

BATH AND NORTH EAST SOMERSET COUNCIL

Development Control Committee

8 June 2011

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

ITEM 10

ITEMS FOR PLANNING PERMISSION

| Item No | Application No | Address | Page No |
|---------|----------------|------------------------------------|---------|
| 01 | 10/05199/MINW | Stowey Quarry, Stowey Road, Stowey | 35 |

Since the completion of the Committee Report for Stowey Quarry, additional information has been provided by the applicant on certain aspects of the development.

This information has been sent to the relevant consultees and responses have now been received.

The responses are set out below under the individual topics which had outstanding objections.

1. Landscape

Following the submission of an 'Arboricultural Implications Assessment and Tree Protection Plan dated 21st April 2011, the BaTHNES Landscape Officer has withdrawn his objection to the application. The Landscape Officer's confirmation is attached at **Appendix 1**.

2. Ecology

At the point of completion of the Committee Report, there were outstanding objections from the BaTHNES Ecologist and Natural England. Additional hydrogeological information has been prepared to demonstrate that there will be no likely significant effects from the development on the conservation status of the Chew Lakes Special Protection Area (SPA).

BaTHNES Ecologist has confirmed that the additional information provided satisfies her concerns and the objection is now removed. Confirmation of this is attached at **Appendix 2**.

Natural England has considered the additional information on hydrogeology and has confirmed that their concerns over impacts on the SPA have been satisfied. The Natural England Officer's confirmation is attached at **Appendix 3**.

3. Hydrogeology

The only outstanding objection is from Bristol Water who maintain that the landfill is inappropriate and undesirable.

A senior hydrogeologist from SLR Consulting Ltd has responded to Bristol Water's comments, clarifying that the hazardous material proposed to be landfilled is 'stable' i.e. it is not material which leaches or has a chemical reaction when wet. The landfill cells for the inert waste and the

SNRHW will be lined and capped in accordance with Environment Agency regulations and no landfilling will be allowed until the cells have been inspected and approved by the Environment Agency.

The Environment Agency has no objections to this application.

In the event that planning permission is granted, the site will not be able to accept the SNRHW prior to gaining an Environmental Permit (EP) from the Environment Agency. The application for the EP will require the preparation and approval of a Hydrogeological Risk Assessment (HRA) which will provide the information that Bristol Water are requesting at the planning application stage.

Bristol Water's comments of the 24th May 2011 and SLR's Hydrogeologist's response are set out in **Appendix 4**.

BaTHNES Landscape Officer Comment

**POLICY AND ENVIRONMENT GROUP
RESPONSE TO CONSULTATION REQUEST**

| | | |
|--|---|--|
| App ref No: 10/05199/MINW | Development proposal Restoration of Stowey Quarry | |
| Job No: | Site Address Stowey Quarry, Stowey Rd, Stowey. | |
| Date Received: | Environment Team Case Officer Charles Potterton | |
| Response Date: 25 TH May 2011 | Requesting DM Officer Chris Herbert | |

| | |
|--|---|
| No Objection or comments | |
| No Objection subject to conditions described below | ✓ |
| Not acceptable in the current form. See comments/ suggestions below | |
| Object, Please see comments below. | |

Summary of observations, recommended conditions and relevant policies

See full response below.

Full response:

I am in receipt of the Arboricultural Implications Assessment & Tree Protection Plan and confirm that I am happy that these matters have now been properly assessed. I am happy to remove my objection in that regard.

I would still ask for Conditions LND 01, 02 and 03 to be added to any permission should one be granted.

Charles Potterton.

BaTHNES Ecology Officer Comment

| PART E: Council's Conclusion | | |
|--|---|--|
| <p>Is the proposal likely to have a significant effect on a European site?</p> <p>No.</p> | <p>With the required Environmental Permit, and all necessary control measures being in place, which will be required before the site may become operational, it can be concluded that this proposal does not present a risk to the water quality of the lake.</p> <p>The risk of a “likely significant effect” on the SPA is excluded in relation to this project.</p> <p>This conclusion has been informed by the planning consultation process and planning consultation responses by Natural England and the Council ecologist, together with independent specialist hydrogeological advice.</p> | |
| Name of Assessing Officer: | Lucy Corner | Job Title: Ecologist |
| Signed: | | Date: 4 th June 2011 |
| Name of Supervising Officer: | | Job Title: |
| Signed: | | Date: |

Appendix 3

Natural England Comment

From: Howell, Alison (NE) [mailto:Alison.Howell@naturalengland.org.uk]
Sent: 25 May 2011 18:30
To: Jenny Ellerton; Christopher Herbert
Cc: Lucy_Corner@BATHNES.GOV.UK; Joanna Freyther
Subject: RE: Stowey Quarry

Given that adequate information has been provided at this stage and that further work will be done in order to obtain the EA permit, the report and your summary answer my concerns regarding hydrology.

Regards
Alison

Alison Howell
Lead Advisor
Sustainable Land Use Team
(Monday and Tuesday 9-5pm and Wednesdays 9-12.30)

Bristol Water Comment

BW Comment: The study area presented in all of the reports is limited and does not make clear the fact that there is major reservoir 1500m to the west that provides over 50 million liters per day of drinking water to the surrounding area.

SLR response

- Measurement based on the OS map shows that at a minimum the site is **1900m away** from the Chew Valley reservoir not 1500m.
- The proximity of the reservoir is mentioned within the report;
 - Section 1.1.3 states that the Chew Valley Reservoir, some 2km north-west of the site, which is used as a drinking water supply and is also a SPA and SSSI.
 - Section 3.4.3 (Receptors) states that the Chew Valley Lake is located 2km north-west of the site on Mercia Mudstone strata.
- Further information will be submitted as part of the Hydrogeological Risk Assessment Review.

BW Comment: All springs supplied by surface and groundwaters upon which the proposed site can impact carry water into the reservoir, this significant point is given very little prominence in the report, which focuses on a limited area and not what may happen to flows of potentially contaminated underground water once they leave that area.

SLR response

Would be addressed within the Hydrogeological Risk Assessment which would be submitted as part of the Permit Application. As stated in my previous e-mail this risk assessment would need to be acceptable to the Environment Agency and signed off before the EP is issued for the site. The HRA would be completed in accordance with current EA guidance

BW Comment: In section 2.5.4, it is stated the spring line from the limestones beneath the quarry is 900m to the north. This is the spring system that supplies Hollow Brook, already a significant conduit of untraced pollution events into the reservoir.

SLR response

Notwithstanding the location of the spring system, the proposed waste type is stable non reactive waste. There is no potential for leaching of the waste and therefore no potential of contamination of this system from the landfill

BW Comment: In section.3.4 It is stated that any downward migrating leachate will be transmitted horizontally through the limestones to the aquiclude, and ultimately into the spring line of the Hollow brook and into the reservoir.

SLR response

It is reiterated that the waste will be placed within contained cells in accordance with Landfill Directive requirements. Leachate (which would be of very low strength due to the low leachability of the type of waste to be disposed of at the site) must migrate through the landfill liner which would consist of an Artificial Sealing Liner **AND** low permeability mineral layer, eg compacted clay.

Leachate heads would also be controlled by active pumping to maintain low standing depth within the landfill.

The potential for leakage is therefore very low. In the very unlikely event of potential leachate leakage and migration from the landfill site, the impact would be low due to the low source term concentration and would be further reduced by the attenuation mechanisms (biodegradation and retardation, as well as dilution) along the groundwater and surface water flow pathways.

BW Comment: Section 3.4.3 It is difficult to see how the reservoir is outside of the zone of influence of the landfill site when groundwater beneath the propose site will eventually be conveyed via Hollow Brook into the reservoir.

SLR response

The site is 1900m away from Chew Valley at its closest point. Any potential contamination from the site (which has already been suggested as low) would be diluted either within groundwater or surface water or further reduced by the attenuation mechanisms (biodegradation and retardation, as well as dilution) along the groundwater and surface water flow pathways.

Within that distance (1900m) there is the potential for contamination of the Chew Valley Reservoir from various other point sources.

BW Comment: From the data provided in the preceding sections of the report , it is hard to see how the report comes to the conclusion that the risk of pollution entering the reservoir is 'very small'. For this to be true, the liner and waste management system would need to be 100% reliable in perpetuity. A guarantee that I do not believe any contractor could provide.

SLR response

As stated previous the nature of the waste suggests that even before looking at the reliability of the liner and waste management system, the risk of pollution entering the reservoir is small. The reliability of the sites liner / management system will be assessed in the Hydrogeological Risk Assessment that will be submitted as part of the Permit Application.

BW Comment: There is no detailed risk assessment to support any of the conclusions made in the report.

SLR response

A detailed Hydrogeological Risk Assessment will be submitted as part of the Permit Application. As stated in my previous e-mail this risk assessment would need to be acceptable to the Environment Agency and signed off before the EP is issued for the site. The HRA would be completed in accordance with current EA guidance