

TOWN AND COUNTRY PLANNING ACT 1990

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

No: SCC/3795/2021

Application Dated: 27 January 2021

Applicant: Ian Strachan - Heidelberg
Materials
Heidelberg Materials
BA11 3LF

Agent: Nienke Pengelly
Wood E & IS Solutions
UK Limited
Canon Court
Abbey Lawn
Abbey Foregate
SHREWSBURY
SY2 5DE

Proposal: Works ancillary to the operation and restoration of Westdown Quarry, including the construction of an upgraded access, on land that sits outside the ROMP and IDO boundaries.

Location: Westdown Quarry
Whatley
Frome
Somerset
(OS ST 719 661)

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

1. The development hereby approved shall only be carried out in accordance with the following documents:

(a) Description of the working method and of restoration and aftercare as set out in Section 2 of the document entitled 'Westdown Quarry Revised Scheme of Working Planning Statement' dated October 2023.

(b) Mitigation measures as set out in the document entitled 'Westdown Quarry Environmental Statement' dated January 2021: Chapter 7 in relation to noise; Chapter 8 in relation to blasting; Chapter 9 in relation to air quality; Chapter 12 in relation to traffic; Chapter 10 in relation to the water environment; and Chapter 11 in relation to ecology,

unless otherwise updated in the document entitled 'Westdown Quarry Revised Scheme of Working Environmental Statement Addendum' dated March 2024.

(c) The following drawings of the document entitled 'Westdown Quarry Revised Scheme of Working Planning Statement' dated October 2023:

- a. Figure 1.1 – Site location plan;
- b. Figure 1.2 – Existing planning consent boundaries;
- c. Figure 1.3 – Westdown Revised Scheme consolidated site boundary and wider Heidelberg landholdings;
- d. Figure 2.6 – Restoration Plan;
- e. Figure 2.7 – Typical cross section through perimeter upfront mitigation and screen bank corridor and
- f. Figure 2.8 – Upfront off-site mitigation area.

Reason: To ensure the development is carried out in accordance with the approved documents.

2. From the date of this decision notice to the completion of development, a copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be available for inspection in the site office during the permitted hours of operation, and subsequently, shall be made available to all persons with responsibility for the site's aftercare and management.

Reason: To ensure the development is carried out in accordance with the approved documents.

3. There will be no extraction of limestone below 120 metres above ordnance datum (m AOD) – apart from the provision of a quarry drainage sump - until such time as an agreed Groundwater Investigation, Monitoring and Mitigation Strategy (GIMMS) has been submitted to and approved in writing by the Mineral Planning Authority. As a minimum the GIMMS should include:

(a) An update to the groundwater impact assessment set out in Chapter 10 (Water Environment) of the Environmental Statement (January 2021) (Doc Ref. 40380-WOOD-ZZ-XX-RP-O-0001_S0_P02) as amended by Chapter 7 (Water Environment) of the Westdown Quarry Revised Scheme of Working Environmental Statement Addendum (March 2024)

(Doc Ref. 62280202-WSPE-RP-MD-00002_P01.2) based upon the latest agreed version of the East Mendips Groundwater Model. Model version to be agreed by the East Mendips Groundwater Model Technical Working Group (TWG), the membership of which and the TWG's Terms of Reference specified therein. The TWG to consist of the following minimum membership: Somerset Council, Environment Agency, Heidelberg Materials (Developer), Heidelberg Material's Hydrogeological Consultant, Minerals Products Association, Model External Reviewer, Bristol Water Company). The TWG to operate to the following agreed Terms of Reference [to be agreed].

(b) The updated groundwater impact assessment must include:

- i. A review of the receptors that may be impacted by each extraction phase of Westdown Quarry below 120m AOD.
- ii. Conclusions on the drawdown or reduction in flow that may result to each receptor – both individually and in combination - as a result of operations below 120m AOD at Westdown Quarry.
- iii. Proposed mitigation measures to address any predicted significant adverse groundwater effects.
- iv. Details of historic and on-going groundwater level and quality monitoring – including frequency, method and duration.
- v. A review of the extent and suitability of the existing environmental monitoring scheme. Thereafter, an annual submission of an Environmental Monitoring Statement will be made to the Environment Agency (EA) and Somerset Council.

(c) A summary of all available monitoring data highlighting and interpreting any observed changes to the site's groundwater regime (quality and level). To include quarry dewatering rates, rainfall, groundwater levels, surface water flows and water quality, update for the quarry development, future plans and interpretive and conceptual hydrogeological reporting.

(d) An appropriate method and timescale for the submission of on-going groundwater monitoring data, and identification of appropriate triggers for action.

(e) A water resource mitigation strategy (with associated measures and timescales), to include details of on-site water use and management practices. This to include details of a proof of concept to show that the mitigation scheme is achievable.

(f) Provision to undertake review of monitoring network, conceptual hydrogeological reporting, quarry dewatering rates and mitigation measures every 5 years.

The GIMMS shall be submitted to the Mineral Planning Authority (MPA) for consideration, in consultation with the Environment Agency (EA), at least 24 months prior to progressing below 120m AOD. If, in the opinion of the MPA, the GIMMS fails to demonstrate that there has not been, or will not be, any significant adverse effect on groundwater by quarrying at Westdown Quarry, and if remedial measures would not mitigate any significant adverse effect, the MPA shall give notice, in writing, to the operator of this opinion within 6 months of receipt of the investigation findings.

Following receipt of such notice, no further deepening of the quarry will be permitted below 120m AOD.

The operator shall submit a revised Restoration Plan within 6 months of the date of the notice served by the MPA, showing the final quarry floor at 120m AOD. Thereafter the site shall be restored in accordance with the requirements of Condition 44.

Reason: In order to protect the integrity of groundwater resources and to prevent the pollution of the water environment. (Somerset Minerals Local Plan (February 2015) Policy DM4 Water Resources and Flood Risk and Policy DM5 Mineral extraction below the water table, and Parts 14 and 17 of the National Planning Policy Framework (December 2023).

4. If the operator has demonstrated to the satisfaction of the Mineral Planning Authority (MPA), in consultation with the Environment Agency (EA) that there has not been, or will not be, any significant adverse effect on groundwater, under the requirements of Condition (3), further investigations shall be carried out, in accordance with the same criteria outlined in Condition (3), for each subsequent bench drop; these being: (a) 105m AOD and (b) 90m AOD.

The findings of such investigations shall be submitted to the MPA for consideration, in consultation with the EA, at least 24 months prior to progressing below each bench.

If, in the opinion of the MPA, in consultation with the EA, such investigations fail to demonstrate that there has not been, or will not be, any adverse effect on groundwater at Westdown Quarry, and if remedial measures would not mitigate any adverse effect, the MPA shall give notice, in writing, to the operator of this opinion within 6 months of receipt of the investigation findings.

Following receipt of such notice in respect of (a) above, no further deepening of the quarry will be permitted below 105m AOD.

Following receipt of such notice in respect of (b) above, no further deepening of the quarry will be permitted below 90m AOD.

The operator shall submit a revised Restoration Plan within 6 months of the date of the notice served by the MPA, showing the final quarry floor at the level that quarrying ceased. Thereafter the site shall be restored in accordance with the requirements of Condition 44.

Reason: In order to protect the integrity of groundwater resources and to prevent the pollution of the water environment. (Somerset Minerals Local Plan (February 2015) Policy DM4 Water Resources and Flood Risk and Policy DM5 Mineral extraction below the water table, and Parts 14 and 17 of the National Planning Policy Framework (December 2023).

5. For each calendar year, and for a minimum of the previous calendar year, the following information shall be retained on site and made available at all reasonable times to the Mineral Planning Authority upon request:

- A general introduction stating company aims and the relevant planning documents.
- The relevant limiting conditions.
- Other measures, either planning or self-imposed, employed to reduce impact.
- The objectives of the monitoring scheme.
- The methods by which monitoring is undertaken.
- The times at which monitoring occurs.
- The information gathered and its presentation.
- The actions resulting from monitoring.
- The actions resulting from public complaint.
- An up-to-date survey of the quarry.
- The depth of extraction.

The information retained and provided upon request shall address the following:

- Weather - a log of daily weather conditions to be incorporated in the analyses of impacts.

- Blasting - to include results of the vibration and air overpressure monitoring.
- Noise - to include the measured LAeq 1 hour (free field) level in dB(A), date and time of measurement, description of site activity, and details of measuring equipment.
- Dust monitoring.
- Light monitoring.
- Water resource monitoring.
- Stability - to include results of the inspection and assessment of excavated slopes and tips where the 1999 Quarry Regulations have required this.

The effectiveness of the mitigation and monitoring shall be reviewed with the Mineral Planning Authority on an annual basis, except for stability, which shall be reviewed biennially.

Reason: In the interests of the residential and visual amenities of the area, to safeguard the ecology and water environment of the locality and to protect the landscape character of the area.

6. The development hereby approved shall only be carried out in accordance with a scheme or schemes to be approved in writing by the Mineral Planning Authority prior to the commencement of Phase 1, relating to the matters listed below:

(a) A Soil Replacement Strategy linked to Figure 2.6 Restoration Plan of 'Westdown Quarry Revised Scheme of Working Planning Statement' dated October 2023, which shall clearly describe the proposed soil handling and replacement methods to be used at the site, appropriate to the grade of soil and intended after-use. The Soil Replacement Strategy shall also include details of the proposed soil depths upon restoration and plant and machinery to be used as appropriate steps to prevent the spread of any soil-borne plant or animal diseases.

Reason: To ensure the site is satisfactorily restored. (Adopted Somerset Minerals Local Plan (February 2015) Policy DM7 Restoration and Aftercare and Part 17 of the National Planning Policy Framework (December 2023))

(b) A Blasting and Vibration Monitoring Plan which shall identify suitable monitoring locations as well as mitigation measures and measures to be implemented during blasting operations to minimise the effects of air overpressure, and details of the proposed monitoring frequency and a plan showing the monitoring locations. The scheme shall also include details of the siting of warning flags and notice boards and procedures for informing occupiers of adjacent residential properties of blasting procedures.

(c) No development hereby approved which shall interfere with or compromise the health and safety of the public using the PROWs shall take place until a system of advance warning of quarry blasting has been submitted and approved in writing by the Mineral Planning Authority.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted Somerset Minerals Local Plan (February 2015) Policy DM 6 Public Rights of Way, Policy DM8 Mineral Operations and the Protection of Local Amenity and Parts 15 and 17 of the National Planning Policy Framework (December 2023)).

(d) A Noise Monitoring Plan including exact locations of noise monitoring points and proposed monitoring frequency for both normal and temporary operations. The locations of noise monitoring points shall be chosen to ensure that the possibility of off-site noise affecting measurements is reduced to a minimum.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Parts 15 and 17 of the National Planning Policy Framework (December 2023)).

(e) A Dust Action Plan, which shall include:

- i. Exact locations of monitoring points.
- ii. Proposed monitoring frequency and methodology to be used for assessing monitoring results.
- iii. Identification of plant and machinery and working methods to be employed on site.
- iv. Use of baseline Real Time and Passive Dust Monitoring information to establish a 'trigger' levels.
- v. Arrangements for the monitoring of wind direction and speed.

- vi. A strategy identifying normal extreme conditions having regard to historical meteorological data.
- vii. The measures to be triggered during periods of extreme conditions.
- viii. Arrangements for reporting to the Mineral Planning Authority and for recording and review.
- ix. Details of all measures to minimise and control dust, including dust control equipment.
- x. A programme for regular review of the Dust Action plan.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Parts 15 and 17 of the National Planning Policy Framework (December 2023).

(f) A Habitat Management Plan detailing the arrangements for creating and managing habitat for badgers, bats, great crested newts, otters, reptiles, breeding birds and invertebrates. The Habitat Management Plan should also detail measures for protecting and positively managing on-site veteran trees, woodland, water bodies and for the management of non-native invasive plant species.

Reason: To ensure the development is carried out in a manner which protects interests of ecological importance. (Adopted Somerset Minerals Local Plan (February 2015) Policy DM2 Biodiversity and Geodiversity and Parts 15 and 17 of the National Planning Policy Framework (December 2023)

(g) Details of any planting and landscaping including:

- i. The species to be planted, and the percentage of the total to be accounted for by each species;
- ii. The size of each plant and the spacing between them;
- iii. The preparations to be made to the ground before planting;
- iv. The fencing off of planted areas; and

- v. A subsequent maintenance and management programme during the after-care period once the hedgerow, tree, and shrub planting has been carried out, which shall include the weeding of the planted area, repairing if any damaged fencing, and the replacement of any plants which die or are seriously affected by disease and a detailed schedule as to when the aftercare period commences for each area;

Reason: In the interests of residential and visual amenity. (Adopted Somerset Minerals Local Plan (February 2015) Policy DM1 Landscape and Visual Amenity and Parts 15 and 17 of the National Planning Policy Framework (December 2023)).

(h) A Water Monitoring and Mitigation Strategy is agreed, which should include:

- i. Details of the sizing, location and maintenance of the settlement lagoons required to collect all surface water runoff;
- ii. Details of the drainage arrangements within the site's compound area;
- iii. Details of the groundwater monitoring borehole network;
- iv. An appropriate method and timescale for the submission of on-going groundwater monitoring data.
- v. Hydraulic modelling of the Fordbury Water Ordinary Watercourse, demonstrating that the receiving system is able to take flows without increasing flood risk to third party land or downstream and any associated refinement of the restoration proposals as required.

Reason: To ensure the development is carried out in a manner which protects the water environment and manages flood risk. (Adopted Somerset Minerals Local Plan (February 2015) Policies DM4 Water Resources and Flood Risk and DM5 Mineral Extraction below the Water Table and Parts 14, 15 and 17 of the National Planning Policy Framework (December 2023)).

(i) A written scheme of investigation setting out a programme of archaeological work, including the building recording of Westdown Farm. Development shall thereafter take place in accordance with the agreed details.

Reason: To comply with Paragraphs 197 and 199 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly

accessible and Somerset Minerals Local Plan (February 2015) Policy DM3 Historic Environment and Part 16 of the National Planning Policy Framework (December 2023).

(j) Details of the type and height of fencing to be provided around the site boundary and within the site.

Reason: To ensure the development is satisfactorily worked and restored and in the interests of residential amenity. (Adopted Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Parts 15 and 17 of the National Planning Policy Framework ((December 2023).

(k) A scheme for the installation of permanent and mobile lighting on the site shall be submitted in writing to the Minerals Planning Authority. All lighting shall be designed and located in a manner so that illumination is not obtrusive beyond the site boundary.

Reason: To ensure the development is satisfactorily worked and restored and in the interests of residential amenity.

7. Prior to the commencement of soil and overburden being removed in each phase, a detailed scheme of working which shall include timing of when areas are to be progressively restored and soil and overburden mounds removed and, where appropriate, the following shall be shown on an appropriately scaled plan:

(a) an update of the soil replacement strategy referred to in Condition 6a including details of a phased scheme for the removal, movement, handling and replacement of all soil resources and overburden within the phase, including depths;

(b) details of the location of existing and intended stockpiles of mineral, waste materials on site and their heights within the phase;

(c) details of drainage arrangements;

(d) a detailed working method for the phase, including extraction limits;

i. proposed depth of working;

ii. phasing of operations (extraction and restoration);

iii. details of design of internal access and haul roads, surfacing of them, and provision and surfacing of hard-standings;

iv. the erection of any fences as appropriate to their intended use;

- v. habitat creation works;
- vi. details of any planting and landscaping including:
 - the species to be planted, and the percentage of the total to be accounted for by each species;
 - the size of each plant and the spacing between them;
 - the preparations to be made to the ground before planting;
 - the fencing off of planted areas;
 - a subsequent maintenance and management programme during the after-care period once the hedgerow, tree, and shrub planting has been carried out, which shall include the weeding of the planted area, repairing if any damaged fencing, and the replacement of any plants which die or are seriously affected by disease and a detailed schedule as to when the aftercare period commences for each area;
- (e) details on the treatment of the final quarry faces and the establishment of vegetation on screes and ledges;
- (f) the final contours for the area that has been restored (at 2 metre intervals), indicating how such contours tie in with the contours on adjacent land and future phases of restoration.

Reason: To ensure the development is satisfactorily worked and restored and in the interests of residential amenity and environmental protection. (Adopted Somerset Minerals Local Plan (February 2015) Policies DM8 Mineral Operations and the Protection of Local Amenity; Policy DM7 Restoration and Aftercare; and Parts 15 and 17 of the National Planning Policy Framework (December 2023)).

8. Prior to the commencement of soil and overburden being removed in Phase 5, a restoration strategy for all of the land edged red and identified as 'Westdown Revised Scheme consolidated site boundary' (as illustrated in Figure 1.3) and Figure 2.6 Restoration Plan (dated October 2023) and a timetable for implementation shall be submitted, which shall include, where appropriate:

- (a) Regarding, replanting, management and/or removal of bunds located within the site boundary.

- (b) The final contours of the site (at 2 metre intervals), indicating how such contours tie in with the existing contours on adjacent land.
- (c) The timing and phasing of progressive restoration works including, where necessary, the removal of plant, buildings and areas of hardstanding.
- (d) Details of the drainage of the restored site including any drainage ditches and discharge points.
- (e) The retention or erection of fences.
- (f) Details of depth, design and means of construction of the waterbody, including the marginal wetlands, and drainage of the restored site including any drainage ditches and discharge points.
- (g) Tree, scrub and hedgerow planting including:
 - i. The species to be planted, and the percentage of the total to be accounted for by each species;
 - ii. The size of each plant and the spacing between them;
 - iii. the preparations to be made to the ground before planting;
 - iv. the fencing off of planted areas;
 - v. a subsequent maintenance and management programme during the aftercare period once the hedgerow, tree and shrub planting has been carried out, which shall include the weeding of the planted area, repairing any damaged fencing, and the replacement of any plants which die of disease or are seriously affected by disease and a detailed schedule as to when the aftercare period commences for each area.
- (h) Details on the treatment of the final quarry faces and the establishment of vegetation on screes and ledges.
- (i) Measures to ensure that the risk of erosion within the site is minimised.
- (j) A detailed specification, including a programme for cultivation, seeding, fertilising, and the aftercare of the land for five years to restore the land to a condition fit for the intended after-use.

Reason: To ensure the site is satisfactorily restored. (Adopted Somerset Minerals Local Plan (February 2015) Policy DM7 Restoration and Aftercare and Part 17 of the National Planning Policy Framework (December 2023).

9. All mineral extraction shall cease by no later than 21 February 2042.

Reason: To comply with the Environment Act 1995. To avoid the unnecessary delay in the restoration of the site. (Somerset Minerals Local Plan (February 2015) Policy DM7 Restoration and Aftercare and Part 17 of the National Planning Policy Framework (December 2023).

10. The site as identified on Figure 1.3 Westdown Revised Scheme consolidated site boundary and wider Heidelberg landholdings ('Westdown Quarry Revised Scheme of Working Planning Statement' dated October 2023) shall be restored within 2 years of the cessation of mineral extraction.

Reason: To avoid unnecessary delay in the restoration of the site. (Somerset Minerals Local Plan (February 2015) Policy DM7 Restoration and Aftercare and Part 17 of the National Planning Policy Framework (December 2023).

11. Operations authorised by this consent shall be restricted to the following periods. The hours for temporary operations are set out in Condition 12:

Extraction (including drilling and processing), servicing, maintenance and testing of plant:

06.00* – 20.00 Monday – Friday

06.00* – 12.00 Saturday

[* to minimise noise effects, extraction and mobile processing from the working faces will not take place until 0700 until the quarry sides are at least 5m deep from the surface].

Haulage:

07.00 – 20.00 Monday – Friday

07.00 – 12.00 Saturday

Blasting:

09.00 – 16.30 Monday to Friday

No operations other than water pumping shall take place outside these hours or at any time on Sundays, Bank, or other public holidays, save in cases of emergency when life, limb, or property are in danger. The Minerals Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

Reason: In the interests of residential amenity. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023)).

12. Temporary operations such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance including the removal of bunds giving rise to elevated noise levels shall only take place between 0800 and 1700 Monday to Friday and 0800 to 1200 on Saturday. No temporary operations shall take place outside these hours or at any time on Bank Holiday, or other Public Holidays or on Sundays.

Reason: In the interests of residential amenity. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023)).

13. The method of soil removal and replacement within the site shall only be undertaken in accordance with the scheme submitted under Condition 6 and shall be appropriate to the quality of the soils and intended after-use.

Reason: To ensure the site is satisfactorily restored. (Adopted Somerset Minerals Local Plan (February 2015) Policy DM7 Restoration and Aftercare and Part 17 of the National Planning Policy Framework (December 2023)).

14. The movement of topsoil and subsoil shall only be carried out under sufficiently dry and friable conditions, to avoid soil smearing and compaction, and to ensure that all available soil resources are recovered.

Reason: To ensure the site is satisfactorily restored. (Adopted Somerset Minerals Local Plan (February 2015) Policy DM7 Restoration and Aftercare and Part 17 of the National Planning Policy Framework (December 2023)).

15. There shall be no stripping of overburden on the sites of, or construction of works on, the proposed environmental banks except between 0800 and 1700 hours Mondays to Fridays and 0800 and 1200 hours on Saturdays. There shall be no construction work on Sundays or on public holidays.

Reason: In the interests of residential amenity. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023)).

16. The noise levels generated by the construction of the screen bunds and any other temporary operations within the area of the application hereby permitted as measured at any noise sensitive property (see condition 25) shall not exceed a level of 70dB(A) Leq 1 hour free field and shall not exceed 55 dB(A) Leq 1 hour free field for more than eight weeks in any 12 month period.

Reason: In the interests of residential amenity. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023)).

17. Until the restoration of the site the following shall be carried out:

(a) The maintenance of fences in a secure condition between areas used for development and any adjoining land.

(b) The maintenance of haul roads between wheel cleaners and the public highway, ensuring that they are kept clean from mud.

(c) The maintenance of drainage ditches and settlement lagoons and the clearance of mud and silt from any settlement lagoons to avoid reducing their capacity to intercept sediment.

(d) The treatment of trees affected by disease in accordance with accepted practices of good arboriculture practice.

(e) All storage mounds of soil and overburden to be kept free of weeds and necessary steps taken to destroy weeds at an early stage of growth to avoid seeding.

Reason: To ensure the site is satisfactorily worked. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023)).

18. No waste materials shall be imported, or non-mineral waste be deposited at the site other than in accordance with the provisions of these conditions or subsequent replacement conditions.

Reason: To ensure the site is satisfactorily worked. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity; Policy

DM11 Management of Solid Mineral Wastes and Part 17 of the National Planning Policy Framework (December 2023).

19. No burning of rubbish or waste materials shall take place at any time at the site, except as may be required by the Mines and Quarries Act 1954 and any other relevant legislation.

Reason: In the interests of residential amenity. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023))

20. Operations hereby approved following recommencement of development after the date of this decision notice shall not cease for a continuous period of more than 2 years without the prior written notification to the Minerals Planning Authority. Should extractive operations cease for a continuous period greater than 2 years then such operations shall have deemed to have ceased. Extractive operations shall not recommence without the prior written approval of the Minerals Planning Authority and the site in its entirety shall be restored in full accordance with the restoration scheme agreed with the Minerals Planning Authority in accordance with Condition 6.

Reason: To ensure the site is satisfactorily restored. (Adopted Somerset Minerals Local Plan (February 2015) Policy DM7 Restoration and Aftercare and Part 17 of the National Planning Policy Framework (December 2023)).

21. The developer shall convene at least every six months or at such other frequency agreed by the liaison committee, a liaison committee composed of representatives of the Company, the Mineral Planning Authority and the Environment Agency and up to two councillors or nominated representatives from the Parish Council, for the purpose of exchanging information and comment about the Site.

Reason: To ensure the development is carried out in an orderly manner. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023)).

22. The surfaces of the site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times.

Reason: In the interests of highway safety and residential amenity (Adopted Somerset Minerals Local Plan (February 2015) Policy DM9 Mineral Transportation and Parts 9, 15 and 17 of the National Planning Policy Framework (December 2023)).

23. Wheel cleaning facilities shall be used to ensure all vehicles leaving the site are thoroughly cleansed of mud before entering the public highway. No vehicle shall be allowed to enter the public highway unless its wheels and chassis have been cleaned such that mud and other debris shall not be deposited on the public highway.

Reason: In the interests of highway safety and residential amenity (Adopted Somerset Minerals Local Plan (February 2015) Policy DM9 Mineral Transportation and Parts 9, 15 and 17 of the National Planning Policy Framework (December 2023)).

24. All loaded lorries leaving the quarry, except for vehicles less than three and a half tonnes gross vehicle weight, part-loaded large articulated lorries and lorries carrying stones in excess of 500mm shall be adequately sheeted to secure their loads.

Reason: In the interests of highway safety and residential amenity (Adopted Somerset Minerals Local Plan (February 2015) Policy DM9 Mineral Transportation and Parts 9, 15 and 17 of the National Planning Policy Framework (December 2023)).

25. The number of laden heavy goods vehicles exiting Westdown Quarry and Whatley Quarry [as covered by consent 109122/002 dated 6 July 1996] shall not exceed a combined equivalent output of 4 million tonnes in any calendar year. A daily log of all heavy goods vehicles entering and leaving Westdown Quarry shall be kept at the site office and shall be made available for inspection by the Mineral Planning Authority on request.

Reason: In the interests of highway safety and residential amenity (Adopted Somerset Minerals Local Plan (February 2015) Policy DM9 Mineral Transportation and Parts 9, 15 and 17 of the National Planning Policy Framework (December 2023)).

26. Notwithstanding the provisions of parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order):

(a) No fixed plant or machinery, buildings, plant or machinery shall be erected, extended, installed or replaced without the prior approval of the MPA; and

(b) No additional lights or fences shall be installed or erected unless details of them have been submitted to and approved by the MPA.

Reason: In the interests of residential amenity and to enable the local planning authority to consider the implications of any proposal to expand the activities which take place within the site. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023)).

27. Noise associated with the operation of the site will be monitored and mitigated in accordance with the scheme submitted under Condition 6 or a revision of this scheme as agreed in writing with the Mineral Planning Authority.

Reason: In the interests of residential amenity. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023)).

28. Except when short term temporary operations such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance are taking place, the noise emitted from operations in the site shall not exceed 55 dBL Aeq, 1 hour between the hours of 0700 to 1900 and shall not exceed 50dBL Aeq, 1 hour, between the hours of 0600 to 0700 and 1900 to 2000 at the properties/locations listed below and in Figure 7.1 of the Environmental Statement (Volume 3) Noise Monitoring Locations (dated January 2021). Measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

- i. South Chantry;
- ii. Horn Street and West Nunney;
- iii. Broadgrove House Cloford;
- iv. Leighton; and
- v. Lodge Hill Manor and Downhead.

Reason: In the interests of residential amenity. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework).

29. Noise from short term temporary operations (soil-stripping, construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance) shall not exceed a free-field level of 58dB(A) LAeq (1 hour) for more than eight weeks in any 12-month period at any occupied residential property constructed prior to the grant of this consent or exceed the level of 70dB LAeq (1 hour).

Reason: In the interests of residential amenity. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023)).

30. Blasting at the site will be monitored and mitigated in accordance with the scheme submitted under Condition 6 or a revision of this scheme as agreed in writing with the Mineral Planning Authority.

Reason: In the interests of residential amenity. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023)).

31. All blasting operations in the area hereby permitted shall be designed to minimise vibration and air-overpressure in accordance with best practice and the details identified in the blast monitoring scheme. Blasts shall be designed using an identified regression design curve such that vibration does not exceed a peak particle velocity of 9mm/s to 95% confidence at any residential property constructed prior to the grant of this consent.

Reason: In the interests of residential amenity. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023))

32. The Dust Action Plan submitted in accordance with Condition 6 shall be implemented and adhered to at all times.

Reason: In the interests of residential amenity. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023)).

33. Dust control equipment shall be used when appropriate to suppress dust on the site arising from all operations, including vehicular movements, excavation operations, mineral, soils and overburden stockpiling arrangements, and soils stripping and placement operations. At such times when the equipment provided is not sufficient to prevent fugitive dust emissions from the site, to the satisfaction of the Minerals Planning Authority, operations giving rise to fugitive dust shall cease until additional equipment is provided when necessary and found to be adequate.

Reason: In the interests of residential amenity. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023))

34. Dust suppression measures employed shall include:

(a) the provision of a mobile water bowser or bowsters as necessary;

- (b) the use of dust suppression equipment on all fixed plant and machinery where appropriate
- (c) a speed limit of 15 mph on all internal haul roads, with plant operating with exhausts upturned where appropriate;
- (d) all active haul roads and areas used for the loading and storage of minerals shall be watered during dry, windy weather conditions;
- (e) storage mounds for soils and overburden which will be untouched for more than three months shall be seeded in accordance with details agreed.

Reason: In the interests of residential amenity. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023)).

35. At any time when the equipment provided and the provisions in the Dust Action Plan submitted under Condition 6 are not sufficient to minimise and control dust arising from and leaving the site, operations shall temporarily cease until additional dust suppression equipment is provided to minimise and control dust from leaving the site.

Reason: In the interests of residential amenity. (Somerset Minerals Local Plan (February 2015) Policy DM8 Mineral Operations and the Protection of Local Amenity and Part 17 of the National Planning Policy Framework (December 2023)).

36. The development shall be operated in accordance with the Water Monitoring and Mitigation Strategy submitted in accordance with Condition 6.

Reason: To ensure the development is carried out in accordance with the approved documents.

37. Any changes to the submitted Water Monitoring and Mitigation Strategy (WMMS) shall be submitted to the Mineral Planning Authority at least one month prior to their implementation; except where unacceptably high risks to groundwater require an immediate response.

Reason: To prevent the pollution of the water environment. (Somerset Minerals Local Plan (February 2015) Policy DM4 Water Resources and Flood Risk and Parts 14 and 17 of the National Planning Policy Framework (December 2023)).

38. If at any time during the development, the mitigation scheme is not successful as judged by the trigger level methodology incorporated in the WMMS, then all dewatering

activities shall cease and further excavation in the saturated limestone shall cease. Further excavation in the saturated limestone shall only recommence when an alternative mitigation scheme is submitted and approved in writing with the Mineral Planning Authority.

Reason: To prevent the pollution of the water environment. (Somerset Minerals Local Plan (February 2015) Policy DM4 Water Resources and Flood Risk and Parts 14 and 17 of the National Planning Policy Framework (December 2023).

39. Facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All fillings points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent the pollution of the water environment (Somerset Minerals Local Plan (February 2015) Policy DM4 Water Resources and Flood Risk and Parts 14 and 17 of the National Planning Policy Framework (December 2023).

40. All working shall be carried out in accordance with the written scheme of investigation agreed under Condition 6(i).

Reason: To protect features of cultural heritage significance. (Somerset Minerals Local Plan (February 2015) Policy DM3 Historic Environment and Parts 16 and 17 of the National Planning Policy Framework (December 2023).

41. Should any item of archaeological interest be discovered, no further development shall take place in the area of that discovery until the operator has secured and implemented a programme of archaeological work.

Reason: To protect features of cultural heritage significance. (Somerset Minerals Local Plan (February 2015) Policy DM3 Historic Environment and Parts 16 and 17 of the National Planning Policy Framework (December 2023).

42. The Habitat Management Plan submitted in accordance with Condition 6 shall be implemented and adhered to at all times.

Reason: In the interests of nature conservation. (Somerset Minerals Local Plan (February 2015) Policy DM2 Biodiversity and Geodiversity and Parts 15 and 17 of the National Planning Policy Framework (December 2023).

43. No site clearance works or development affecting trees, scrub, ground vegetation or other semi-natural vegetation shall take place between March and August inclusive unless survey work by a suitable qualified person(s) immediately prior to the start of works confirms that breeding birds are absent. This is particularly relevant to the works to remove areas used by birds such as trees and scrub. If nesting birds are found, then work in that area must be avoided until the birds have fledged.

Reason: In the interests of nature conservation. (Somerset Minerals Local Plan (February 2015) Policy DM2 Biodiversity and Geodiversity and Parts 15 and 17 of the National Planning Policy Framework (December 2023).

44. The quarry and benches of the area of the application hereby permitted shall be restored progressively and managed for nature conservation purposes in accordance with the schemes submitted under Condition 6. Such restoration shall be maintained for a period of five years following final completion, including the replacement of any trees or shrubs which die.

Reason: To ensure the proper restoration of the quarry in the interests of health and safety, the amenity of the area and its ecology. (Somerset Minerals Local Plan (February 2015) Policy DM7 Restoration and Aftercare and Part 17 of the National Planning Policy Framework (December 2023).

45. Updated baseline ecology surveys shall be undertaken prior to the commencement of the upfront habitat creation works (to be undertaken in advance of the development commencing) and prior to the commencement of each phase of development thereafter, to inform the preparation / update and implementation of the corresponding COEMP: Biodiversity and EMMMP (incorporating BMEP, LEMP and BMS) as required through S106. The scope and extent of the update baseline ecology surveys shall be discussed and agreed in writing with the Mineral Planning Authority prior to their commencement.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on S41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy DP5 and DP6 of the Mendip District Local Plan and Policy DM2 of the Somerset Minerals Plan

46. No development (including upfront habitat creation works, ground works, earth moving, vegetation clearance etc.) shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on the site in

accordance with the approved COEMP: Biodiversity. All protective fencing and warning signs will be maintained during the construction period and once the scheme is operational in accordance with the approved details. Photographs of the measures shall be submitted to the Mineral Planning Authority prior to the commencement of the works. The measures shall be maintained throughout the construction period and once the scheme is operational.

Reason: In the interests of the integrity of a European and nationally protected site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority species and habitats listed on S41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy DP5 and DP6 of the Mendip District Local Plan and Policy DM2 of the Somerset Minerals Plan.

47. Submission of a report, prepared by the Ecological Clerk of Works or similarly competent person, certifying that the required mitigation and compensation measures identified in the COEMP: Biodiversity have been completed to the Mineral Planning Authorities satisfaction. This will detail the results of site supervision and any necessary remedial works undertaken or required and shall be submitted to the Mineral Planning Authority for approval, before commencement of the subsequent phase. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that construction phase ecological mitigation measures are delivered, and that protected /priority habitats and species are safeguarded in accordance with the COEMP: Biodiversity, and that Policy DP5 and DP6 of the Mendip District Local Plan and Policy DM2 of the Somerset Minerals Plan have been complied with.

48. The proposed access shall be constructed in accordance with details to be submitted to and approved by the Minerals Planning Authority, and shall be available for use prior to Phase 1. Once constructed the access shall be maintained thereafter in that condition in perpetuity.

Reason: In the interests of Highway Safety

49. The existing vehicular access to the site shall be closed to all traffic, its use permanently abandoned and any verge/footway crossing/boundary features reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such works shall be completed within 3 months of the new vehicular access hereby permitted being first brought into use.

Reason: In the interests of Highway Safety

Planning Decision Summary:

1. Relevant Development Plan Policies The following is a summary of the reasons for the County Council's decision to grant planning permission.
2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:-

Somerset Minerals Plan (2015)

Mendip District Local Plan (2006)

National Planning Policy Framework (2023)

Planning Practice Guidance

A Climate Emergency was declared by Somerset Council entitled 'Towards a Climate Resilient Somerset' – This was a joint document with the previous four districts and the then County Council which was declared in 2019 and the above document was published in Oct 2020.

The policies in the development plan particularly relevant to the proposed development are outlined in [Agenda for Strategic Planning Committee on Thursday, 6th June, 2024, 1.00 pm - Modern Council](#)

3. The Planning Authority has also had regard to all other material considerations.
4. Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.

In dealing with this planning application the County Planning Authority has adopted a positive and proactive manner. The Council offers a pre- application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework, Minerals Local Plan and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reasons for approval. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.

Dated: 7th May 2026

Community Place & Economy
Somerset Council
County Hall
Taunton
TA1 4DY



Bill Cotton MRTPI
Service Director, Planning (Interim)
Somerset Council

DECISION NOTES

Appeals to the Secretary of State

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

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

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

- **28 days** from the date on the decision notice for works to trees covered by Tree Preservation Orders (TPO) using the form available here: <https://www.gov.uk/appeal-decision-about-tree-order>
- **8 weeks** from the date on the decision notice for Advertisement Consent using the form available here: <https://www.gov.uk/appeal-decision-consent-display-advertisement>
- **12 weeks** from the date on the decision notice for householder applications using the form available here: <https://www.gov.uk/appeal-householder-planning-decision>
- **12 weeks** from the date on the decision notice for minor commercial applications using the form available here: <https://www.gov.uk/appeal-minor-commercial-development-decision>
- **6 months** from the date on the decision notice for Listed Building Consent using the form available here: <https://www.gov.uk/appeal-listed-building-consent-decision>
- There is no time limit for submission of an appeal for a Certificate of Lawfulness or a Listed Building Certificate of Lawfulness using the form available here: <https://www.gov.uk/appeal-lawful-development> - certificate-decision
- **6 months** from the date on the decision notice for all other applications using the form available here: <https://appeal-planning-decision.service.gov.uk/before-you-start>
- **28 days** from the date on the decision notice where the application relates to the same or substantially the same land and development as is already the subject of an enforcement notice.

Appeals should be made online via <https://www.gov.uk/appeal-planning-decision>. If someone does not have access to the internet and needs help completing the appeal digitally, they should contact the Planning Inspectorate customer service team on 0303 444 5000 who will provide details of support options available.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

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

Compensation

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

Notes in Respect of All Applications

- Although Planning Permission or Advertisement Consent may have been granted, should the proposed work involve the demolition, alteration or extension of a Listed

Building, Listed Building Consent may also be required before the work can commence.

- If Planning Permission has been granted for the development, should this involve any work within the highway such as the construction of a vehicular access, the consent of the Somerset Council, as Highway Authority should also be obtained: <https://www.somerset.gov.uk/roads-travel-and-parking/>
- This permission does not authorise you to stop up or divert a public right of way to enable the development permitted to be carried out. Separate legal steps are necessary for this and further information can be obtained from: <https://www.somerset.gov.uk/roads-travel-and-parking/public-rights-of-way/>
- If planning permission has been granted for development involving the creation of one or more properties needing new addresses you will need to contact the Street Naming and Numbering department of Somerset Council, for assignment of the official address/es. Details are available at <https://www.somerset.gov.uk/planning-buildings-and-land/street-naming-and-numbering/>

Discharging Planning Conditions

Obtaining permission or consent is often not the end of your involvement with the Council.

Your decision notice may include conditions that require the further agreement of details by the Local Planning Authority prior to commencing on site or certain works. When a condition requires the submission of further details, this is referred to as a Discharge of Condition application, or a DOC/Art27 application.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Each submission of a DOC application relating to a planning permission incurs a fee. Subsequent submissions will incur additional fees so it is advisable to submit details for all relevant condition in one go. There is no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent however if the request concerns conditions relating to both a planning permission and Listed Building Consent then a fee will be required.

For more information, please visit: <https://www.planningportal.co.uk/planning/planning-applications/consent-types/approval-discharge-of-conditions>

