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Dear Helen,

Whatley Quarry – Response to SCC's Pre-Application Advice / Scoping Opinion (ref. SCC/3704/2020/PA) & Revised Scoping Report

I write in response to the pre-application advice/Scoping Opinion dated 24 August 2020 issued by Hampshire Services on behalf of Somerset County Council (SCC) in relation to Whatley Quarry, near Frome. This advice was issued following the submission by Wood Group UK Limited (hereafter referred to as 'Wood'), on behalf of Hanson UK Ltd (hereafter referred to as 'Hanson'), of a Scoping Report to SCC in May 2020 relating to the proposed continued extraction of all consented limestone reserves and extraction of further unconsented reserves within the existing footprint of Whatley Quarry (hereafter referred to as 'the Proposed Scheme').

The purpose of this response is twofold. Firstly, to update SCC on the revised planning approach regarding the Proposed Scheme and the subsequent submission of a Revised Scoping Report. Secondly, to seek further clarification regarding various EIA topics and their scope as raised in the Council's pre-application advice/Scoping Opinion (August 2020).

Whatley Quarry revised planning approach

The planning approach for the Proposed Scheme as set out in the May 2020 Scoping Report, sought to vary a number of planning conditions attached to planning consent 109122/002 dated 6 July 1996 under Section 73 of the Town and Country Planning Act 1990, to enable extraction from 'The Western Staggered Benches', the 'Northwest Tip', and a deepening of the base of the quarry from 0 m above ordnance datum (AOD) to -60 m AOD. Amendments were proposed to conditions 3 (duration of permission), 12 (phased working of the quarry), 17 and 18 (protection of groundwater), and 39 (depth of working) attached to the extant permission 1019122/002.

The May 2020 Scoping Report noted that the extant principal consent for Whatley Quarry – 1019122/002 dated 6 July 1996 – was subject to an application for determination of conditions under the Review of Minerals Permissions (ROMP) in accordance with the Environment Act 1995 (First Periodic Review) in December 2011. This application remains with the Minerals Planning Authority (Somerset County Council) for determination.

In seeking to address the undetermined 2012 ROMP, in their pre-application advice (August 2020, page 5) SCC state:

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"A formal view from SCC on the ROMP for Whatley is still outstanding pending a response from the applicant on whether they would consider a withdrawal of the existing ROMP and the resubmission alongside the proposed S73 application".

Hanson, through the on-going pre-application consultation process, have repeatedly sought further (legal) clarification from SCC on this point. To date, following numerous requests from both Hanson and Wood, the only further clarification received from SCC has been in the form of an email from Colin Arnold dated 19 July 2021. The email confirmed that the ROMP application remains a live consideration for SCC but that the Environmental Statement/information would need to be updated in order to progress the ROMP application. This position was reiterated on a call between SCC and Hanson/Wood on 20 January 2022, which was attended by Ruth Amundson, who confirmed she was the SCC case officer for the Whatley ROMP application. Ruth indicated she was keen to set a timescale for the provision of the necessary information to update the outstanding ROMP submission. No written confirmation of this request has been received to date.

As a result, and having sought legal advice themselves, Hanson hereby confirm that they **will not be withdrawing** the undetermined 2012 ROMP application. Furthermore, they have revised their planning approach with regards to the Proposed Scheme.

Hanson now propose to submit a **full planning application and supporting EIA** for the Proposed Scheme. The proposed scope of the EIA as set out in the May 2020 Scoping Report will remain largely unchanged. However, to allow the Minerals Planning Authority (MPA) to consider the 2012 ROMP application against an up-to-date baseline and supporting environmental assessment, it is also proposed to widen the scope of the EIA to include an Air Quality Assessment as well as a Landscape and Visual Impact Assessment (as addressed below). These topics were originally excluded from the scope set out in the May 2020 Scoping Report but were included in the EIA which accompanied the ROMP in 2021. By submitting an EIA with the same topic coverage as that submitted with the ROMP, it is anticipated that the updated information presented would be sufficient for the MPA to:

1. Determine a full application for the proposed amended working method at Whatley Quarry; and
2. Determine the outstanding ROMP submission.

Consequently and to ensure clarity on the EIA scope in light of Hanson's revised planning approach for Whatley Quarry, a Revised Scoping Report has been prepared and is hereby enclosed. The clarifications on the EIA scope as set out below should be read in conjunction with the enclosed Revised Scoping Report.

Clarifications on EIA scope

The following clarifications are sought from SCC on the EIA topics and their scope as set out in their pre-application advice/Scoping Opinion (August 2020).

Landscape and visual (including rights of way)

The May 2020 Scoping Report proposed to scope out the need for a landscape and visual assessment (LVIA) of the EIA on the basis that no significant landscape or visual effects are likely to arise as a result of the proposed development based on the following consideration:

- *"quarrying activity at Whatley Quarry is an established feature of the landscape and is well screened in views from the surrounding landscape as documented in the relevant NCA profile and recorded during field survey;*
- *from the single publicly accessible location (bridleway FR 10/98) from which views of the quarry void are available, deepening operations would be viewed in context with the operational quarry thereby minimising contrast and reducing the potential for a magnitude of change to occur that is sufficient to generate significant visual effects;*
- *no lateral expansion is proposed and as a consequence there would be removal of landscape elements (trees, hedgerows, grassland, buildings etc) to facilitate the proposed deepening; and*

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- *revisions to the approved restoration scheme are likely to reflect land uses proposed as part of the permitted restoration albeit varying footprints and quantities. As such, the revised restoration scheme is in itself unlikely to give rise to significant landscape or visual effects.*" (paragraph 5.2.8, 2020 Scoping Report)

Although the above considerations remain valid, given that Hanson now propose to submit a full planning application and supporting EIA and will not be withdrawing the undetermined 2012 ROMP application (as detailed above), it is proposed that the EIA scope will now include an LVIA. Essentially, this assessment will seek to update that set out in the 2012 ROMP submission to reflect any change in the baseline position and the proposed amended working of Whatley Quarry.

Arboriculture

In their pre-application advice/Scoping Opinion (August 2020), SCC stated that *"on the basis of the potential impact to trees, if this is the case, the application will need to be accompanied by an Arboricultural Impact Assessment if any trees are to be impacted by the proposal. ... The assessment should also include a Tree Protection Plan and information on compliance with BS 5837:2012"*.

As set out in the May 2020 Scoping Report, the proposed development at Whatley Quarry will focus extraction of additional mineral reserves within the existing footprint of the quarry. As such, no lateral expansion is proposed and as a consequence there would be no removal of landscape elements – trees, hedgerows, grassland, buildings etc – to facilitate the proposed deepening.

The need for an Arboricultural Impact Assessment and/or Tree Protection Plan as set out in the Scoping Opinion is therefore regarded as unnecessary and, unless agreed otherwise with the Council, will not form part of the revised EIA scope as set out in the enclosed Revised Scoping Report.

Noise

Wood's noise consultant has previously provided clarification by email (12 March 2021) to both SCC and the environmental health officer at Mendip District Council on why it is considered a baseline noise survey is not necessary for the proposed development at Whatley as set out below.

The May 2020 Scoping Report stated the following:

"Wood will undertake appropriate surveys to quantify the baseline acoustic environment in the vicinity of the receptors agreed with the Environmental Health Officer (EHO) at Somerset County Council."

As per guidance the outlined in the National Planning Policy Framework, Minerals Guidance (2014), baseline noise surveys are used to establish a noise limit, through a planning condition. However, after reviewing the latest planning application from Whatley Quarry, 'Application for Determination of Conditions, the First Periodic Review of a Mining Site' (application number 2011/3289), we believe it would be more appropriate to set our assessment criteria (noise limits) based on the existing noise conditions (condition numbers 11, 31 and 32) which are as follows:

1. *"The noise levels generated by the construction of the environmental banks and any other temporary operations within the area of the application hereby permitted as measured at any noise sensitive property (see condition 31) shall not exceed a level of 70 dB(A) Leq 1 hour free field and shall not exceed 55dB(A) Leq 1 hour free field for more than eight weeks in any 12 month period.*
2. *Noise levels from the quarrying operations at the residential properties known as the Old Schoolhouse, Little Clavey's, Mellsgreen Farm, Meadow View and Yew Tree (Chantry) shall not exceed a level of 55 dB(A) Leq 1 hour, free field between 0600 and 2000 hours Mondays to Fridays and 0600 and 1200 hours on Saturdays.*
3. *Noise levels from the quarrying operations at all other residential properties shall not exceed a level of 47 dB(A) Leq 1 hour, free field between 0600 and 2000 hours Mondays to Fridays and 0600 and 1200 hours on Saturdays;*

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4. *Noise levels from quarrying operations at any residential property shall not exceed a level of 42 dB(A) Leq 1 hour, free field between 2000 hours on Mondays to Fridays and 0600 hours on the mornings following and between 1200 hours on Saturdays and 0600 hours on Mondays."*

Therefore, as the planning conditions outlined above are already agreed with the local authority, it would seem counterintuitive to undertake a new baseline noise survey to establish new noise limits. The noise limits in the conditions above are also consistent with the National Planning Policy Framework, Minerals Guidance (2014) noise limits, which our assessment will be based on.

In his email, Wood's noise consultant asked both SCC and Mendip DC to review the above and confirm it is considered suitable. We have not yet had a response from either SCC or Mendip DC.

Hanson and Wood are liaising separately with Martyn Ford at SCC with regards to the ongoing noise concerns relating to existing operations at Whatley Quarry in light on increasing noise complaints by local residents. A Teams meeting with SCC officers including Martyn Ford and Mike Highfield was held on 19 January 2022.

Air Quality

The May 2020 Scoping Report (Section 5.10) scoped out air quality from detailed assessment as follows:

"The proposed development would not include changes to the methods used to extract limestone and importantly, there would be no lateral extension of the quarry, which would bring sources of dust closer to sensitive receptors. Indeed, as extraction takes place deeper into the quarry void, dust generating activities within the quarry are less likely to have an adverse effect on nearby sensitive receptors. Furthermore, as it is not proposed to increase the annual output of the quarry, there are no anticipated increases in dust associated with the movement of material off-site via HGV. Indeed, the expectation is that a much greater proportion of material extracted from Whatley Quarry will be transported off-site via the existing rail facilities. As such, a reduction in road traffic associated with the quarry is expected.

It is therefore not considered that the proposed scheme would lead to changes in dust and particulate matter emissions for any sensitive receptors. The conditions attached to the extant permission (ref. 109122/002 conditions 20 and 21) to regulate dust and emissions would continue to remain in force and be employed at the quarry. The current Dust Mitigation Plan will be updated to capture the activities within the proposed scheme."

To reflect the change in planning approach, i.e. the submission of a full planning application, the EIA scope will now include a detailed air quality assessment as set out in the enclosed Revised Scoping Report.

Water Environment

Liaison with both SCC as the Lead Local Flood Authority and the EA are ongoing. A meeting with the EA is being arranged imminently to discuss the proposed development at Whatley Quarry and how this may impact on the water environment.

Biodiversity

In their pre-application advice/Scoping Opinion (August 2020), SCC outline the response from the County Ecologist who stated that *"an Ecological Impact Assessment will be required for this proposal, including up to date protected species surveys (which would include bat activity surveys) and an assessment to inform mitigation recommendations for potential detrimental impacts to protected species and priority habitats on site"*.

The May 2020 Scoping Report, which was based on the results of an Extended Phase 1 Habitat Survey undertaken by Wood, sets out the scope of the detailed assessment for the proposed Ecological Impact Assessment (EclA) (see Section 5.6). Paragraph 5.6.18 outlines those potential effects not requiring further consideration including:

"... Effects on the following protected/notable species are scoped out as they are considered highly unlikely to be present in, or reliant upon, the areas that will be affected by the proposals (i.e. the Western Staggered Benches, the Northern Tip Area and areas where the existing quarry void will be deepened): Bats"

The Phase 1 Habitat Survey of the entire Whatley Quarry site has since been updated (and will be submitted with the EIA), and the conclusions remain – that the site does not offer any significant potential for bats. As such, we are not proposing

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to carry out any detailed bat activity surveys. We would be more than happy to provide the County Ecologist with an advance copy of the Phase 1 Habitat Survey results and discuss this matter further. In the meantime, any further clarification that the County Ecologist can offer with regards to the perceived need for bat activity surveys would be appreciated.

Historic environment

The Proposed Scheme only proposes to extract minerals from within the confines of the existing quarry footprint and the deepening of the quarry floor; no new lateral extensions are proposed. As such, we question the need for a Historic Environment Impact Assessment as identified in the Council's August 2020 pre-application advice/Scoping Opinion. Our May 2020 Scoping Report specifically scoped out historic environment for this very reason (and this remains unchanged in the enclosed Revised Scoping Report). We would welcome your confirmation that this approach is acceptable to you.

Land and soils (including agriculture and restoration)

The Proposed Scheme only proposes to extract minerals from within the confines of the existing quarry footprint and the deepening of the quarry floor; no new lateral extensions are proposed. As such, we question the need for agricultural land classification and soil survey as no soil resources will be affected. The need for such a survey was scoped out in our May 2020 Scoping Report (and this remains unchanged in the enclosed Revised Scoping Report). Notwithstanding this, it is recognised that soils will need to be moved during the restoration phase of the quarry. As such, the EIA will consider the extent to which the proposals include mitigation for the management and handling of soils during this stage of the proposed operations. This will, however, be captured under the development description and landscape assessments. We would welcome your confirmation that this approach is acceptable to you.

Lighting scheme / management plan

Details of the proposed lighting scheme will not change from the current arrangements and details of the existing scheme in place at Whatley Quarry will be set out in the development description.

We would be grateful for your confirmation that our suggested approach to the planning submission and the revised scope of the accompanying EIA is acceptable to the Planning Authority. Should you wish to discuss further, however, we would be happy to have a follow up pre-application meeting, preferably via Teams, to discuss any aspects of this letter.

Yours sincerely



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Enc. Whatley Quarry EIA Revised Scoping Report (Doc Ref. 40380-WOOD-XX-XX-RP-O-0005_S3_P01, February 2022)

Cc. Trystan Mabbitt, Hanson

Ian Strachan, Hanson