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

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

Sedgemoor District Local Plan (2011-2032)

S1: Presumption in favour of sustainable development

S4: Sustainable development proposals

S5: Mitigating the causes and adapting to the effects of climate change

D2: Promoting high quality and inclusive design

D3: Sustainability and Energy in Development

D14: Managing the transport impacts of development

D15: Economic prosperity

D19: Landscape

D20: Biodiversity and geodiversity

D21: Ecological network

D23: Bat consultation zones

D24: Pollution Impacts of development

D25: Protecting residential amenity.

Somerset Minerals Plan

SD1: Presumption in favour of sustainable development

SMP3: Proposals for the extraction of crushed rock

SMP8: Site restoration

DM1: Landscape and Visual Amenity

DM2: Biodiversity and Geodiversity

DM3: Historic Environment

DM4: Water resources and flood risk

DM6: Public Rights of Way

DM7: Restoration and Aftercare

DM8: Mineral operations and the protection of local amenity

DM9: Mineral transportation

DM10: Land stability

3. The Council has also had regard to all other relevant material considerations including:

National Planning Policy Framework Feb 2019

Sedgemoor Landscape and Countryside Design Statement (2003)

Planning Practice Guidance

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

In dealing with this planning application the **Minerals** 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, the saved Policy 6 of the Structure Plan, Core Strategy and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason(s) for approval or reason(s) for refusal. The **Minerals** Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

Dated: 17 October 2023

Climate and Place
Somerset Council
County Hall
Taunton
TA1 4DY

Mickey Green
Executive Director - Climate & Place
On behalf of the Somerset Council Minerals &
Waste Planning Team
planningmineralsandwaste@somerset.gov.uk

NOTES

- 1) **Site Notice** – The Planning Authority is required to erect a Site Notice on or near the application site to advertise the development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.
- 2) **Submission of Article 27 Applications** – Before the submission of any requests for Confirmation of Compliance with Planning Conditions (i.e. Article 27 Applications for the written confirmation of discharge of a condition) you are advised to contact the Minerals Planning Authority to discuss matters arising from the imposition of any condition attached to this planning certificate, that requires the further submission of details for the written approval of the Planning Authority.

You are advised that the Planning Authority will not approve any Article 27 Application that is found to be deficient of information needed to meet the requirements of the condition.

Also, in the event that the application is deficient of information and following notification to the developer of the measures necessary to remedy the situation, the Planning Authority will refuse to confirm compliance with a condition if this cannot reasonably be achieved within the authority's target 8 week timescale, beginning with the date of the receipt of the original request.

Be advised that after the Planning Authority have issued such refusal to confirm compliance with a condition, any additional request for confirmation that a revised detail achieves compliance with a condition shall be charged as if it were the first such request; there is no discount or 'free go' in this context.

Appeals to the Secretary of State

If you are aggrieved by the decision of the Local Planning Authority to refuse permission or to approve it subject to conditions, you may appeal to the Secretary of State under:

- Section 78 and 79 of The Town and Country Planning Act 1990,
- Section 20 of The Planning (Listed Building and Conservation Area) Act 1990,
- Regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012,
- Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007 or
- Section 195 of the Town and Country Planning Act 1990

You must appeal **within the following timescales:**

- **28 days** from the date on the decision notice for works to trees covered by Tree Preservation Orders (TPO) using the form available here:
Appeal a decision about a tree preservation order: When you can appeal (www.gov.uk)
- **8 weeks** from the date on the decision notice for Advertisement Consent using the form available here: Appeal a decision about consent to display an advertisement: When you can appeal (www.gov.uk)
- **12 weeks** from the date on the decision notice for householder applications using the form available here:
Appeal a householder planning decision: Overview (www.gov.uk)
- **12 weeks** from the date on the decision notice for minor commercial applications using the form available here:
Appeal a minor commercial development decision: When you can appeal (www.gov.uk)
- **6 months** from the date on the decision notice for Listed Building Consent using the form available here:
Appeal a listed building consent decision: When you can appeal (www.gov.uk)
- There is **no time limit** for submission of an appeal for a Certificate of Lawfulness or a Listed Building Certificate of Lawfulness using the form available here:

Appeal a decision about a lawful development certificate: When you can appeal (www.gov.uk)

- **6 months** from the date on the decision notice for all other applications using the form available here: [Appeal a planning decision \(www.gov.uk\)](#)

You can contact the Planning Inspectorate's customer support team if you need help using the online service above by email: enquiries@planninginspectorate.gov.uk or telephone: 0303 444 5000 Monday to Friday, 9:00am to 12:00pm (noon) (except public holidays).

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose are the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 and/or Section 32 of The Planning (Listed Building and Conservation Area) Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission or consent is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to them.
- These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990, Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, in respect of Tree Preservation Orders, Section 203 of The Town and Country Planning Act 1990.

Notes in Respect of All Applications

- Although Planning Permission or Advertisement Consent may have been granted, should the proposed work involve the demolition, alteration or extension of a Listed Building, Listed Building Consent may also be required before the work can commence.
- If Planning Permission has been granted for the development, should this involve any work within the highway such as the construction of a vehicular access, the consent of the Somerset Council, as Highway Authority should also be obtained - Roads, travel and parking (somerset.gov.uk)

- This permission does not authorise you to stop up or divert a public right of way to enable the development permitted to be carried out. Separate legal steps are necessary for this and further information can be obtained from: Public Rights of Way (somerset.gov.uk)
- If planning permission has been granted for development involving the creation of one or more properties needing new addresses you will need to contact the Street Naming and Numbering department of Somerset Council, for assignment of the official address/es. Details are available at Street naming and numbering (somerset.gov.uk)