

Pre-application advice

Proposal – Whatley Quarry

Location – Whatley, Nr Frome Somerset BA113LF

Ref: SCC/3704/2020/PA

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The Site

Whatley Quarry is an existing operational quarry of strategic importance which started operating in the 1930's and supplies Carboniferous Limestone to both local, regional and national markets, latterly predominantly by rail. The site is located to the north-west of the village of Whatley within the Mendip District in Somerset, 4 kilometres (Km) north-west of Frome. It has a site area of 180 hectares.

The main approach route is from the east via Whatley Road which forms the eastern site boundary. There are two road access points – one which serves primarily as a service access lies in Whatley Bottom, while the main site access lies some 0.5km further to the north. A dedicated rail line passes through a tunnel under Whatley Bottom into the Site and is used exclusively for internal export. The railway branch line runs eastwards, connecting to the Reading and Taunton line north of Frome. The rail operation is managed by a joint-venture company (between Hanson and Aggregate Industries), Mendip Rail.

The quarry occupies the position of a plateau lying at around 130m AOD on the eastern boundary rising to some 158m AOD some 2km to the west. The land to the north of the quarry falls steeply into the valley of the Mells River, on the north bank of which lies the village of Mells. The hamlets of Mells Green and Little Green lie between the quarry and the river. To the south lies the valley of Whatley Brook (which runs through Whatley Bottom). Chantry is a neighbouring hamlet to the south west.

Whatley Quarry is located approx. 400 metres (m) north-east of a Site of Special Scientific Interest (SSSI) Asham Wood, part of the Mells Valley Special Area of Conservation (SAC). The SAC was designated for Greater Horseshoe bat populations. The closest Area of Outstanding Natural Beauty (AONB) is the Mendip Hill AONB, the eastern boundary of which is located around 10km to the north-west of Whatley Quarry.

The site produces an average of 8 million tons per annum and is either rail linked to Taunton and Reading or taken out by road (up to 4 million tonnes).

Historical Background

The history of quarrying, an industrial development at the site, can be traced back to the late 1930's. The site forms part of the wider Mendip Hills area which has long been a prominent location in the Somerset minerals industry producing hard rock aggregates of local, regional and national importance.

Whatley Quarry produces a high-quality crushed limestone for regional and national markets as well as asphalt to the regional market and ready mixed concrete to the local market.

The planning history of Whatley Quarry dates to 1948, when permission was granted for continued mineral extraction under the Town and Country (General Interim Development) Order (IDO) (ref Interim Development Certificate reference 81).

In 1990, ARC (now Hanson) submitted a planning application to extend the quarry to the west which was subject to a "called in" Public Inquiry in April/May 1992. The Secretary of State refused the application in May 1994 (ref.9/5/1994) which was appealed by ARC but was quashed by the High Court.

A revised application (ref.109122/002) was submitted and granted on 6 July 1996 and forms the principle consent for Whatley Quarry. This consent relates to what was the currently worked area of a historic IDO permission (IDO/M/3/A) and a small (35ha) westwards extension. It comprises the continued quarrying and processing of Limestone at Whatley Quarry and extension to quarry (35ha) together with the formation of a reservoir at Snatch Bottom and improvements to Holwell Road.

This consent was time limited to 31 December 2030 and was also subject to a suite of Section 106 legal agreements.

In accordance with the provisions of the Environmental Act 1995, an application for the first 15-year Periodic Review of planning permission 109122/002 was submitted to Somerset County Council in January 2012 (ref. 2001/3289). However, this submission remains undetermined.

In addition to the above, an application to increase the height of the existing restoration backfill tip was submitted and approved in April 2014 (ref.2013/1327). The permission lapsed in April 2017.

Permission SACC/3659/2019 permission granted 3 March 2020 for Regulation of existing stocking area and hauliers parking, welfare and lorry wash area (the contractor's compound) in the eastern part of Whatley Quarry.

Proposal

Hanson UK Ltd (hereinafter referred to as Hanson) plan to seek planning permission for additional mineral reserves at the site through the reprofiling of existing faces and deepening of the existing quarry void at Whatley Quarry. This is to maintain a steady and adequate supply of mineral from Whatley Quarry to meet increasing demand, particularly for rail-linked markets across the UK.

The proposed development seeks to change the working method of the quarry to release additional reserves through the reprofiling of existing benches in the western part of the quarry and deepening of the quarry base. The three key areas are:

1. Western Staggered Benches (15.5 mt);
2. North West tip reprofiling of shallow benches (4.5mt); and
3. deepening of quarry void from current 0m AoD to -60m AoD (56mt).

The existing extraction rates, processing, operational hours, other conditions would remain unchanged as part of the proposal.

The plans are based on the demand for hard rock and how the site can contribute to this need. As a rail linked site, the quarry has access to rail borne markets for

projects such as HS2 and Sizewell (Hanson currently supply Hinckley Point). The intention is that the proposal will help to serve these markets, whilst retaining the flexibility to also serve more local markets by road. The intention is for this to be served by Westdown Quarry which is 1.5 km from the site. Westdown Quarry has been laid dormant since the 1980's but there are proposals to re-open it as it has 160m tonne reserves to the south and south east of the site. Whatley Quarry would provide the rail link for use by Westdown to transport minerals to Reading and the south east.

Pre-application advice sought is as follows: -

- 1) The status of the as yet undetermined 2012 Periodic Review application for Whatley Quarry and how this sits with the need to release additional mineral resource at the quarry through the re-profiling of existing faces and deepening of the quarry void: and
- 2) The scope of the Environmental Impact Assessment and other information to support the proposed planning application to release additional mineral reserves at Whatley Quarry.

Undetermined 2012 Periodic Review Application

A formal view from Somerset County Council (SCC) on the Review of Mineral Permissions (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 Section 73 (S73) application.

As officers, it is considered that the passage of time from the submission of the ROMP has meant that all issues would be subject to review. Any responses previously received on the ROMP as part of the pre-app are however included in Appendix 1 of this advice, but with an obvious caveat on the need for review due to the passage of time. This includes responses from:

- The Environment Agency;
- SLR consulting on behalf of Somerset and West District Council;
- Rights of Way Officer;
- The Coal Authority;
- County Ecologist;
- Natural England;
- Somerset Heritage conservation officer; and
- English Heritage.

SLR consulting on behalf of Bath and North East Somerset. It is proposed to submit a S73 amendment to the extant 1996 consent although this will require further consideration (and confirmation) following the conclusion investigations into the status of the outstanding 2012 Periodic Review. It is anticipated that this would be subject to the statutory 16-week determination period.

Environmental Impact Assessment

The proposal at Whatley Quarry meets the criteria for EIA development under Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (thereafter referred to as the 'EIA Regulations'). The Proposed Scheme requires an EIA because it falls within the descriptions of development under paragraph 19 of Schedule 1 "mandatory development", as it comprises "Quarries and open-cast mining where the surface of the site exceeds 25 hectares" and it is likely to have significant environmental effects.

The requested scope of the EIA and other information to support the proposed planning application to release additional mineral reserves at Whatley Quarry are outlined below:

- The environmental topics that should be assessed within the Environmental Statement (ES);
- The likely significant effects of the Proposed Scheme;
- Those effects that are not likely to be significant and do not need to be considered further;
- The approach to defining the study areas for each environmental topic;
- The data to be gathered;
- The assessment methods that will be used to determine likely significant effects;
- The approach to determining the environmental measures that could be incorporated into the Proposed Scheme to avoid, reduce or, as a last resort, compensate for significant effects; and
- Developments that, together with the Proposed Scheme should be subject to cumulative assessment.

Other legislation of relevance to the proposal relates specifically to the need to review old mineral planning consents i.e. The Planning and Compensation Act 1991 and The Environment Act 1995 – the former setting out the statutory provision for IDO permissions and the latter for ROMPs.

Key Issues are as follows:

- Landscape and visual.
- Noise.
- Vibration.
- Air quality.
- The water environment.
- Biodiversity.
- Traffic and transport.
- Transportation features of Whatley Quarry.
- Historic environment.
- Socio-economics.

- Land and soils (including agriculture).
- Cumulative effects.
- Climate; and
- Major accidents and disasters.

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information; and
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It is noted that the proposed content of the Environmental Statement would include:

- A non-technical summary (which will be available as a standalone document).
- A description of the proposed development comprising information on the need for the development, alternatives that have been considered and a description of the development.
- Information about the consents required if the development is to proceed and the policy context to the development.
- A definition of the EIA process, including the various steps in the EIA process, terminology, and the assessment methodology.
- Separate chapters setting out the assessment relating to each environmental topic, including:

- i) A description of baseline conditions, including information about how these might change during the development.
- ii) A description of any measures that have been incorporated into the proposed development with a view to delivering environmental benefits.
- iii) The scope of the assessment and the methodologies adopted.
- iv) Assessments and evaluations of significance of predicted effects - dealing, in turn, with each receptor/resource that has been assessed in detail.
- v) A summary of the evaluations of significance.
- iv) Proposals for implementing environmental and mitigation measures.
- vii) An assessment of cumulative effects; and
- viii) An appraisal of the effects of the scheme against relevant planning and environmental policies.

As a requirement of the EIA a Scoping Opinion was submitted to SCC on 15 May 2020. The Environmental Impact Assessment Scoping Opinion outlines the main areas which the ES should cover. Topics which have been scoped out are Air Quality, Cultural Heritage, Agricultural Land / Land Quality, Climate (although this would be addressed in the assessment of the Water Environment); Major Accidents & Disasters and Landscape Visual Impact Assessment. The need for a revised/amended Restoration Master Plan has been scoped in. It is considered most of these topics could be scoped out as the proposed development would take place completely within the existing quarry and no changes are proposed to the existing extraction, processing and transportation conditions.

A separate standalone Flood Risk Assessment (FRA) is proposed to be submitted alongside the EIA to form part of the water environment assessment.

The release of additional mineral reserves would extend the life of Whatley Quarry beyond 2030 as currently permitted. The EIA would be assessing the continuation of current effects beyond 2030 and in this context, would focus on the assessment of extended timescales for working on nearby residential receptors.

This remaining commentary deals specifically with these areas, identifying the main responses received and the areas considered to be necessary to any application.

Development Plan, NPPF, Policies and other material considerations

National Planning Policy Framework (2019)

The National Planning Policy Framework (2019) (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The following are of relevant to the proposal:

Presumption in favour of Sustainable Development:

- Paragraph 11 states that a proposal should be determined in accordance with the development plan unless material considerations indicate otherwise. Alongside this, the framework includes an overarching 'presumption in favour of sustainable development' which means 'approving development proposals that accord with an up-to-date development plan without delay'. In the absence of relevant plan policies or the most relevant policies are out-of-date, the presumption allows for refusing planning permission where the application of policies in the NPPF (2018) that protect areas or assets of particular importance provides a clear reason for refusal or any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- Paragraph 12 goes on to state 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Decision making:

- Paragraph 38 states 'local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible'.
- In addition, paragraphs 39-46 of the NPPF encourages pre-application engagement and set out the roles of the applicant and the local authority in this. Paragraph 39 states 'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.'

Building a strong, competitive economy:

- Paragraph 80 states that planning decisions ‘should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’
- Paragraphs 83 and 84 set out the Framework’s approach to supporting the rural economy. Paragraph 83 states that planning decision should enable ‘the development and diversification of agricultural and other land-based rural businesses.’

Promoting sustainable transportation:

- Paragraph 108 makes it clear that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location, that safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. The chapter sets the context for refusing applications and provides guidance on what applications should include. It also makes it clear that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Meeting the challenge of climate change, flooding and coastal change:

- New development should be planned for in ways that: (a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and (b) can help to reduce greenhouse gas , such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the government’s policy for national technical standards. It states that in determining planning applications, local planning authorities should expect new development to: (a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and (b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- Paragraphs 155 to 165 also provides guidance on planning and flood risk including ensuring that flood risk is not increased elsewhere as a result of development.

Conserving and enhancing the natural environment:

- Sets out how where planning decisions should contribute to and enhance the natural and local environment. It provides guidance on designated nature conservation sites, and other landscape designations as well as on land quality, pollution and other amenity impacts.

Conserving and enhancing the historic environment:

- Sets out how heritage assets will be considered in the planning process and their protection.

Facilitating the sustainable use of minerals:

- States that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

National Planning Practice Guidance:

The following areas of guidance may be relevant to the proposal:

- Before submitting an application;
- Climate change;
- Determining a planning application;
- Environmental Impact Assessment;
- Fees for planning applications;
- Flood risk and coastal change;
- Healthy and safe communities;
- Historic environment;
- Land stability;
- Light pollution;
- Making an application;
- Minerals;
- Natural environment;
- Noise;
- Open space, sports and recreation facilities, public rights of way and local green space;
- Planning obligations;
- Transport evidence bases in plan making and decision taking;
- Travel Plans, Transport Assessments and Statements;
- Use of planning conditions; and
- Water supply, wastewater and water quality.

Local Plans

Somerset Minerals Plan: up to 2030 (2015) (SMP)

The following policies are relevant to the proposal:

- Policy SD1: Presumption in favour of sustainable development - The policy reflects the NPPF's presumption in favour of sustainable development.
- Policy SMP2: Crushed rock supply and landbank - states that Mineral Planning Authority will make provision for a rolling 15 year landbank of permitted reserves of both Carboniferous Limestone and Silurian Andesite throughout the Plan Period based on the findings of the Local Aggregate Assessment (LAA).
- Policy SMP3: Proposals for the extraction of crushed rock - states that planning permission for the extraction of crushed rock will be granted subject to the application demonstrating that: a) the proposal will deliver clear economic and other benefits to the local and/or wider communities; and b) the proposal includes measures to mitigate to acceptable levels adverse impacts on the environment and local communities.
- Policy SMP8: Site reclamation – states that 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.
- Policy SMP9: Safeguarding - sets out the mineral safeguarding provisions for Somerset.
- Policy DM1: Landscape and visual amenity - states that planning permission for mineral development will be granted subject to the application demonstrating that: a) the proposed development will not generate unacceptable adverse impacts on landscape and visual amenity; and b) measures will be taken to mitigate to acceptable levels adverse impacts on landscape and visual amenity. It also states that all mineral development proposals must be informed by and refer to the latest, relevant character assessments, nationally and locally.
- Policy DM2: Biodiversity and geodiversity – states that planning permission for mineral development will be granted subject to the application demonstrating that: a) the proposed development will not generate unacceptable adverse impacts on biodiversity and geodiversity; and b) measures will be taken to mitigate to acceptable levels (or, as a last resort, proportionately compensate for) adverse impacts on biodiversity and geodiversity. Such measures shall ensure a net gain in biodiversity where possible. The Habitat Evaluation Procedure will be used in calculating the value of a site to species affected by the proposal where the conservation value of the habitat is considered to be replaceable and mitigation techniques

have been proven. The weight of protection given to a site will be that afforded by its statutory or non-statutory designation, its sensitivity and function in maintaining the biodiversity of the county, and its role in maintaining the connectivity and resilience of the county's ecological networks. A 'test of likely significance' will be required for mineral development proposed which directly affect European and internationally designated sites and in areas that ecologically support the integrity of these sites.

- Policy DM3: Historic environment - states that planning permission for mineral development will be granted subject to the application demonstrating that: a) the proposed development will not generate unacceptable adverse impacts on the historic environment or where an adverse impact or impacts have been identified, these can be adequately mitigated; and b) for proposals that impact on the integrity, character or setting of a heritage asset, impacts have been adequately considered by desk-based assessment and field evaluation and with reference to the Somerset Historic Environment Record and the records of designated heritage assets held by English Heritage; and c) adequate provision will be made for the preservation in-situ or excavation of the asset as appropriate, in discussion with the county archaeologist, and the recording of relevant information to advance understanding of the asset. The weight of protection afforded to a heritage asset will reflect the significance of the asset including, but not limited to, its statutory designation(s).
- Policy DM4: Water resources and flood risk - supports the granting of planning permission for mineral development subject to demonstration that the proposal will not have an unacceptable adverse impact on future use of water resources; environmental value and visual amenity of the water resource; and drainage and flood risk.
- Policy DM5: Mineral extraction below the water table (if applicable) - states that proposals for mineral extraction from below the water table will only be permitted if: a) they do not generate unacceptable adverse impacts on the water environment or other water interests; b) monitoring will ensure early warning is given of any potentially unacceptable adverse impact and the applicant will be responsible for taking the necessary remedial action before the effects of the adverse impact become irreversible; c) water abstraction and mitigation measures do not give rise to unacceptable environmental impacts.
- Policy DM6: Public rights of way - states that proposals for mineral development that have the potential to impact on the rights of way network in Somerset will need to demonstrate how the affected part of the network or any alternative route will be managed and maintained. Where proposals are likely to have an unacceptable adverse impact on the rights of way network, the applicant must provide a satisfactory, authorised replacement route (either temporary or permanent). Authorised diversion routes must meet the relevant criteria, be fit for purpose and easily accessible, without causing significant disturbance to wildlife. If temporary, the original right of way shall be reinstated as soon as is practicable. If permanent diversion is required, this shall seek to improve on and enhance the original public right of way.

- Policy DM7: Restoration and aftercare - states that planning permission for mineral development will be granted subject to the applicant submitting restoration and after-use proposals, which: a) clearly state how the criteria in the reclamation checklist (Table 7) have been met; and b) include satisfactory information on the financial budget for restoration and after-use, including how provision for this work will be made during the operational life of the site. Restoration proposals will be subject to a five-year period of aftercare. Where proposals require a longer period of management, the proposal will only be permitted if it includes details of how this will be achieved.
- Policy DM8: Mineral operations and the protection of local amenity - states that planning permission will be granted for mineral development subject to the application demonstrating: a) that the proposed development will not generate unacceptable adverse impacts on local amenity; b) measures will be taken to mitigate to acceptable levels (and where necessary monitor) adverse impacts on local amenity due to: i. Vibration; ii. Dust and odour; iii. Noise; and iv. Lighting. The policy how the applicant intends to engage with local during the operational life of the site.
- Policy DM9: Minerals transportation - states that planning permission for mineral development will be granted subject to the application demonstrating that the road network serving the proposed site is suitable or can be upgraded to a suitable standard to sustain the proposed volume and nature of traffic without having an unacceptable adverse impact on distinctive landscape features or the character of the countryside or settlements. Particular regard should be given to a) highway safety; b) alignment; c) proximity to buildings; d) air quality; e) the integrity of the road network including construction and any impacts on capacity; f) disruption to local communities. Proposals for mineral development that will generate significant transport movements must be supported by a Transport Assessment and Travel Plan. The Transport Assessment will need to demonstrate that appropriate consideration has been given to the alternatives to road transport, including rail, as a primary freight transport option. Alternatives to road transport should be pursued if they are demonstrated to be practicable and beneficial. This will be of importance due to the links between this proposal and the proposal at Westdown Quarry.
- Policy DM10: Land stability - requires the submission of a stability assessment to demonstrate that proposals will not have an adverse impact on the stability of neighbouring land or properties; and not result in watercourse channel instability either during the working phase of a minerals development or at any time after the cessation of mineral extraction operations.
- Policy DM12: Production limits and cumulative impacts - states that the Mineral Planning Authority will impose planning conditions to limit production where this is considered necessary and appropriate to prevent any unacceptable adverse impacts from the operation. Conditions may therefore be expected on any permission granted. This will be of particular importance due to the site's relationship with Westdown quarry.
- Policy DM11: Management of solid mineral wastes-any application must demonstrate that it is not practicable to re-use the material; and b) the

proposal will not have significant adverse impact on the distinctive character and features of the Somerset countryside.

Mendip Local Plan Part I: Strategy and Policies 2006-2029 (2014) (MLP1)

The following policies are relevant to the proposal:

- Development Policy 1: Local Identity and Distinctiveness - states that:
 - i. All development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district; and
 - ii. Proposals should be formulated with an appreciation of the built and natural context of their locality recognising that distinctive street scenes, townscapes, views, scenery, boundary walls or hedges, trees, rights of way and other features collectively generate a distinct sense of place and local identity. Such features may not always be designated or otherwise formally recognised. Where a development proposal would adversely affect or result in the loss of features or scenes recognised as being distinctive, the Council will balance up the significance of the feature or scene to the locality, the degree of impact the proposal would have upon it, and the wider benefits which would arise from the proposal if it were approved. Any decisions will also consider efforts made by the applicant to viably preserve the feature, avoid, minimise and/or mitigate negative effects and the need for the proposal to take place in that location.
- Development Policy 3: Heritage Conservation states that proposals and initiatives will be supported which preserve and, where appropriate, enhance the significance and setting of the district's Heritage Assets, whether statutorily or locally identified, especially those elements which contribute to the distinct identity of Mendip.
 - i. Proposals affecting a Heritage Asset in Mendip will be required to: a) Demonstrate an understanding of the significance of the Heritage Asset and/or its setting by describing it in sufficient detail to determine its historic, archaeological, architectural or artistic interest to a level proportionate with its importance. b) Justify any harm to a Heritage Asset and demonstrate the overriding public benefits which would outweigh the damage to that Asset or its setting. The greater the harm to the significance of the Heritage Asset, the greater justification and public benefit that will be required before the application could gain support.
 - ii. Opportunities to mitigate or adapt to climate change and secure sustainable development through the re-use or adaptation of Heritage Assets to minimise the consumption of building materials and energy and the generation of construction waste should be identified. However, mitigation and adaptation will only be considered where there is no harm to the significance of a Heritage Asset.

- iii. Proposals for enabling development necessary to secure the future of a Heritage Asset which would otherwise be contrary to the policies of this plan or national policy will be carefully assessed against the policy statement produced by English Heritage – Enabling Development and the Conservation of Significant Places.
- Development Policy 4: Mendip’s Landscapes - states that proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported. Any decision-making will consider efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location.
- Development Policy 5: Biodiversity and Ecological Networks states that the Council will use the local planning process to protect, enhance and restore Somerset’s Ecological Network within Mendip.
 - i. All development proposals must ensure the protection, conservation and, where possible, enhancement of internationally, nationally or locally designated natural habitat areas and species.
 - ii. Proposals with the potential to cause adverse impacts on protected and/or priority sites, species or habitats are unlikely to be sustainable and will be resisted. Exceptions will only be made where: a) the impacts cannot be reasonably avoided, b) offsetting/compensation for the impacts can be secured, c) other considerations of public interest clearly outweigh the impacts, in line with relevant legislation. Offsets as mitigation or compensation required under criterion b) will be calculated using Somerset County Council’s Biodiversity Offsetting methodology.
- Development Policy 6: Bat Protection states that planning applications for development on sites within the Bat Consultation Zone will require a ‘test of significance’ under the Habitats Regulations to be carried out. Applicants must provide, with their application, all necessary information to enable compliance with the Habitats Regulations (or their successor), including any necessary survey work, reports and avoidance / mitigation measures.
- Development Policy 8: Environmental Protection - states that development proposals should demonstrate that they do not give rise to unacceptable adverse environmental impacts on (inter alia) “the quality of water resources, whether surface river or groundwater”. Proposals must include an assessment appropriate to the type and extent of the impact and any associated risks.
- Development Policy 9: Transport Impact of New Development - states that where appropriate, development proposals must demonstrate how they will improve or maximise the use of sustainable forms of transport (particularly by means other than the private car), and shall include, where relevant, the submission of Travel Plans and/or Transport Assessments. Therefore, to meet these policy requirements, proposals for mineral development that will generate significant transport movements must be supported by a Transport Assessment and Travel Plan. It is recommended that the details of receptors are agreed with the Highway Authority and Environmental Health prior to commencing work on the assessment.
- Development Policy 23: Managing Flood Risk - requires the implementation of the sequential approach to flood risk management with development in areas

at risk of flooding expected to be resilient and incorporate mitigation measures.

Mendip Local Plan Part II: Sites and Policies (Not adopted) (MLP2)

The Mendip Local Plan Part II: Sites and Policies is currently at examination. The draft plan does not therefore currently form part of the development plan. However, in accordance with the NPPF paragraph 48. Local Authorities may give weight to relevant policies in emerging plans according the stage of preparation, the extent to which there are unresolved objections, and degree of consistency with the NPPF.

Key Issues

The applicant has requested that SCC provide a view on the following areas in relation to the scoping.

- The environmental topics that should be assessed within the Environmental Statement (ES).
- The likely significant effects of the Proposed Scheme.
- Those effects that are not likely to be significant and do not need to be considered further.
- The approach to defining the study areas for each environmental topic.
- The data that has been gathered (and will be gathered).
- The assessment methods that will be used to determine likely significant effects.
- The approach to determining the environmental measures that could be incorporated into the Proposed Scheme to avoid, reduce or, as a last resort, compensate for significant effects; and
- Developments that, together with the Proposed Scheme should be subject to cumulative assessment.

The remaining commentary of this pre application advice deals specifically with these areas, identifying the main responses received and the areas considered to be necessary to any application. They are presented by theme / key issues. The key issues raised by the proposal, as submitted at the time of this request and based on the information before Hampshire Services (on behalf of SCC), are:

- Policy context, need and the principle of development (NPPF, Policies SD1, SMP2 of the SMP, Appendix C of the SMP (2015));
- Landscape and visual (NPPF, Policies DM1 and DM6 of the SMP (2015), Development Policies 1 and 4 of the MLP1 (2014));
- Noise (NPPG, Policy DM8);
- Vibration (NPPG, Policy DM8 of the SMP (2015));
- Air quality (NPPG, Policy DM8 of the SMP (2015));
- The water environment (NPPF (2019), Policies DM4, DM5 of the SMP (2015), Development Policies 8 and 23 of the MLP (2014));
- Biodiversity (NPPF, Policy DM2 of the SMP (2015), Development Policies 5, 6, 8 of the MLP1 (2014));
- Traffic and transport (NPPF (2019), Policy DM9 of the SMP (2015), Development Policy 9 of the MLP 1 (2014));
- Historic environment (NPPF, Policy DM3 of the SMP (2015); Development Policy DP3 MLP (2014));
- Socioeconomics (NPPF, Policy SMP3 of the SMP (2015));
- Land and soils (including agriculture) (NPPG, NPPF (2019), Policies DM7, DM10 and SMP8 of the SMP (2015));
- Cumulative effects (NPPG, Policy DM12 of the SMP (2015));
- Climate Change (NPPF);
- Lighting (Policy DM8 of the SMP (2015)); and

- Pollution Prevention (NPPG).

These issues relate in most instances to both the proposed chapters of the ES as well as the separate planning application being planned.

Where schemes are identified as being required, these are annotated and summarised in full at the end of the document.

It will be important that the site is considered as a whole, including both the IDO site (to be subject to the ES) and the proposed extension area to Whatley Quarry. Officers recommend that a holistic approach is taken when preparing a submission for the whole of the quarry area.

Policy context, need and the principle of development

The following paragraphs and policies are relevant to the proposal on this issue.

- Paragraph 11 of the NPPF;
- Policy SD1: Presumption in favour of sustainable of the SMP (2015);
- Policy SMP2: Crushed rock supply and landbank of the SMP (2015); and
- Appendix C of the SMP (2015).

Presumption in favour of sustainable development

It will be important that the development proposed is demonstrated to be considered sustainable at its core and this should be effectively thread through any submission to ensure compliance with national and local policy.

Need

Somerset is the largest producer of crushed-rock aggregate in the south of England with an average of over 10 million tonnes per year produced over recent years. The vast majority is extracted from the quarries in the east Mendip Hills of which a significant proportion is exported to other counties by rail. The carboniferous limestone deposit in the Mendip Hills is a nationally and locally important aggregate resource.

Objective A of the SMP (2015) is 'to ensure that Somerset is able to provide an adequate and steady supply of minerals, contributing to national, regional and local requirements without compromising the natural and historic environment, supporting in particular, amongst other areas, the county's nationally important role in crushed rock supply.

Policy SMP2: Crushed rock supply and landbank of the SMP (2015) makes provision for a rolling 15-year landbank of permitted reserves of both Carboniferous Limestone and Silurian Andesite throughout the Plan Period based on the findings of the Local Aggregate Assessment (LAA). Somerset County Council will seek to maintain an adequate and steady supply of crushed rock throughout the plan period based on the data provided in the LAA, which includes the rolling average 10 years sales data

and any relevant local information. The most recent Somerset LAA 2015 states an average 10-year sales figure of 10.85 million tonnes, which forms the basis for future provision. The level of provision will be reviewed via future LAAs, considering any changes in Somerset's permitted reserves, to ensure that a steady and adequate supply of aggregates is maintained. The LAA (2015) indicated that Somerset has enough permitted reserves to last approximately 41 years, which is beyond what is required by national policy. Nonetheless, the SMP (2015) is clear that it is important to take a positive approach to future proposals, in line with the presumption in favour of sustainable development. Furthermore, the Government is clear that every Mineral Planning Authority with minerals resources has a role to play in meeting national and local demand.

Whatley quarry is one three sites identified in the plan which are of particular importance in maintaining steady and adequate supply of crushed rock from Somerset. Whatley is also one of only nine rail-linked quarries currently in England that can supply more than 1 million tonnes per year. As a result, it makes a sizeable contribution to the needs of London and the South East for crushed rock and are considered nationally important. Almost all the aggregate supplied from the South West to London and the South East is transported by rail, most of which is derived in Somerset.

It will be important for any application to clearly set out how the proposal fits into this local and national context, and how it will contribute to ensuring and balanced and adequate supply of crushed rock to ensure compliance with Policy SMP2 of the SMP (2015) as well as wider national policy. This should be set out clearly in an accompanying Planning Statement alongside a wider context for the development.

Landscape and visual (including rights of way)

The following paragraphs and policies are relevant to the proposal on these issues.

- Policy DM1: Landscape and visual amenity of the SMP (2015);
- Policy DM6: Public Rights of Way of the SMP (2015);
- Development Policy 1 – Local Identity and Distinctiveness of the MLP1 (2014);
- Development Policy 4 – Mendip's Landscapes of the MLP1 (2014).

It is acknowledged that the proposal relates to an existing site and is considered to be in an acceptable location due to the previous grant of planning permissions for the location of the quarry. The issue here is about the acceptability of its proposed extension and its potential visual and landscape impacts.

The general principles of the ES, as outlined earlier, should be considered in relation to the landscape when preparing the application.

The Scoping Report sets out the baseline information in relation to the issue of landscape, in relation to topography and drainage, land use and vegetation patterns, settlement pattern, transportation networks, recreational routes and facilities National and Regional Trails and Cycle Routes, Open access land as well as other recreational interests.

The Scoping Report also provides an assessment of the landscape character of the site.

No response has been received as part of the Scoping Opinion Request from Natural England or landscape consultees. However, based on the response to the associated development at Westdown Quarry to which comments have been received, the following should be considered.

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant National Character Areas which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

Additional comments from the officer:

It will be important that the views of Natural England, as noted above, are considered when preparing the application. In addition, the officer has the following other comments to make.

Whatley Quarry site is primarily determined by the surrounding topography and availability of screening elements. These important aspects should be suitably assessed in any submission, highlighting any potential impacts and associated mitigation. It will be important that any submission contains the appropriate levels of detail on mitigation measure such as screening from the surrounding countryside considering land contours and retained vegetation. It will also be important to ensure that appropriate provisions are made to protect and/or enhance the quality, character, and amenity value of the countryside and to ensure the proposal meets policy.

The proposals should be formulated with an appreciation of the local natural context recognising views, scenery, boundary walls or hedges, trees, rights of way and other features collectively generate a distinct sense of place and local identity. It is important to note that such features may not always be designated or otherwise formally recognised. Where a development proposal would adversely affect or result in the loss of features or scenes recognised as being distinctive, the significance of the feature or scene to the locality, the degree of impact the proposal would have upon it, and the wider benefits which would arise from the proposal if it were approved would have been balanced. Any decision making will consider efforts made by the applicant to viably preserve the feature, avoid, minimise and/or mitigate negative effects and the need for the proposal to take place in that location.

Paragraph 13.7 of the SMP (2015) makes it clear that it is essential that the County Council is presented with sufficiently detailed information on the impacts of any proposed development on landscape and visual amenity to inform local decision-making.

The submission should also be informed by and refer to the latest, relevant character assessments, nationally and locally. It is acknowledged that the Scoping Opinion references the preparation of a **Landscape and Visual Impact Assessment (LVIA)** and this will be conducted in accordance with the up to date Guidelines for Landscape and Visual Impact Assessment produced by the Landscape Institute and the Institute of Environmental Management and Assessment. It is also noted that the LVIA will also take account of other relevant technical guidance. Potential receptors and viewpoints should be identified in the Screening Report and assessed within the LVIA. It is recommended that these are agreed with consultees prior to submission. To ensure compliance with relevant policies and guidance, the LVIA should ensure the following supporting documentation:

- Information on the landscape character of the area.
- consider the characteristics of the area in which development is proposed. This should include (but not be limited to) reference to the appropriate National Character Area profiles and any relevant local Landscape Character Assessments (LCAs).

- demonstrate that it will not generate unacceptable adverse impacts on landscape and visual amenity.
- sets out measures for the screening of the works.
- the phases of the working.
- impacts that traffic, noise and dust; will have on the landscape, its tranquillity and public recreation in the area (as relevant).
- outline measures that will be taken to mitigate to acceptable levels adverse impacts on landscape and visual amenity.
- how the proposal contributes positively to the maintenance and enhancement of local identity and distinctiveness of the Mendips.
- address cumulative impacts on the landscape appropriately.

The Landscape Assessment of Mendip District May 1997 should also be considered.

It will be important the re-establishment of workings and their potential cumulative impacts on the landscape associated with other nearby workings is effectively considered in any submission. Asham Wood is designated by the policy as a Special Landscape Feature (SLF). As a result, the Assessment of Special Landscape Features provides further details under a range of quality criteria and sets out how Asham Wood meets these criteria. The special qualities set out in the document must inform the assessment of effects in LVIA on this issue.

It is recognised that the site is not within or adjacent (within 1 km) of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB). However, it will still be important that due consideration is given to potential impacts on the designation and that the submission takes full account of the AONB Management Plan. The SMP (2015) recognises the mineral sites in the Mendip Hills AONB and the need to ensure that the sites can continue being worked without resulting in significant adverse impacts on the landscape character and the visual amenity of the area. Officers recommend that the applicant engages with the AONB before submission on this point to ensure due consideration is given.

The Scoping Report recognises that the absence of landscape planning designations does not automatically mean that an area or landscape receptor is of low landscape value. Given the wider landscape, this is important. The Report already states that the LVIA will include analysis for each landscape receptor of the factors that have been assessed in the determination of its landscape value and the assessment of its susceptibility to the operation at Whatley Quarry and this is supported.

The Scoping Report references the intention to consider potential visual effects that may occur where more than one existing, permitted or proposed mineral developments. This is welcomed and will be an important part of the application. Consideration should be given to the potential cumulative landscape effects as a result of the extraction and subsequent restoration of these sites.

It is advised that a detailed **Landscaping Scheme** for the site be submitted as part of the application. The scheme should specify the types, size and species of all trees and shrubs to be planted; details of all trees to be retained; and details of fencing/enclosure of the site, phasing and timescales for carrying out the works, and provision for future maintenance. A commitment to replace any trees or shrubs

which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species should be included.

In relation to heritage landscapes, the applicant should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at:
www.hmrc.gov.uk/heritage/lbsearch.htm.

Based on a lack of response on landscape issues, engagement with the consultees prior to the submission would be recommended to ensure the submission covers all areas required. Any responses received following the issuing of this advice will be forwarded on.

Arboriculture

On the basis of the potential impact to tree's, 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. This should set out issues such as:

- Survey details and scope.
- Survey limitations.
- Legal protection of trees.
- Preliminary Arboricultural Method Statement; and
- Arboricultural Impact Assessment.

The Assessment should also include a **Tree Protection Plan** and information on compliance with BS 5837:2012. Any details of fencing should also be submitted.

It is important to note that any trees that need to be removed as part of any access (Section 278 agreements) will attract CAVAT-based valuation mitigation payments so early consultation with a suitably qualified Arboriculturalist is advised to minimise loss of important trees – which will attract higher valuations.

Restoration of the works will be very important part of the overarching landscaping proposals (see restoration section).

Based on a lack of response from an Arboricultural consultee, engagement with consultees prior to the submission would be recommended to ensure the submission covers all areas required.

The applicant can expect a condition to be attached to any permission granted relating to landscaping and arboriculture and other associated impacts, alongside any others recommended (which meet the tests) at the consultation stage, as part of any permission granted.

Access and Recreation

The general principles of the ES, as outlined earlier, should be considered in relation to impact on the rights of way when preparing the application.

The Scoping Report recognises that the local Public Rights of Way network provides a moderately high level of provision with strong connectivity between minor roads and settlements via a network of footpaths, bridleways and byways. Any potential impacts on these routes, including any mitigation required should be clearly identified in the proposal. The applicant may find the Somerset County Council Rights of Way Improvement Plan 2 of use. This details how the public rights of way in Somerset will be managed and improved. Mineral-related planning applications should have regard to this Improvement Plan.

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

The response from Rights of Way Officer to the submitted ROMP 2012 is included for information as a view on any forthcoming proposal:-

Thank you for consulting us on the above application. I have not visited the site.

I can confirm that there are public rights of way (PROW) recorded on the Definitive Map which cross the area of the proposed development at the present time (footpaths FR 10/75, FR 10/78, FR 10/79 and FR 10/94).

The County Council do not object to the proposal subject to the developer being informed that the grant of planning permission does not entitle developers to obstruct a public right of way.

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. If the routes are to be diverted, this will be done by Mendip District Council.

In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

A PROW being made less convenient for continued public use.

New furniture being needed along a PROW.

Changes to the surface of a PROW being needed.

Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary, and a suitable alternative route must be provided.

To ensure compliance with Policy DM6: Public Rights of Way of the SMP (2015), the submission will need to:

- demonstrate how the affected part of the network or any alternative route will be managed and maintained.

If it is found that the proposal is likely to have an unacceptable adverse impact on the rights of way network, the applicant must provide a satisfactory, authorised replacement route (either temporary or permanent). Authorised diversion routes must meet the relevant criteria, be fit for purpose and easily accessible, without causing significant disturbance to wildlife. If temporary, the original right of way shall be reinstated as soon as is practicable. If permanent diversion is required, this shall seek to improve on and enhance the original public right of way.

Assuming some impacts to PROW or permissive routes, the applicant's attention is drawn to paragraph 17.3 of the SMP (2015) which states that wherever possible, public rights of way should remain in their current position on the legal line of path. If this is not possible, then advice should be sought from the County Council's Rights of Way officers regarding temporary or permanent diversions. The process for closure or diversion of a public right of way, either temporarily or permanently, follows a separate application process. Relevant criteria are provided with the County Council's Division Order Policy, to which applications must adhere. Furthermore, paragraph 17.4 states that applicants for proposed minerals development that has the potential to impact on a public right of way will be required to submit details of potential alternative routes and how and when the original right of way will be reinstated. In line with national policy, opportunities will be sought by the County Council to enhance public rights of way and access and provide better facilities for users of public right of ways. More information on rights of way in Somerset is available here: <https://www.somerset.gov.uk/waste-planning-and-land/public-rights-of-way/>. The applicant should consider the Rights of Way Improvement Plan when preparing the application: <https://www.somerset.gov.uk/waste-planning-and-land/public-rights-of-way/#Rightsof-Way-Improvement-Plan>.

The local Rights of Ways and Open Access Land should be considered within the LVIA, and where required, the ES.

Restoration proposals should include detailed proposals for enhancement to local rights of way and improvements for public access. Consideration might be also given

to dedication of any additional bridleways and for provision of further links to the public access network. Guidance notes on dedication of Public Rights of Way can be found at: (Pre-Application Information Amending Public Rights of Way)

The applicant can expect conditions on the protection of nearby users of rights of ways, alongside any others recommended (which meet the tests) at the consultation stage, as part of any permission granted. On the basis that the application may be subject to a S106 in relation to ROW, draft or heads of terms should include provision of contributions for the maintenance of the local rights of way which are likely to be affected by the development proposals

Noise

The general principles of the ES, as outlined earlier, should be considered in relation to noise.

The following paragraphs and policies are relevant to the proposal on this issue:

- Paragraph 13 of the NPPG states that blast vibration is one of “the principal issues that planning authorities should address;
- Paragraphs 21-22 of the NPPG; and
- Policy DM8: Mineral operations and the protection of local amenity of the SMP (2015).

The Noise Policy Statement for England, 2010 (NPSE) sets out the vision and aims for dealing with noise (except for workplace/occupational noise). It requires that noise and vibration assessments identify impacts that would result in significant adverse impacts on health and quality of life from a proposed development. Building on this, the NPPF states that new development should contribute to and enhance the environment by preventing new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. In addition, the NPPG sets out a noise hierarchy which should be referenced when preparing the ES / application. The NPPG identifies noise as one of the principal environmental issues that minerals working need to address.

To ensure compliance with Policy DM8: Mineral operations and the protection of local amenity of the SMP (2015) the development must: a) not generate unacceptable adverse impacts on local amenity; include b) measures will be taken to mitigate to acceptable levels (and where necessary monitor) adverse impacts on local amenity due to:... iii. Noise. It will therefore be of paramount importance that the issue of noise is addressed appropriately in any submission.

If there is no relevant information readily available which quantifies the baseline acoustic environment at locations surrounding the quarry. This will need to be prepared as part of the preparation of a **Noise Impact Assessment**. This should cover:

- Description of the site and the main sound emitting sources – including baseline acoustic information;

- Identification of the appropriate sound criteria for the assessment;
- Identification of the nearest noise sensitive receptors (NSRs);
- Unmanned long-term background sound surveys at agreed locations (the NRSs if practically possible) around the development site;
- Other noise sensitive operations in the local area;
- Determination of the ambient and background sound levels at each NSR;
- Evaluation of the predicted sound and vibration levels against the relevant criteria as agreed with Somerset County Council Environmental Health Professionals;
- Outline appropriate mitigation measures if required; and
- Details of ongoing monitoring (if required).

The applicant's attention is drawn to Table 8 of the SMP (2015) which sets out key considerations when preparing a noise impact assessment in relation to. This should be consulted when preparing the application.

The existing screening and relatively, isolated location of the site suggests that amenity and health impacts are likely to be mitigated to an extent as to not have an impact on neighbouring land uses, particularly residential property, the nearest of which is approximately 1km from the site. The supporting documentation for the proposal should clearly set out the mitigation measures proposed and what impacts these will have. However, it is still important that due attention is paid to this as an issue in the ES due to associated impacts other areas e.g. nature conservation, heritage etc.

For noise impacts, the location of the plant should be carefully considered to ensure it reduces the level of impact on the nearest sensitive receptors. The proposal should look to provide information as to the potential noise impacts as well as clear details on how this can be mitigated.

Hours of working conditions will be applied to any permission granted. It is acknowledged that the applicant recognises this by proposing the following hours of working: Extraction, haulage, servicing, maintenance and testing of plant:

- 06.00 – 20.00: Monday – Friday; and
- 06.00 - 12.00: Saturday and Sunday.

The need for these hours should be set out clearly in the submission. The acceptability of these proposed hours will be tested at the application stage.

The applicant can expect a condition to be attached to any permission granted to ensure the workings have an established noise limit. This will ensure the development is in accordance with the NPPG.

It is recommended that the Environmental Health Officer at Mendip District Council is contacted for further advice on this issue prior to submission to ensure the submission meets requirements.

Vibration

The general principle of the ES, as outlined earlier, should be considered in relation to vibration.

The following paragraphs and policies are relevant to the proposal on this issue:

- Paragraph 13 of the NPPG.
- Policy DM8: Mineral operations and the protection of local amenity of the SMP (2015)
- As noted in the Scoping Report, the following standards are relevant to the proposal: • BS 7385-2:1993 Evaluation and Measurement for Vibration in Buildings.
- BS 6472-2:2008 “Guide to evaluation of human exposure to vibration in buildings. Blast-induced vibration.
- BS 6472-2:2008 deals with the problems associated with periodic blasting within range of occupied buildings.
- BS5228-2:2009: A1:2014) - Construction (vibration) British Standards Institution 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration, 2014.

In addition, the Department of Transport and Regions (DETR) research report on “The Environmental Effects of Production Blasting at Surface Mineral Workings”. 1998 provides guidance on this subject and proposes example blasting conditions for planning consents.

Paragraph 13 of the NPPG states that blast vibration is one of “the principal issues that planning authorities should address.

To ensure compliance with Policy DM8 of the SMP (2015), the application must:

- demonstrate that the proposed development will not generate unacceptable adverse impacts on local amenity; and
- measures will be taken to mitigate to acceptable levels (and where necessary monitor) adverse impacts on local amenity due to vibration.

The applicant's attention is drawn to Table 8 of the SMP (2015) which sets out key considerations when preparing a relevant impact assessment in relation to vibration. This should be consulted when preparing the application.

Any assessment must provide information to quantify the blasting vibration environment at locations surrounding the quarry. This assessment will be required as part of any submission. It is acknowledged that surrounding quarries such as Torr Works and Halecombe may be a source of existing blasting vibration but further assessment will be required. Ongoing blast vibration monitoring should be sought to allow to produce a regression line for Whatley Quarry. This could then be used to predict the vibration impact for blasting operations on the quarry on nearby properties in terms of the peak particle velocity (PPV). These PPV levels would need

to be assessed against the latest Government guidance on the subject and any remedial measures identified. The Scoping Report envisages that the same receptors used for the **Noise Impact Assessment** will also be used for blasting vibration assessment.

It is recommended that these are agreed with the Environmental Health Officer at Mendip District Council before work commences and that further advice on vibration prior to submission is requested to ensure the application meets requirements and to ensure that the appropriate standards are covered.

The applicant can expect conditions on vibration alongside any others recommended (which meet the tests) at the consultation stage, as part of any permission granted.

Air quality

The following paragraphs and policies are relevant to the proposal on this issue.

- NPPG (2019); and
- Policy DM8: Mineral operations and the protection of local amenity of the SMP (2015).

The general principle of the ES, as outlined earlier, should be considered in relation to air quality when preparing the application.

No response was received as part of the Scoping Opinion Request from Natural England however based on the response received for Westdown Quarry to which this proposal is linked the following should be considered.

Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition (England Biodiversity Strategy, Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

Other comments from the officer:

The response from Natural England in relation to air quality should be considered when preparing the application. Links to other areas such as biodiversity should also be outlined.

The NPPG sets out guidance regarding the need for and scope of dust assessments.

To ensure compliance with Policy DM8 the proposal must demonstrate:

- That it will not generate unacceptable adverse impacts on local amenity.
- The measures will be taken to mitigate to acceptable levels (and where necessary monitor) adverse impacts on local amenity due to dust.

The current baseline information is identified in the Scoping Report. It is considered that the main issue would be nuisance dust. Hard rock, such as limestone is considered more likely to generate dust than other rock types. The effects of dust on a community will therefore be determined by three main factors:

- The short-term dustiness during periods of dry weather.
- The frequency or regularity with which these occur; and
- The duration of the site activities that contribute dust.

The Scoping Report identifies that dust and particulate matter emissions will be assessed using the method detailed in the Institute of Air Quality Management (IAQM) “Guidance on the Assessment of Mineral Dust Impacts for Planning” (2016). Assessment will therefore be required for receptors within 400 m of activities. [An Air Quality Management Plan](#) should be prepared and involve:

- Description of the existing PM10 concentration (and dust deposition rates where available);
- Description of the location of receptors and their relative sensitivities to PM10 concentration and dust deposition.
- Details of potential dust sources associated with the proposed development, including the activities and materials involved (including a brief outline of quantities, duration, methods of handling and storage, etc.) and the resulting potential for releasing dust.
- Description of the control/mitigation measures incorporated into the scheme (including design features, management controls (to be incorporated into the Dust Management Plan for the scheme).
- Prediction, of the likely PM10 and dust deposition impacts and resulting effects (on health, amenity, and/or ecology) at relevant sensitive receptors, and considering the following:
 - i)The likely magnitude of dust emissions (after control by measures incorporated into the scheme);
 - ii)The likely meteorological characteristics at the site, and definition of ‘high risk’ criteria for the development of specific management processes;
 - iii)The dispersion and dilution afforded by the pathway to the receptors, considering distance, orientation, local terrain and features, and other relevant factors; and

iv) The sensitivity of the receptors to amenity, health and/or ecology effects; and any likely interactions.

- The residual PM10 and dust deposition impacts and their amenity, health and/or ecology effects;
- A conclusion on the significance of the overall residual air quality effect, i.e. whether “significant” or “not significant” in EIA terms;
- Where the effects are assessed as significant, appropriate further mitigation (including modification of site design) and control measures that could allow the proposal to proceed without causing significant adverse effects; and
- Proposals, where appropriate, for proportionate dust monitoring and reporting to check the ongoing effectiveness of dust controls and mitigation.

The application should be accompanied by a **Dust Management Plan** which sets out how the development will mitigate any potential impacts and the associated measure to be put in place. The applicant's attention is drawn to Table 8 of the SMP (2015) which sets out key considerations when preparing a relevant impact assessment in relation to dust and odour. This should be consulted when preparing the application.

The applicant has assumed that traffic movements would remain at the levels currently approved within the planning permissions for Whatley Quarry meaning that the assessment of road traffic emissions will not be carried out. If there is any change in traffic flow, this will need to be re-screened against the criteria for road traffic impacts detailed in the EPUK/IAQM guidance on “Land-Use Planning & Development Control: Planning for Air Quality”.

It is recommended that the Environmental Health Officer at Mendip District Council is contacted for further advice on this issue prior to submission to ensure the application meets requirements, to discuss the scope of the assessments and obtain the latest monitoring data will take place prior to any assessment commencing. Advice should be sought on the screening out of NRMM emissions to ensure this is acceptable.

The applicant can expect conditions on air quality, alongside any others recommended (which meet the tests) at the consultation stage, as part of any permission granted.

The Water Environment

The following paragraphs and policies are relevant to the proposal on this issue.

- Paragraph 170 of the NPPF (2019);
- The NPPG sets out guidance regarding the need for and scope of assessments on the impact of developments on water quality;
- Policy DM4: Water Resources and Flood Risk of the SMP (2015);
- Policy DM5: Mineral extraction below the water table of the SMP (2015);
- Development Policy 8: Environmental Protection of the MLP (2014);
- Development Policy 23: Managing Flood Risk of the MLP (2014).

The general principle of the ES, as outlined earlier, should be considered in relation to the water environment when preparing the application.

The County Council, in its role as Lead Local Flood Authority, is responsible for managing flood risk from ordinary watercourses (outside of Internal Drainage Board areas), surface water and groundwater. An ordinary watercourse is a watercourse that does not form part of a main river.

Response received as part of the Scoping Opinion Request from the Lead Local Flood Authority:

The screening opinion would need to consider the hydrological and hydrogeological implications of the proposals, establishing a baseline position, potential impacts and mitigation as part of the EIA. A standalone flood risk assessment and drainage strategy will also be required to address how the site will manage and control surface and groundwater without causing flooding or pollution elsewhere. We would advise that the use of sustainable drainage approaches and techniques should be provided for all developments, in accordance with national planning policy and guidance. Furthermore, there must also be no interruption to land drainage as a result of the proposals.

We may hold information that could with the compilation of the EIA and FRA, and the application is advised to contact flooding@somerset.gov.uk

INFORMATIVE:

Somerset County Council is the lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2-0909.

Under Section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. For more information, please visit <https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse>

It is important that the view of the LLFA is considered when preparing the application.

Water resources:

The water resources in the Mendips are particularly pressured because they are important for public water supply, local agricultural supply and are within an area of particularly deep quarrying activity. The Mendip Hills groundwater system is complex and predicting the impacts of drawdown to access minerals is also complex. The permeability of rock, the proximity of important conduits beneath the water table and the number of quarries within the catchment area of a spring influence the nature of any such impacts. Conduits include Mendip's underground caves and passages. For more information on the county's cave systems, refer to Mendip Cave Registry and Archive: www.mcra.org.uk

Further clarification is required on whether workings will be above or below the water table. If there were to be some below water table workings, paragraph 16.14 of the SMP (2015) is of relevance. This states that 'deep quarries and peat workings beneath the water table will have to be pumped to keep them dry and any impacts of such abstraction need to be carefully considered.

To ensure compliance with the relevant guidance and policies relevant to mineral extraction below the water table, the proposal should include a **Hydrological and Hydrogeological Assessment:**

- the baseline description of the hydrology and hydrogeology in the Whatley Quarry area.
- the potential effects of the Quarry proposals on surface water and groundwater.
- demonstrate that the proposal will not have an unacceptable adverse impact on future use of water resources; environmental value and visual amenity of the water resource; and drainage and flood risk.
- wherever possible help to improve local environmental conditions such as air and water quality, considering relevant information such as river basin management plans.
- set out the water abstraction and mitigation measures to ensure no unacceptable environmental impacts.
- provide satisfactory information on the likely characteristics of the final water body.
- provide acceptable alternative sources of water (if required).
- accept that works under the permission may have to be suspended or cease permanently to protect the water environment or other water interests.
- secure acceptable compensatory arrangements for all parties who are harmed by any adverse impact on the water environment or other water interests. In most cases, compensatory arrangements refer to measures taken to ensure the permanent supply of water rather than direct payments.
- mitigation measures required to address these and other water-related concerns; and
- ongoing monitoring (as required).

Any submission will need to effectively address the above issues.

It is recommended that the LLFA is contacted for further advice on the scope of the additional information prior to submission to ensure the application meets requirements.

The Environment Agency's aquifer designations reflect the importance of aquifers in terms of groundwater as a resource (drinking water supply), but also their role in supporting surface water flows and wetland ecosystems.

The Environment Agency is the lead authority for safeguarding the water environment. It is responsible for improving and protecting inland and coastal waters, ensuring sustainable use of natural water resources, creating better water habitats and other factors that help to improve the quality of life. The Environment Agency

has responded to the consultation stating that due to resource issues they can no longer provide bespoke responses to consultations on pre-application enquiries. They offer a discretionary charged pre-application advice service which recovers their costs, should the applicant wish to contact them directly. To ensure their service is required you can ask for a preliminary opinion giving a high-level overview of the areas that need to be addressed, before entering into a charged agreement. The officer recommends pre-application discussions with the EA if these have not already taken place. It is recommended that the scope of the Hydrological and Hydrogeological Assessment is agreed with the EA prior to submission.

It is also advisable to take into consideration the Environment Agency response to ROMP 2012 consultation; and that received from Bath and NE Somerset Council which states they will raise no objection subject to the existing groundwater protection and monitoring regime and the section 106 agreement in respect of the Bath Hot Springs remaining in place.

Flood risk:

According to the National Planning Policy¹ (site bigger than 1ha in flood zone 1), the applicant should submit a **Flood Risk Assessment** (FRA) as part of the planning application with an assessment of the risk of flooding from all categories. It is acknowledged that it is the intention of the applicant to prepare a stand-alone FRA, so this is supported. This assessment should include:

- topographical survey with details of existing site layout, drainage patterns, catchment areas and public sewers or any drainage system (including size, cover levels and invert levels) to which the site drains.
- flood mitigation measures; and
- advice on actions to be taken before and during a flood.

The FRA should also contain a **Hydrogeological Assessment** with a clear understanding of the proposal's implications on groundwater on and off site. The hydrogeology assessment should include groundwater monitoring over a full year to ensure high and low water levels are captured.

Guidance on what to include in a Flood Risk Assessment with a detailed surface water drainage strategy including all the elements is available on SCC website: [https://www.mendip.gov.uk/media/24806/Part-1-Context-andGuidance/pdf/Mendip_SFRA_Lev1 - Part 1.pdf?m=637248916434330000](https://www.mendip.gov.uk/media/24806/Part-1-Context-andGuidance/pdf/Mendip_SFRA_Lev1_-_Part_1.pdf?m=637248916434330000)

As the proposal involves mineral extraction, the Minerals and Waste Planning Authority highly recommends early engagement / pre-application discussions with the Environment Agency.

¹ <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2115548.pdf>: The NPPF clarifies for Zone 1 land that a Flood Risk Assessment is required for land over 0.5 hectares and states: 'This need only be brief unless the factors above or other local considerations require particular attention. In this zone, developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage systems'.

Recent mineral proposals submitted nationally have required extensive modelling where proposals resulted in the potential loss of areas of floodplain, even if the proposal is for minerals and is temporary in nature. Information on what to include from the Environment Agency can be found on:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311502/LIT_9193.pdf

Drainage

If the proposals increase the impermeable area on site such as the provision of a processing plant, parking area etc, a Drainage Strategy will be required which with those adopting and/or maintaining the proposed systems, which could include the Highway Authority, Planning Authority, Parish Councils, Water Companies and private management companies.

It is important to ensure that the long-term maintenance and responsibility for Sustainable Drainage Systems is agreed between the Local Planning Authority and the applicant before planning permission is granted.

It should be demonstrated that the proposals will not increase Flood risk on or off site. The Drainage Strategy should demonstrate compliance with Planning Practice Guide on SuDS and the non-statutory Technical Standards such as runoff destination hierarchy and maintenance.

Further advice from the relevant consultees should be sought on the following areas to facilitate the preparation of the application:

- need for infiltration testing in accordance with BRE365 (2016 methodology);
- type of detailed hydraulic calculations for both before and after development scenarios (as required).
- Requirement for information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753 will be required.

The exact content of submission should be discussed in advance but may include:

- Detailed drawings (Detailed drainage layout plan at an identified scale, minimum 1:500, showing the proposed drainage system, the catchment areas and referenced drainage features) should be included in any application. This should include pipe runs, sizes, inverts/cover/bed levels, proposed catchment areas and gradients (as required);
- Details of maintenance regimes of the entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element.
- Evidence that those responsible/adopting bodies are in discussion with the developer.
- Evidence of measures taken to protect and ensure continued operation of drainage features during construction.

- Management of exceedance flows (Details of how exceedance events will be managed, including areas of the site that will be allowed to flood and conveyance of flood waters).
- Full details of provisions for drainage of surface and foul water from the site - measures should identify how such waters shall be managed and how such management shall ensure that discharge from the site does not give rise to increased flooding or pollution of adjacent controlled waters and habitats.

Please note that Somerset County Council as Lead Local Flood Authority will not comment on the fluvial systems as these are outside their remit.

For SuDS systems to be adopted by Somerset County Council it is recommended that you visit the website at: <https://www.somerset.gov.uk/waste-planning-andland/sustainable-drainage-in-somerset/> for guidance on which drainage features would be suitable for adoption.

Where the proposals are connecting to an existing drainage system it is likely that the authorities responsible for maintaining those systems will have their own design requirements. These requirements will need to be reviewed and agreed as part of any surface water drainage scheme.

It is strongly recommended that this information is reviewed before Land Drainage consent application is made. For guidance on providing the correct information, we recommend you use the Ordinary Watercourse Consents Pre-application service and help avoid delays occurring at the formal application stage. A Pre-application service for Ordinary Watercourse Consents is available, allowing consents to go through in a smoother, often more timely manner. For full information please visit: <https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/> . Any application needs to comply with the NPPF (2019) in this regard.

The applicant should make use of the surface water flood maps from the EA and pay due regard to any existing water courses that may be on site i.e. ditch, culvert, stream. It is strongly advised to engage with the EA as soon as possible so that any potential issues may be resolved. More information on the EA can be found at the following link: <https://www.gov.uk/government/organisations/environment-agency>

The applicant should expect conditions relating to the implementation of the FRA, drainage schemes etc alongside any others recommended (which meet the tests) at the consultation stage, as part of any permission granted.

Biodiversity

The general principle of the ES, as outlined earlier, should be considered in relation to biodiversity when preparing the application. The Scope should include the number of statutory designated sites of conservation value, those of international importance and sites of national importance. It should also consider non-statutory designated sites of nature conservation including any wildlife sites that are within or adjacent to the Site and if the Quarry is designated for its nature conservation interest.

The Scope should also acknowledge if there are any historic quarry voids, bunds/ramps/benches/tip-areas and mounds which have provided areas onto which quick growing colonizers providing the most obvious evidence that habitats at the site have been left to regenerate undisturbed for an extended period.

The following paragraphs and policies are relevant to the proposal on this issue:

- Paragraph 170 of the NPPF (2019);
- Paragraph 175 of the NPPF (2019);
- Paragraph 205 of the NPPF (2019);
- Policy DM2: Biodiversity and geodiversity of the SMP (2015);
- Development Policy 5: Biodiversity and Ecological Networks of the MLP1 (2014);
- Development Policy 6: Bat Protection; and
- Development Policy 8: Environmental Protection.

Response received as part of the Scoping Opinion Request from the County Ecologist dated 25 June 2020:

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. As assessment will also be made on potential impacts to the integrity of statutory designated sites within proximity, linked to, the quarry.

Comments received to the ROMP 2012 submission should also be considered in Appendix 1.

Biodiversity and Geology

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in paragraphs 174-177 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In addition paragraph 176 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

Further information on SSSIs and their special interest features can be found at www.magic.gov. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

European site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geo-conservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geo-conservation group or local sites body in this area for further information.

Protected Species

Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

To provide this information, there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted standing advice for protected species which includes links to guidance on survey and mitigation.

Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-tohave-regard-to-conserving-biodiversity> .

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, "are capable of being a material consideration...in the making of planning decisions." Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys).
- Additional surveys carried out as part of this proposal.

- The habitats and species present.
- The status of these habitats and species (e.g. whether priority species or habitat).
- The direct and indirect effects of the development upon those habitats and species.
- Full details of any mitigation or compensation that might be required.

The development should seek if possible, to avoid adverse impact on sensitive areas for wildlife within the site, and if possible, provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

Contacts for Local Records

Local information on local sites, local landscape character and local or national biodiversity priority habitats and species should be sought from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geo-conservation group or other recording society and a local landscape characterisation document).

The scope of the **Ecological Impact Assessment** (EclA) approach is outlined in the Scoping as being based on current Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for Ecological Impact Assessment in the United Kingdom. The EclA will consider the potential for the scheme to affect protected or conservation-notable biodiversity receptors including:

- European protected sites within 10 km;
- Other statutory and non-statutory sites designated for their nature conservation interest within 2km;
- Protected species, Section 41 species of Principal Importance for the Conservation of Biological Diversity, or other conservation-notable species recorded within 2km; and
- Habitats of Principal Importance for the Conservation of Biological Diversity, or other conservation-notable habitats recorded within 1 km.

The issue of Biodiversity Net Gain should also be considered in any submission due to Natural England's Biodiversity Metric:

<http://publications.naturalengland.org.uk/publication/5850908674228224>. The Minerals Product Association and the Minerals and Waste Planning Officers Society Group are currently working on some guidance on the application of the metric for minerals. It is hoped that this will be published later in 2020.

It is the officers view that to ensure compliance with the relevant paragraphs of the NPPF (2019) and local policies, the proposal should include a **Biodiversity Management Plan** which:

- Demonstrates the proposed development will not generate unacceptable adverse impacts on biodiversity and geodiversity;
- Links to Physical disturbance /damage, Noise and vibration, Light pollution, Hydrology and water quality, Air pollution, Recreation and their links to biodiversity;
- Demonstrates how the proposal contributes to and enhances the natural and local environment by (inter alia): protecting sites of biodiversity or geological value (commensurate with statutory status);
- Recognise the wider benefits from natural capital and ecosystem services; minimising impacts on and providing net gains for biodiversity, including by establishing networks;
- Provides information on landscape-scale approach to planning for biodiversity conservation;
- Set out adequate mitigated or compensation measures - The mitigation strategy will need to be complex to ensure that all the protected species, replacement habitats and restoration programme deliver the complex requirements that the issues outlined above will require;
- Set out cumulative effects of multiple impacts from individual sites and/or from several sites in a locality;
- Measures that will be taken secure biodiversity net gain where possible.

Proposals must include an assessment appropriate to the type and extent of the impact and any associated risks. It is recommended that the scope of the above Plan is agreed with the County Ecologist and Natural England.

European legislation, transposed into national policy and guidance, the NPPF and other statutory requirements ensure that European and National designations give appropriate protection to these areas. Paragraph 14.3 of the SMP (2015) clearly states that a 'test of likely significance' (as defined by the Habitats Regulations 2010) is required for development proposals which directly affect European and internationally designated sites and in areas that ecologically support the integrity of these sites. The applicant shall be required to provide all necessary data to do this test as part of the submission. The 'test of likely significance' would be carried out by Somerset County Council as the 'competent authority' under the Habitats Regulations. All data and information necessary to carry out these assessments should be provided by the developer with the planning application. This process supports the implementation of the **Habitats Regulation Assessments**, a statutory part of the planning process.

Paragraph 14.5 of the SMP (2015) clearly states that Somerset County Council has taken a species-led, landscape-scale approach to planning for biodiversity conservation. It states that gains in biodiversity are sought via the planning process, and achievable both on and off-site through a combination of measures that recognise how local ecological networks work.

In addition, paragraph 14.9 states that the County Council supports the use of its species led Habitat Evaluation Procedure which is set out in its Biodiversity Offsetting Methodology (www.somerset.gov.uk/biodiversityoffsetting) . The method calculates the value of habitat lost to a species population affected by development

and is used rather than the current subjective approach to mitigation. It means that habitat lost to development that supports valued wildlife species will be replaced so that the resource available to a population will ensure its continuance and viability into the future. This can be achieved by enhancement and restoration of existing habitats within the population's home range. The value of habitat loss to species populations will be calculated using the Habitat Evaluation Procedure ensuring the Government's target of no net loss, and gain where possible. Account is also given spatially to the location of any off-site replacement habitat to ensure that the affected populations are maintained, and then preferably in a location that enhances Somerset's ecological networks. It is recommended that engagement with County Ecology and Natural England to ensure the scope of the necessary **habitat survey's** given the timing that this was carried out. The site is considered to support priority and conservation notable habitats, and as a result the **surveying** of these species will be required.

The application should include detailed survey work and assessment from the 2020 survey season in accordance with best practice survey guidance and be used to inform the baseline and the assessment of potentially significant effects on receptors. The scope of this survey work should be discussed and agreed with the relevant consultees prior to submission

Natural England has introduced a service to provide discretionary advice related to planning proposals, supported by the introduction of charges – their Discretionary Advice Service (DAS). Should you require pre-application advice, Natural England advises that the applicant/developer consults Natural England directly, so that you can express an interest in using DAS. The first step is for the developer to fill out a simple form, so that Natural England can register your interest, and make sure they have the right adviser for your case. Please visit Natural England's website (<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/das/default.aspx>) for more information and a downloadable request form here <https://www.gov.uk/government/publications/charged-environmental-advice-service-request-form>

More information on biodiversity issues in Somerset can be found here: <https://www.somerset.gov.uk/waste-planning-and-land/biodiversity/> . Somerset's Biodiversity Action Plan can also be found here: https://somersetdrainageboards.gov.uk/conservation_11_1271066518.pdf

The applicant can expect conditions relating to the protection of biodiversity, alongside any others recommended (which meet the tests) at the consultation stage, as part of any permission granted. It is likely that the restoration and potentially ecological management may be subject to a long-term management plan that will be subject to a S106 to ensure that the long-term aspirations for the site are fully met. Draft heads of terms should be submitted if this is the case / is required.

Traffic and transport

Highway safety and associated environmental impacts of traffic is an issue for the proposed extension area although the existing July 1995 planning permission for Whatley Quarry (reference 109/22/002) states at condition (30) that no more than 4 million tonnes of the total output from the site in any one calendar year shall be

transported by road and it is not anticipated that this will be exceeded as a result of the proposal.

However, the general principle of the ES, as outlined earlier, should be considered in relation to traffic and transport when preparing the application.

The following paragraphs and policies are relevant to the proposal on this issue.

- Paragraph 108 of the NPPF (2019);
- Policy DM9: Minerals transportation of the SMP (2015);
- Development Policy 9 – Transport Impact of New Development of the MLP 1 (2014).

No response has been received from the Highway Authority. However, any planning application should include a **Transport Assessment** to support the proposal. This document should at a minimum contain the following information.

- Collision Data: The developer will be required to carry out an investigation into this data from the past 5 years to ascertain whether there are any patterns associated with this site.
- Traffic Flows/ Trip generation: This will need to be set out within any documentation clearly defining where the HGV movements are along the local highway network any additional increase in private vehicles into the sites should also be included within the data provided.
- Traffic Speeds.
- Visibility splays, if any revisions are proposed, to be commensurate with the posted speed limit, if this cannot be achieved and a relaxation is required it may be necessary to undertake a speed survey to ascertain the vehicle speed and the full results will be included within the TA.
- Trip distribution: The Highway Authority will require the distribution data and assumptions to be provided to ensure that an assessment has been undertaken.
- **Travel Plan:** A **Travel Plan** would be required in line with current Somerset County Council Guidance as a stand-alone document. The type of plan to be provided will be in accordance with the following triggers and where necessary secured via a s106 agreement.
- Parking: Vehicle and cycle parking information should be provided for the proposed vehicles associated with the site ... this to include HGV parking as necessary as well as staff parking. All parking should be in accordance with SCC Parking Strategy.
- Access: It is assumed that no changes will be made to the existing access.

The view of the Highway Authority should be considered when preparing the application, with regards to the data, required plans and the preparation of a **Transport Statement (TS)**. The Highways Authority can be contacted on: <https://www.somerset.gov.uk/roads-and-transport/highway-authority-consultation-onplanning-process/> . Should this be taken detailed feedback could be provided on a draft of the proposed **Transport Assessment** should this be considered useful. The Transport Assessment will need to demonstrate the importance of rail as a primary

freight transport option as an alternative to road transport. This will be of particular importance due to the links between this proposal and the proposal at Westdown Quarry. It is recommended that the details of receptors are agreed with the Highway Authority and Environmental Health prior to commencing work on the assessment.

To ensure compliance with the relevant national guidance and local policy, the application should:

- Highlight appropriate opportunities to promote sustainable transport modes can be – or have been – taken up (if appropriate);
- Highlight any links to other areas of the ES are clear e.g. amenity impacts, biodiversity etc.

Somerset County Council's Freight Strategy² acknowledges the impact of the quarrying industry in relation to traffic movements, especially in the Mendips. Routing of these lorries should be directed where possible along the routes identified in the Somerset Freight Map (Appendix One, Freight Strategy)³.

Historic Environment

It is essential that any application must demonstrate that the proposal will not substantially harm the significance of the integrity, character or setting of a designated heritage asset (s). Where this cannot be demonstrated, the harm must be outweighed by the substantial public benefits of the proposal. Paragraph 15.7 of the plan states that proposals that substantially harm the significance of a non-designated heritage asset will be judged on the scale of harm and the significance of the asset. A **Historic Environment Impact Assessment** should be prepared. This could be a desk-based assessment and field evaluation. Paragraph 15.5 of the SMP (2015) clearly states that a desk-based assessment will be required as a minimum for proposals that impact on the integrity, character and/or setting of a heritage asset, such as designated areas of high archaeological potential or areas with potential archaeological interest. This work could include:

- Include reference to the Somerset Historic Environment Record and records of heritage assets held by Historic England;
- Include an assessment of heritage assets using relevant expertise;
- Be supplemented by relevant field evaluation if appropriate;
- Include information on effect of an application on the significance of a non-designated heritage asset should also be considered in determining the application;
- Set out how the proposed development will not generate unacceptable adverse impacts on the historic environment or where an adverse impact or

² Somerset Freight Strategy, Transport Policies 2011

³<http://www.somerset.gov.uk/irj/go/km/docs/CouncilDocuments/SCC/Documents/Environment/Strategic%20Planning/Freight%20Strategy%20Adopted%20Dec%202011.pdf>

impacts have been identified, these can be adequately mitigated with details of the measure;

- Cover issues such as impact on the integrity, character or setting of a heritage asset;
- Ensure that adequate provision is made for the preservation in-situ or excavation of the asset as appropriate, in discussion with the county archaeologist, and the recording of relevant information to advance understanding of the asset;
- Cover the potential for previously unrecorded heritage assets to be present within the site boundary and to be directly affected by the proposed development. These effects will be considered in the ES with reference to a characterisation of the potential presence of such heritage assets.

An **Archaeological Assessment** should be submitted with any forthcoming application relating to any virgin ground/ land within the site that has not been disturbed by way of removal of top soils and subsoils/overburden and include assessment of any such land with archaeological potential that borders the site that could be impacted upon by the proposed development.

An assessment of any impact on nearby listed buildings should also be submitted.

In addition, as archaeological issues will need to be considered as part of any future planning application, it is likely that a **Heritage Statement** will also be required. This statement should set out the nature of the archaeological potential of the site, the impact previous development may have had upon that potential and the impact of any future development proposals. The statement should also set out a detailed mitigation strategy to satisfy the planning authority that any archaeological issues that have been identified will be sustainably dealt with during development under the terms of the NPPF (2019). It is advised that the services of an archaeological contractor are secured to prepare the Heritage Statement.

It is recommended the Historic England and the County Archaeologist are engaged on the scope of the assessments to be prepared and on the areas scoped out as identified in paragraph 5.9.16 of the report.

More information on the Somerset Archaeology and Historic Buildings Record database is available at the following weblink:

<https://archaeologydataservice.ac.uk/archives/view/388/>

Socio-economics

The following paragraphs and policies are relevant to the proposal on this issue.

- Paragraph 80 of the NPPF (2019);
- Paragraph 83 of the NPPF (2019);
- Paragraph 205 of the NPPF (2019);
- Policy SMP3: Proposals for the extraction of crushed rock of the SMP (2015).

The general principle of the ES, as outlined earlier, should be considered in relation to socio and economic impacts.

To ensure compliance with the relevant national and local policy and guidance, the application should outline:

- What local amenity impacts may be associated with the proposal and what associated measures will be taken to mitigate to acceptable levels (and where necessary monitor) adverse impacts on local amenity;
- How the proposal supports economic growth including benefits of mineral extraction for the economy;
- Any areas where the proposal may result in negative socio-economic impacts;
- Any social benefits local level can be generated by local employment, local community funding, local education, community involvement and the minimisation of quarrying impact;
- Any other benefits to the local and/or wider communities;
- Measures to mitigate to acceptable levels adverse impacts on the environment and local communities;
- Information on how the applicant intends to engage with local communities during the operational life of the site.

Paragraph 6.44 of the SMLP outlines the “Other” social and/or environmental benefits. The minimisation of quarrying impact can be realised by a range of measures, including:

- Improvements to access;
- Relocation of plant, modernisation, screening or enclosure;
- Better control of working methods;
- Reduction in road transports; and/or
- An improved reclamation scheme.

The economic benefit of the proposal will be an important aspect of the reasoned justification underlying any new proposal. This is clearly outlined in the SMP (2015). It will be important that the proposal gives details of the broad economic impacts whilst also considering the local setting and local impacts. Paragraph 6.53 of the SMP (2015) states that ‘economic benefit to the local and/or wider community can include both the primary gains of increased or continued employment, local business rates and financial assistance to local projects (community funding), and secondary benefits including increased trade, supporting local businesses’.

It is important that the ES considers the positive as well as the potential negative socio-economic impacts of the proposal.

The applicant is strongly recommended to carry out meaningful engagement with the local community well in advance of any submission of a planning application to allow the community (including local County Councillor and Parish Councils) to contribute and shape any application. Paragraph 19.12 of the SMP (2015) makes it clear that where applications will have a lasting and significant impact on the local community, that it is expected that the operator will establish a community

consultation group which comprise of representatives from the local community, the operating company and various government agencies. A commitment to this should be included within the application. Whilst the applicant is encouraged to negotiate bilateral agreements between themselves and local communities for local funding benefits, the Mineral Planning Authority would not play an active part in these, as this cannot be a part of any planning obligations.

Safeguarding

The NPPF (2019) requires mineral planning authorities to safeguard selected mineral related infrastructure and facilities to support the continued extraction and operation of economically viable mineral resources. This may include the existing rail links to quarries and associated storage, handling and processing facilities. The importance of the county's minerals resource necessitates a robust approach to Safeguarding as outlined in the SMP (2015). Resources, sites and associated infrastructure that can supply needed minerals must be protected from other forms of development that might compromise or prevent future operations. Policy SMP9: Safeguarding of the SMP (2015) sets out the mineral safeguarding provisions for Somerset. Crushed rock, as an aggregate, is one of the three main mineral types worked in Somerset as identified in paragraph 11.1 of the SMP (2015). As a result, the resources at Whatley Quarry are safeguarded to ensure the resources are not sterilised by non-mineral planning decisions.

Land and soils (including agriculture and restoration)

The general principle of the ES, as outlined earlier, should be considered in relation to land and soils.

The following paragraphs and policies are relevant to the proposal on this issue:

- NPPG;
- NPPF (2019);
- Policy DM7: Restoration and aftercare of the SMP (2015);
- Policy DM10: Land stability of the SMP (2015);
- Policy SMP8: Site reclamation of the SMP (2015).

Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 170 of the NPPF. It is also recommended that soils should be considered in the context of the sustainable use of land and the ecosystem services they provide as a natural resource, as also highlighted in paragraph 170 of the NPPF.

Soils, Land Quality and Reclamation

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer

against pollution. It is therefore important that the soil resources are protected and used sustainably.

The following issues should therefore be considered in detail as part of the Environmental Statement:

1. The degree to which soils would be disturbed/harmed as part of this development and whether any 'best and most versatile' agricultural land would be affected. If required, an **agricultural land classification** and **soil survey** of the land should be undertaken, normally at a detailed level (e.g. one auger boring per hectare supported by pits dug in each main soil type), to confirm the soil physical characteristics of the full depth of soil resource i.e. 1.2 metres. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk . Natural England Technical Information Note 049 - Agricultural Land Classification: protecting the best and most versatile agricultural land also contains useful explanatory information.
2. Proposals for handling different types of topsoil and subsoil and the storage of soils and their management whilst in store. Reference could usefully be made to MAFF's Good Practice Guide for Handling Soils which comprises separate sections, describing the typical choice of machinery and method of their use for handling soils at various phases. The techniques described by Sheets 1-4 are recommended for the successful reinstatement of higher quality soils.
3. The method of assessing whether soils are in a suitably dry condition to be handled (i.e. dry and friable), and the avoidance of soil handling, trafficking and cultivation during the wetter winter period.
4. A description of the proposed depths and soil types of the restored soil profiles; normally to an overall depth of 1.2 m over an evenly graded overburden layer.
5. The effects on land drainage, agricultural access and water supplies, including other agricultural land in the vicinity.
6. The impacts of the development on farm structure and viability, and on other established rural land use and interests, both during the site working period and following its reclamation.
7. A detailed **Restoration Plan** illustrating the restored landform and the proposed after uses, together with details of surface features, water bodies and the availability of outfalls to accommodate future drainage requirements.

Further relevant guidance is also contained in the Defra Guidance for Successful Restoration of Mineral and Waste Sites.

It is acknowledged that the applicant intends to submit a **Land and Soils Assessment**, and this is supported.

Site stability:

Information on Site Stability will need to be submitted as part of the **Land and Soils Assessment**. To ensure compliance with the relevant national and local policy and guidance, the proposal should ensure:

- The appraisal slope stability issue is based on existing information, which aims to identify any potential hazard to people and property, and environmental assets and assess its significance; and identify any features which could adversely affect the stability of the working to enable basic quarry design to be undertaken;
- Demonstrate that the proposal will not have an adverse impact on the stability of neighbouring land or properties;
- Demonstrate that the proposal would not result in watercourse channel instability either during the working phase of a minerals development or at any time after the cessation of mineral extraction operations.

The NPPF (2019) states that with respect to site investigation the minimum information to be provided by an applicant are the results of a desk study and site inspection, which must demonstrate that there will be no risk to persons, property or land features (such as watercourse channels or highways adjacent to peat sites) from quarry or tip instability. The level of detail provided should be proportionate to the scale of the development and the risks associated with land instability.

Soils:

In relation to soils, any application is required to be accompanied by a short assessment on the impact of the development on the soil resource within the **Land and Soils Assessment**. This should:

- identify how soil resources are impacted;
- provide information on any potential benefits to best and most versatile agricultural land;
- detail mitigation measures to ensure no net loss of the quality of the soil over the lifetime of the development and upon its completion; and
- provide information on where the applicant considers that compliance with other existing regulatory controls would ensure that any such risks would not arise, reasoning to support this position should be provided within the application.

Restoration:

Minerals development is vital to support the contribution which minerals extraction makes to the Somerset economy and the UK demand for minerals. It is also vital that adequate measures are secured to ensure long-term environmental benefits and compensate for adverse impacts that cannot be fully mitigated. It is vital that suitable weight and consideration is given to the site restoration and aftercare at the planning stage.

Quarry sites may provide excellent opportunities to enhance public understanding of and accessibility to geology and geodiversity within Somerset; thus, it is desirable that after-uses include, where practicable, provision of and access to features of geodiversity interest. This may include for example the provision of one or more significant geological reference sections and agreed access arrangements for future study and conservation work. Other types of development that may be appropriate, subject to consideration against policies in the Development Plan.

As required by existing legislation, prior to work commencing on the extension area at Whatley Quarry, a comprehensive and consolidated **Restoration Scheme**, which takes account the proposed landform changes, as well as the prevailing biodiversity and landscape attributes of the locality, will be prepared and submitted. The applicant has indicated that the ES will contain plans and accompanying text to describe the restoration proposals and approach being taken. The plans will clearly show the proposed final landform and the types of land cover and habitats proposed.

To meet national and local policy and guidance, these should include details on:

- how the criteria in the reclamation checklist (Table 7 of the SMP) have been met;
- the financial budget for restoration and after-use, including how provision for this work will be made during the operational life of the site;
- how proposals will deliver appropriate environmental standards via the provision of sufficient detail on plans for site restoration and aftercare, including adequate consideration of the long-term impact on the landscape;
- details on how restoration will be phased;
- details of the anticipated timescales for the delivery;
- details of aftercare provisions;
- details of long-term management.

Site reclamation provides an opportunity to deliver longer-term local objectives for a minerals site. If this is relevant to the proposal, the applicant should consult the County Council's reclamation checklist that identifies relevant key issues and provides a tool for the Council and the applicant to use when considering restoration and aftercare schemes. This is outlined in Table 7 of the SMP (2015). This should be considered by the applicant when preparing the application to see if it is of relevance. Paragraph 10.3 of the SMP (2015) states that when developing a **Site Reclamation Scheme**, factors to consider include:

- the site's characteristics and land use; for example, whether the land has an agricultural classification.
- the characteristics of the surrounding area – in terms of land use context and features that need to be protected, including ecological networks, biodiversity, landscape and visual amenity; and
- any specific local requirements, such as the preferred outcome(s) from the local community's perspective, future access considerations (for transport and public rights of way), the position of the water table, and any aspirations linked with biodiversity and geodiversity.

When preparing a planning application for mineral development, applicants should consider the strategic aims for site reclamation, coupled with the more detailed Development Management considerations as set out in SMP (2015).

All restoration proposals will be subject to a five-year period of aftercare and the applicant can expect a condition relating to this. Where proposals require a longer period of management, the proposal will only be permitted if it includes details of how this will be achieved. Long term management may be the subject of a Section 106

Agreement and if this is required, draft heads of terms / a draft should be submitted alongside the submission.

Potential links to the Nature after Minerals should be explored, as appropriate. The SMP (2015) highlights the significant potential that the minerals industry must leave a legacy for people and wildlife, enhancing and improving Somerset's environment. The Nature after Minerals programme emphasises this importance and the role that minerals sites can play in creating wildlife habitats. This project is a partnership between Natural England and the RSPB, with support from the Mineral Products Association (formerly the Quarry Products Association) and the British Aggregates Association. These organisations are working with mineral planners and industry to help nature after minerals production has ceased.

It is recommended that the applicant engages with County Ecology, Land It is recommended that the applicant engages with County Ecology, Landscape, Natural England and the Environment Agency when preparing detailed plans for the restoration and aftercare of the site to ensure aspirations and requirements are met.

Cumulative effects

The general principle of the ES, as outlined earlier, should be considered in relation to cumulative effects.

The following paragraphs and policies are relevant to the proposal on this issue:

- National Planning Practice Guidance; and
- Policy DM12: Production limits and cumulative impacts of the SMP (2015).

There is a requirement under Schedule 4 of the EIA Regulations for the ES to include a description of the likely significant effects of a development on the environment, which should cover, amongst others, cumulative effects. As such, an assessment of potential cumulative effects will need to be undertaken for the proposed development. The applicant has identified that the assessment will consider inter-project cumulative effects and intra-project cumulative effects.

The Mineral Planning Authority will consider the cumulative effects of multiple impacts from individual sites and/or several sites in a locality. This is of concern in Somerset because most of the aggregate quarries are located in the same area of the East Mendips. When considered in combination with other operations on-site or nearby, it is important that the proposal would not result in unacceptable cumulative impacts. In terms of other developments to be assessed and those to be scoped out, it is recommended that agreement is sought from the relevant consultees before preparations commence. The same can be said for the identification of intra-project cumulative effects.

To comply with Policy DM12: Production limits and cumulative impacts of the SMP (2015), the applicant can expect planning conditions to limit production where this is considered necessary and appropriate to prevent any unacceptable adverse impacts from the operation. Conditions may therefore be expected on any permission

granted. This will be of importance due to the site's relationship with Westdown Quarry.

General guidance for the applicant

Sustainability and energy in development and climate change

The following paragraphs and policies are relevant to the proposal on this issue:

- Para 174 of the NPPF (2019).

The Minerals Planning Authority considers a separate chapter on climate change should be included in the ES. This is heightened by Somerset County Council, Mendip District Council, Sedgemoor District Council, Somerset West and Taunton Council, and South Somerset District Council declaring a Climate Emergency⁸ in 2019. The statement related to this notes that climate change is one of the most significant issues facing the world today and the effects are being felt already. The challenge of climate change is a global issue, but everyone needs to play their part. Therefore, the five Somerset local authorities have each declared or recognised a Climate Emergency. It has been agreed that the partners will collaborate to produce and deliver an ambitious, joint Climate Emergency Strategy for Somerset. The strategy will identify ways that Somerset might work together towards being carbon neutral by 2030 and adapt to predicted climate change impacts.

More information on Current CO₂ emissions in Somerset is available on the Somerset Trends website⁴.

Therefore, the submission should seek to address climate change and include a proportionate **Climate Change Assessment**. This may look to discuss the balance between the need for crushed rock and the efficiency of the location and the use of best technology and techniques to minimise carbon cost of the extraction against the consumption of resources and energy in doing so.

Minerals developments should minimise their impact on the causes of climate change and where applicable, should reduce vulnerability and provide resilience to impacts of climate change. This can be achieved by being located and designed to help reduce greenhouse gas emissions, demonstrating more sustainable use of resources or developing energy recovery facilities and by facilitating low carbon technologies. Also, by avoiding areas of vulnerability to climate change and flood risk or otherwise incorporate adaptation measures. Any application should include areas where the proposal seeks to contribute / adapt / mitigate to climate change should be identified in the application.

With regards to the development's resilience to the impacts of climate change, flooding is a key issue for the site, particularly with respect to the restoration. Any application will need to demonstrate consideration of the impact of the scheme of

⁴ <https://www.somerset.gov.uk/waste-planning-and-land/climate-emergency/>

flooding and flooding upon it, including the effect of climate change, to the satisfaction of the Lead Local Flood Authority and the Environment Agency.

Major accidents and disasters

It is acknowledged that all quarries in the UK are heavily regulated under health and safety and quarry regulations. Furthermore, the proposed development is not located in area anticipated to be at risk of major accidents or disasters. The vulnerability to flood risk will be assessed in the Flood Risk Assessment for the proposed development and the Water Environment ES chapter. It is therefore not required for any potential triggers to be treated within a standalone chapter but incorporated in others where relevant.

Lighting

The following paragraphs and policies are relevant to the proposal on this issue:

- Policy DM8: Mineral operations and the protection of local amenity of the SMP (2015).

If relevant to the proposal Lighting should be included as a chapter within the ES.

To ensure compliance with relevant national and local policy and guidance, the application should demonstrate that the proposed development will not generate unacceptable adverse impacts on local amenity and outline the measures will be taken to mitigate to acceptable levels (and where necessary monitor) adverse impacts on local amenity due to lighting.

Due to the setting of the site, an external **Lighting Scheme/ Management Plan** should be included in order to allow the planning authority to consider the proposals. Whilst external lighting is likely to be mitigated by the existing screening, its resulting potential light pollution into the sky should be considered. Wider links to areas such as landscape and biodiversity will need to be addressed.

Table 8 of the SMP (2015) sets out key considerations when preparing a relevant impact assessment in relation to lighting. This should be consulted when preparing the application.

Pollution prevention

The Environment Agency has a role to play in both Planning and Environmental permitting, but these are two separate systems. The need for an environmental permit is separate to the need for planning permission. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.

The general principle of the ES, as outlined earlier, should be considered in relation to pollution prevention.

Pollution prevention measures should be incorporated in any application to protect ground and surface water due to the proximity of sensitive hydrological features and known and potential pathways created by the proposed development.

Should the works propose any intrusive works that go below the water table and/or dewatering processes we would require detailed assessment of the potential impacts on the hydrology of the area to ensure that there is no detrimental impact on the water environment. The EA has a range of guidance notes which can be viewed at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg> .

The NPPG states that Planning Authorities should assume that other regulatory regimes will operate effectively rather than seek to control any processes, health and safety issues or emissions themselves where these are subject to approval under other regimes (Paragraph 050 Reference ID: 28-050-20141016). Whilst planning and permitting are two separate systems the Environment Agency has a role to play in both and are expected to regulate the mineral operation in these areas.

The scope of an Environmental Permit is defined by the activities set out in the Environmental Permitting Regulations (EPR). The permitted activities may form a part of, but not all, of the development needing planning permission. In these cases, the planning application will need to address environmental considerations from those parts of the development that are not covered by the permit.

We strongly recommend that any operator enter pre-application discussions with the Environment Agency regarding their permit application. The Environment Agency offer a charged service for pre-application and non-statutory discussions for planning. Pre-application advice is available for new permit, variation, transfer and surrender applications. The Agency offer 15 hours of free advice on how to prepare your application for bespoke permits. If your application relates to a standard permit, or a deployment notification under mobile plant, they can give you up to one hour of advice. For more information contact: planningssd@environmentagency.gov.uk or visit their website at: <https://www.gov.uk/guidance/developers-getenvironmental-advice-on-your-planning-proposals> or <https://www.gov.uk/topic/environmental-management/environmental-permits>

Other consents

The proposals at Whatley Quarry will require other consents, licences, permits, etc. These will be identified during the EIA. The Planning Authority recommends that appropriate engagement take place with organisations such as other local planning and highway authorities, Natural England, the Environment Agency and others as appropriate.

Planning Performance Agreement

We note the applicants request to negotiate a Planning Performance Agreement (PPA). The issue of the acceptability of a PPA is outside of the pre-application process and should be discussed directly with officers at Somerset County Council before any application is submitted.

Summary

As identified in the commentary, minerals development is a key activity and is a county planning matter to be considered by Somerset County Council, as Minerals Planning Authority.

The proposed extension area to Whatley Quarry will contribute to meeting the need for crushed rock and in addition assist in potentially providing rail transport for proposed development at Westdown Quarry.

It is the officers view that the principle of this proposal is acceptable, and the various issues identified in this response could be resolved with further detailed information and mitigation, as required, in accordance with the policies of the Somerset Minerals Plan (2015).

Further engagement with the relevant consultees, prior to submission, is recommended to ensure the submission meets the requirements.

Studies should be submitted to address key issues raised by the proposal. The following documents would be expected, but is not exhaustive, to form part of the submission:

- National validation requirements;
- **Planning supporting statement (detailing proposed development in full);**
- **Site cross-sections and building elevations;**
- **Phase 1 Habitat Survey;**
- **Phase 2 Habitat Survey;**
- **Ecological Impact Assessment;**
- **Biodiversity Management Plan;**
- **Noise Impact Assessment;**
- **Air Quality Impact Assessment;**
- **Dust Suppression Scheme;**
- **Flood Risk Assessment;**
- **Hydrological and Hydrogeological Impact Assessment;**
- **Drainage Strategy;**
- **Drainage Scheme;**
- **Land and Soil Assessment;**

- **Landscape Character and Visual Impact Assessment;**
- **Landscaping Scheme;**
- **Arboricultural Impact Assessment;**
- **Arboricultural Method Statement;**
- **Tree Survey;**
- **Traffic Impact Assessment;**
- **Transport Assessment;**
- **Lighting Scheme/ Management Plan;**
- **Archaeological Impact Assessment;**
- **Historic Environmental Impact Assessment;**
- **Cultural Assessment;**
- **Land and Soil Assessment;**
- **Restoration and Aftercare Scheme; and**
- **Climate Change and Sustainability Report**

A **location plan** is compulsory, and applicants are asked to outline the site ownership with a blue line and the application boundary with a red line. The red line area will be used to calculate the planning fee and therefore must be accurate. Applicants should assume the red line area includes the link and access onto the highway, unless discussions have taken part with a Case Officer about the nature of the red line area for a proposal.

Proposals should also be supported by a **working and/ or layout plan**, which shows how the site will operate and where different elements of the proposal will be located within the site.

Applicants should make themselves aware of the national validation requirements before submission of a planning application. More information can be found at the following location: <https://www.gov.uk/guidance/making-an-application>

Failure to suitably address this issue at the planning application stage will result in delays in the determination of the planning application.

The applicant is recommended to agree the scope of schemes / assessments identified in advance of any submission.

It is recommended that where a requirement for a Section 106 has been identified, that draft or heads of terms should be included in the submission.

The development would be regarded as a major County Matter and would be an EIA application. As such, any application submitted would be determined by the Council's Regulatory Committee and would be taken to the first suitable committee meeting. This would be determined dependant on the submission date and the outcomes of the public consultation.

The proposals at Whatley Quarry will require other consents, licences, permits, etc. These will be identified during the EIA and appropriate will take place with organisations such as the local planning and highway authorities, Natural England, the Environment Agency and others as appropriate.

Hampshire Services on behalf of Somerset County Council

Date: 25 August 2020

Note to applicant:

This advice is without prejudice to the formal consideration of any planning application by the County Council. The advice has been based on the information provided to the Council as part of pre-application discussions.

Appendices

Appendix 1 – WHATLEY QUARRY: RESPONSES TO APPLICATION FOR DETERMINATION OF CONDITIONS AT THE FIRST PERIODIC REVIEW OF A MINING SITE (APPLICATION No 2011/3289)

RESPONSE FROM: ENVIRONMENT AGENCY 21 JANUARY 2012

Thank you for consulting us on the above application which was received on 06 January 2012. We have no objection to the application as submitted and would like to make the following recommendations:

Any new permission granted will need to be subject to the Section 106 Agreement attached to extant permission 109122/002. The Section 106 Agreement in place is designed to protect water resources and water interests and specify regular monitoring and reporting with a four-yearly review. This appears to have worked satisfactorily for the last 15 years or so.

However recent monitoring reports produced by Entec for Hanson suggest that no progress has been made with the Bath Hot Springs Operating Manual, and other activities at the springs have prevented other requirements of the Section 106 Agreement being met. We consider that it would be prudent for your MPA to review the progress of all Section 106 obligations (particularly those in respect of the Bath Hot Springs) and enter into discussions with the applicant about how these obligations will be met in the near future.

Regarding the proposed amendments to the conditions attached to 109122/002, we do not have any fundamental issues. However, we understood that the proposals to store water in the Snatch Bottom Reservoir had been changed to instead store water in a reservoir on site. In this respect, proposed conditions 13 and 14 should be amended to reflect the on site scheme.

Where conditions have been amended to reflect a scheme agreed with your MPA, the approved scheme or details should be referenced in the condition to make any necessary enforcement easier. For our perspective, this would be particularly useful within proposed conditions 11 and 12.

RESPONSE FROM: SLR CONSULTING ON BEHALF OF SOMERSET AND WEST DISTRICT COUNCIL 20 JANUARY 2012

Subject to the existing groundwater protection and monitoring regime and the section 106 agreement in respect of the Bath Hot Springs remaining in place there are no objections to the scheme. [website:http://cpal.decc.gov.uk/en/coal/cms/services/reports/reports.aspx](http://cpal.decc.gov.uk/en/coal/cms/services/reports/reports.aspx).

RESPONSE FROM RIGHTS OF WAY OFFICER 30 JANUARY 2012

Thank you for consulting us on the above application. I have not visited the site.

I can confirm that there are public rights of way (PROW) recorded on the Definitive Map which cross the area of the proposed development at the present time (footpaths FR 10/75, FR 10/78, FR 10/79 and FR 10/94).

The County Council do not object to the proposal subject to the developer being informed that the grant of planning permission does not entitle developers to obstruct a public right of way.

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

prosecuted if the path is built on or otherwise interfered with. If the routes are to be diverted, this will be done by Mendip District Council.

In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

A PROW being made less convenient for continued public use.

New furniture being needed along a PROW.

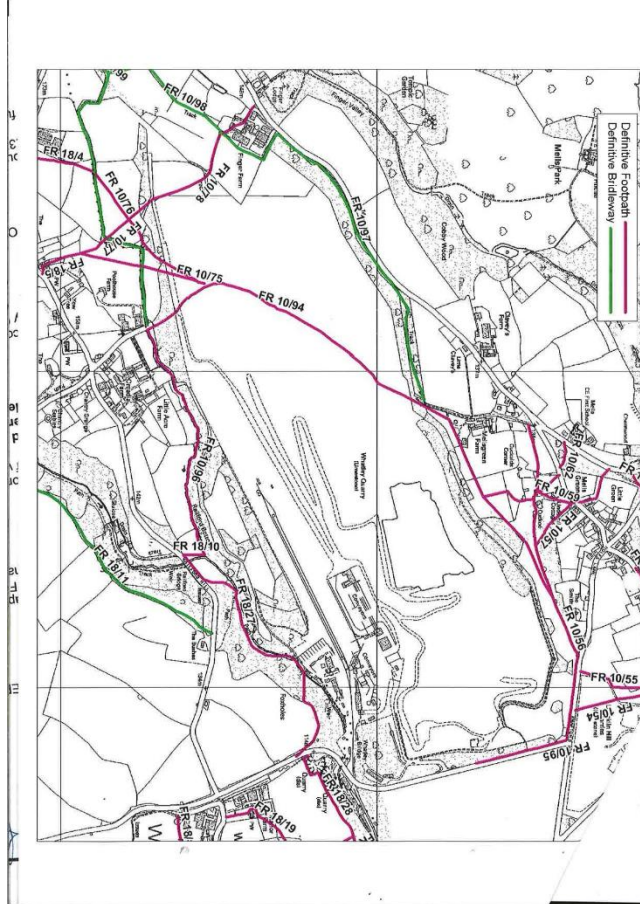
Changes to the surface of a PROW being needed.

Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483086.



RESPONSE FROM THE COAL AUTHORITY 19 DECEMBER 2012

Whilst it is understood that the application is required under the Environment Act it is somewhat limited in its scope; however, The Coal Authority would like to offer the following information:

The site is located within the defined coalfield area and has been subject to past coal mining activity and is located within an area of surface coal resource.

The Coal Authority would expect that the MPA and Applicant to be aware of and have considered the following issues and mitigation within any Environmental Statement connected with their operations:

- The location and stability of abandoned mine entries present on site.
- The extent and stability of shallow mine workings present on site.
- The potential for unrecorded mine workings.
- The potential for hydrogeology, minewater and mine gas.

Protecting the public and the environment in coal mining areas

- The potential for the prior extraction/co-extraction of the surface coal resources where practicable and viable.
- Whether Coal Authority permission is required to intersect, enter, or disturb any coal or coal workings.

RESPONSE FROM COAL AUTHORITY 1 MAY 2012 (Telecom)

The site lies within an area where the Coal Authority's standing advice applies. The Coal Authority do not consider there to be any land instability issues with this site and therefore no further action is required aside from attaching their standard informative to the decision notice.

Further information on these issues can be obtained from The Coal Authority's Property Search Services Team Tel:0845 762 6848 or via The Coal Authority's Thank you for your consultation letter to Bath and NE Somerset Council dated 6th January 2012 to which I have been asked to respond on their behalf.

RESPONSE FROM COUNTY ECOLOGIST WITHIN EMAIL RESPONSE FROM APPLICATION CASE OFFICER AT SOMERSET COUNTY COUNCIL TO APPLICANT 3 FEBRUARY 2012

Natural England and the County Ecologist have both raised concern over the outstanding wildlife surveys and whether these need to be completed before suitable conditions can be decided upon.

The County Ecologist comment's "The ES does identify the existence of the Mells Valley SAC but the possibility that there might be impacts on this site (or on any other designated site) is dismissed: "Due to the separation distances and the lack of environmental links between the development site and statutory or non-statutory designated sites, no direct or indirect impacts on designated sites are anticipated" (paragraph D5.2.1 Appendix B Biodiversity)."

Greater Horseshoe bats are a primary reason for selection of the Mells Valley as a SAC. Any impacts on the foraging of the Greater Horseshoe bats could therefore impact upon the SAC. Whilst the field are improved grassland and therefore not floristically significant any cattle grazing would raise their value in respect of the bat foraging.

Please could you let me know likely timings for the proposed surveys. The documentation refers to restarting in April 2012 but I haven't found anything about the duration of the surveys or when soil stripping/hedgerow removal would need to begin. I am hopeful that it would be possible to devise a condition which restricts the implementation of any further soil stripping/hedgerow removal until such time at the surveys are completed, and the results and proposed mitigation have been submitted to ourselves and approved. However, I am wary of impacting upon the phased working programme at the quarry and restricting progress to any great extent.

Am I correct in thinking that all the remaining Undeveloped Land would be stripped in one go rather than part being left until next year or the year after?

20 July 2011

Thank you for your memo of 24 June 2011 consulting me on the EIA Scoping Opinion Report submitted in connection with the forthcoming ROMP Review of planning permission

109122/022. I would like to make the following comments concerning the document submitted by Scott Wilson dated 'June 2011'.

1. Mells iron Works 8581— The Report fails to mention that this SSSI is a component part of the Mells Valley Special Area of Conservation (SAC), a European Site designated with effect from 2005. The issue of the possible impact of the development on the SAC cannot have been considered when the permission was granted in 1995 and the ROMP will be the first opportunity to consider whether any impact is being exerted on the SAC and its qualifying features. The SAC was designated for Greater Horseshoe Bat populations. Radio-tracking studies conducted in 2000 following bats from the SAC population showed their use of the edges of Whatley Quarry for feeding and commuting purposes. I recommend strongly that we take the opportunity of the ROMP to conduct a 'Regulation 63 review' of the planning permission to ascertain whether the County Council is in a position to affirm the permission as it stands or whether it needs to revoke or modify the permission in order to comply with the Conservation (Habitats & Species Regulations) 2010. The practical upshot of this I believe is that the County Council should require the developers to submit information about the use of their site by bats (and particularly be Greater Horseshoe Bats) in order that we may judge the impact on the SAC of their proposals to continue working according to the existing conditions. This is likely to entail ecological surveys in addition to the surveys the applicants propose. These will need to be carried out at an appropriate time of year which this year will begin to run out towards the end of September.
2. It is the case that any protected species surveys that may have been done to inform the original planning decision in 1995 will by now be very out of date. It is possible, therefore, as stated in the Scoping Report, that ecological baseline conditions will have changed. I appreciate the applicants' commitment to commission new Extended Phase I Habitat Surveys for the EIA, but it will be important that any follow-up surveys that may be identified as necessary as a result of the Phase I (for example for European Protected Species) are completed and submitted with the ES in order for the EIA to be properly complete. As above, the season for surveys for some species may be drawing to an end relatively soon and it would be remiss of me not to mention this if it is the applicant's intention to submit an EIA later this year.
3. I understand that the applicants do not want any changes made to the system of ecological monitoring that is already required of them. This is welcome. It is often only possible to discern positive or negative ecological trends by looking at long term data sets. For the avoidance of doubt can we be clear what the requirements are on them in relation to the present permission? (Frances will be able to help here). My understanding is that there is some monitoring of stream invertebrate life in connection with flow augmentation in some of the Mendip streams, but that this is in connection with Aggregate Industry's Torr Works permission. If the applicants are going to submit a summary of monitoring conducted to date it should become clear whether we need to ask for anything in addition to the current level.

26 Jan 2012

Attached below are the comments that I made in July last year concerning EIA Scoping for the then anticipated ROMP application in connection with permission 109122/002 at Whatley Quarry. I have looked at the ROMP application that has been submitted now and the accompanying Environmental Statement (ES) and I have tried to relate what I suggested ought to be included with what has been submitted. I have concluded that further information should be required from the applicants to assist the planning authority determine the environmental impacts of the proposals in the application.

1. Under the Conservation of Habitats and Species Regulations 2010 the County Council has an obligation to consider what might be the impacts on any European Sites of agreeing the applicant's proposed conditions or some other set of conditions. I have drawn attention to evidence that exists that bats which are part of the

population that is the qualifying feature of the Mells Valley SAC have been recorded foraging on and commuting through land within and immediately adjacent to the application site. The ES does identify the existence of the Mells Valley SAC but the possibility that there might be impacts on this site (or on any other designated site) is dismissed: "Due to the separation distances and the lack of environmental links between the development site and statutory or non-statutory designated sites, no direct or indirect impacts on designated sites are anticipated" (paragraph D5.2.1 Appendix B Biodiversity). This statement seems to contradict the evidence from radio-tracking studies that have demonstrated a clear link between the SAC and habitats on and immediately next to the application site. The applicants ought to be asked to justify the assertion they have made that there are no ecological links to the SAC and to provide evidence for the view that no impacts either direct or indirect are likely to be exerted on the SAC bat populations.

2. In July of last year I advised that any EIA that is submitted without relevant protected species information might be deemed to be incomplete. In so doing I was mindful of the Regina Vs Cornwall County Council (ex parte Jill Hardy) case in which the High Court ruled that Cornwall County Council had erred in law by not requiring certain protected species surveys to be conducted as part of an EIA prior to reaching a planning decision. It was established that the presence/absence of legally protected species were likely to be a material consideration in the decision-making process. In this instance, the applicants admit the strong possibility that Dormice, bats and Badgers are present in part of the application site which would have relevance to the sort of planning conditions that the planning authority might wish to impose through the ROMP. In the absence of surveys for these species the applicants have assumed that they are present in the Finger Farm area and have proposed mitigation measures. However, it is difficult to judge whether these measures are likely to be adequate due to a lack of detail.
3. I have not found a clear statement of what ecological monitoring is being carried out now in connection with the permission and what is proposed for the future. It is possible that this is in a part of the documentation submitted and I have missed it. Could we ask the applicants either to say where the information resides or provide it with a quick summary.

1 Feb 2012

You asked me yesterday if I could re-consider the comments that I made on 26 January after taking a fresh look at the Environmental Statement submitted by the applicants. In particular I was to look at the mitigation being offered by the applicants in relation to European Protected Species (EPS). These matters are covered by the applicants in the submitted Environmental Statement in Section D6 of Appendix D 'Biodiversity'.

In relation to Dormice, the mitigation that is proposed is the production of a detailed mitigation plan "tailored to the findings of the Dormouse survey and conclusions regarding the form of mitigation necessary" (paragraph D6.4). My objection to this 'mitigation' is that the production of a plan is not itself any form of mitigation (a fact that the applicants themselves acknowledge in the text I have quoted). Also, because the survey work has not been completed, it is not known whether any mitigation that might be needed is realistically achievable within the application site. If this were a planning application and not a ROMP application, I would at this stage be recommending refusal. However, I appreciate that the only thing that can be 'refused' in reality is the applicants' own proposed conditions and without any existing conditions requiring measures to safeguard EPS this would not be especially helpful in securing protection for Dormice if they are present. Therefore, I recommend that, notwithstanding the applicants' submitted conditions, the planning authority imposes a tightly worded condition to the effect that no development shall proceed on the land to the south and east of Finger Farm until surveys for Dormice have been completed and a mitigation plan based on the findings of the surveys has been submitted to and approved by the planning authority in consultation with Natural England. The condition will

need to be drafted in such a fashion as to take account of the fact that there may be a time lag between surveys and quarrying of the land.

With regards to bats, the applicants have identified trees that will be lost due to the development that have high potential as bat roosts. They propose that: "In compensation for loss of roosts and/or

potential roost sites, several large maternity/hibernation Schwegler TM woodcrete bat boxes will be installed on trees in suitable locations around the Site at locations to be proposed in the mitigation scheme". I recommend that a condition is imposed that seeks compensation for the loss of habitat (i.e. potential bat roosts) through bat box provision but at the same time there is a requirement placed on the applicants to have surveys done in order to design a mitigation scheme should measures above and beyond bat box provision be necessary. It should be a requirement for the bat boxes to be monitored for a period of time. The planning authority needs to be mindful that all bats are EPS like Dormice.

Badgers are not EPS but they are protected species and their presence and the effect of development upon them can be a material consideration in a planning decision. In relation to this application, I suggest that a condition requiring surveys and mitigation (if needed) is imposed in a similar manner to that proposed above.

Section D7 of Appendix D Biodiversity' is entitled 'compensation' and, since the loss of 7.2 ha of species-rich hedgerow and other habitat cannot be avoided if the land adjacent to Finger Farm is quarried, I would have expected this section to have contained proposals for compensating for this loss. It seems that the applicants believe that landscape planting of 0.7 ha of mixed woodland is sufficient compensation for the loss but I do not understand how they have arrived at this conclusion. I intend to look at this more closely and provide you with an informed view later on whether this level of compensation is adequate or not

2 Feb 2012

Yesterday I wrote to you regarding the Environmental Statement submitted with the Whatley Quarry ROMP:

"Section D7 of Appendix D `Biodiversity' is entitled 'compensation' and, since the loss of 7.2 ha of species-rich hedgerow and other habitat cannot be avoided if the land adjacent to Finger Farm is quarried, I would have expected this section to have contained proposals for compensating for this loss. It seems that the applicants believe that landscape planting of 0.7 ha of mixed woodland is sufficient compensation for the loss but I do not understand how they have arrived at this

conclusion. I intend to look at this more closely and provide you with an informed view later on whether this level of compensation is adequate or not."

I have now done some rough calculations based on measurements taken from the applicant's Extended Phase I Habitat Map in Figure 1/47060317. Assuming that the total area is 7.2 ha as stated and that the hedgerows on site are 3m wide then the areas of habitat to be lost work out at:

Species-rich hedgerow	0.23 ha
Broadleaved plantation	0.30 ha
Improved grassland	6.67 ha

It is recognised practice to require replacement of hedgerow habitat on the basis of at least three for one. Therefore, I would have expected at least 0.7 ha of new tree and shrub planting in compensation for the loss of the hedgerow alone (and this not take into account the function that the hedgerow might have been providing in providing an important wildlife corridor). The applicant's consultants seem to have taken the view that no compensation was necessary for the loss of plantation woodland or improved grassland.

Results from radio-tracking studies of Greater Horseshoe Bats from the Mells Valley SAC indicate that the fields were not used at the time of the study in 2000 but there is evidence of bats commuting and foraging on the southern edges of Whatley Quarry. It may be that the fields were not grazed by cattle at that particular time in June 2000, making it less likely to attract Greater Horseshoe Bats or it could be that the SAC population did not use the fields then and may not do so now. I think that it is important that proper bat surveys are done to establish whether the fields, hedgerows and/or plantation woodland are used by Horseshoe

Bats. If they are, then the planning authority might be justified in seeking considerably more in terms of habitat compensation than is on offer. I have already highlighted the inherent problem of imposing new conditions in advance of all the ecological surveys having been done, but if it is decided to determine the ROMP before surveys can be completed, I would propose a condition requiring that prior to any quarrying of the land there are surveys for Horseshoe bats in the fields in question and on the edges of the Quarry. I think that one could justify ongoing monitoring of bat activity on the southern boundary of the site in order to check that foraging is not affected by the development. If it

RESPONSE FROM NATURAL ENGLAND 25 JANUARY 2012

Thank you for your consultation detailed above, it was received by this team on 6 January 2012.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Having read the information uploaded on your website we can offer the following comments.

In Natural England's letter dated 15 July 2011 my colleague Barry Phillips commented upon the scoping opinion for this proposal which he found satisfactory. He supported the need for an up to date baseline ecological survey of the unworked land in the western part of the Extraction Area and he advised that this information should inform the Environmental Statement. It seems from the information you have provided that the surveys for bats and dormice have not yet been done. Although it is our view that this information is needed to inform the impact assessment we do recommend that you seek the advice of your ecologist Tony Serjeant for his opinion.

Natural England supports the programme of long-term monitoring of hydrological and ecological impacts in the proximity of the quarry.

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by your Council, that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

If you have any queries please let us know.

Yours sincerely

Mrs Linda Tucker

Land Use Operations

Exeter Team Linda.tucker@naturalengland.org.uk)

RESPONSE FROM SOMERSET HERITAGE CONSERVATION OFFICER 24 JANUARY 2012

Thank you for consulting us on this review.

I have focused my attention on proposed conditions 30. and 32. with regard to safeguarding local historic buildings from blast induced ground vibration damage, and proposed condition 46. regarding Finger Farm.

Vibration damage to historic buildings is an area I have no specific experience of. I have discussed this topic with our consultant engineer. We acknowledge that there has been extensive research and accept the guidance for peak particle velocity of between 6 and 10

mm/sec in 95% of all blasts measured with no individual blast above 12 mm/sec ppv (MPG 9 and 14).

Proposed Condition 30 states that all blasts will be designed not to exceed a peak particle velocity of 9mm/sec at a 95% confidence level at the nearest residential property.

I am interest in the scope of condition 33. I suggest the approved scheme submitted under this condition should extend the local sensitive receptors beyond residential receptors to include unoccupied listed buildings. The listed properties of Mells Green Farm, Hill View, The Old School House and Yew Tree Cottage are all on the list of monitored residential properties. This does provide a good coverage of local listed buildings. It would, however, be beneficial if unlisted buildings and structures were included in the list of sensitive receptors. This would include the Grade I Chantry Holy Trinity Church and the Grade II gate, gate piers and flanking wall adjacent to the Lodge to the Chantry.

Proposed condition 46. makes provision for a periodic survey of the Grade II listed Finger Farm. Has this provision been made due to its proximity to the blast zone, and why are the inspections limited to when the building is occupied?

RESPONSE FROM ENGLISH HERITAGE 10 JANUARY 2012

Thank you for your letter of 6 January 2012 notifying English Heritage of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion. English Heritage

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

RESPONSE FROM SLR CONSULTING LTD ON BEHALF OF BATH AND N.E. SOMERSET COUNCIL 20 JANUARY 2012

Thank you for your consultation letter to Bath and NE Somerset Council dated 6th January 2012 to which I have been asked to respond on their behalf.

Subject to the existing groundwater protection and monitoring regime and the section 106 agreement in respect of the Bath Hot Springs remaining in place there are no objections to the scheme.