

Regulation Committee
Thursday 13 January 2022
10.00 am Luttrell Room - County Hall,
Taunton



SUPPLEMENT TO THE AGENDA

To: The Members of the Regulation Committee

We are now able to enclose the following information which was unavailable when the agenda was published:

Item 5	Application for temporary storage of Limestone Scalpings, Land to the North of Torr Works, East Cranmore, Shepton Mallet (SCC/3839/2021) Case Officer Presentation (Pages 3 - 20)
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Item 6	Application for temporary planning permission for an extension to Chard Junction Quarry at Westford Park Farm, Chard (SCC/3907/2021) Case Officer Presentation (Pages 21 - 26)
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Item 7	Wildlife and Countryside Act 1981 Section 53, Schedule 14 - Application to Upgrade Footpath Y 9/46 in the Parish of East Coker to a Public Bridleway Case Officer Presentation (Pages 27 - 42)
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Published on 13 January 2022

Democratic Services, County Hall, Taunton, TA1 4DY

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Regulation Committee

13th Jan 2022

Item 5: SCC/3839/2021 - Temporary storage of Limestone Scalpings at Land to the North of Torr Works, East Cranmore, Shepton Mallet

Item 6: SCC/3907/2021 - Temporary planning permission is sought for an extension to Chard Junction Quarry at Westford Park Farm for the winning and working of approximately 830,000 tonnes of sand and gravel with progressive restoration to agriculture and nature conservation, inclusive of a new internal haul road and the retention of the existing mineral processing facilities for a period of seven years.

Item 7: Application to upgrade public footpath Y 9/46 in the parish of East Coker to a public bridleway



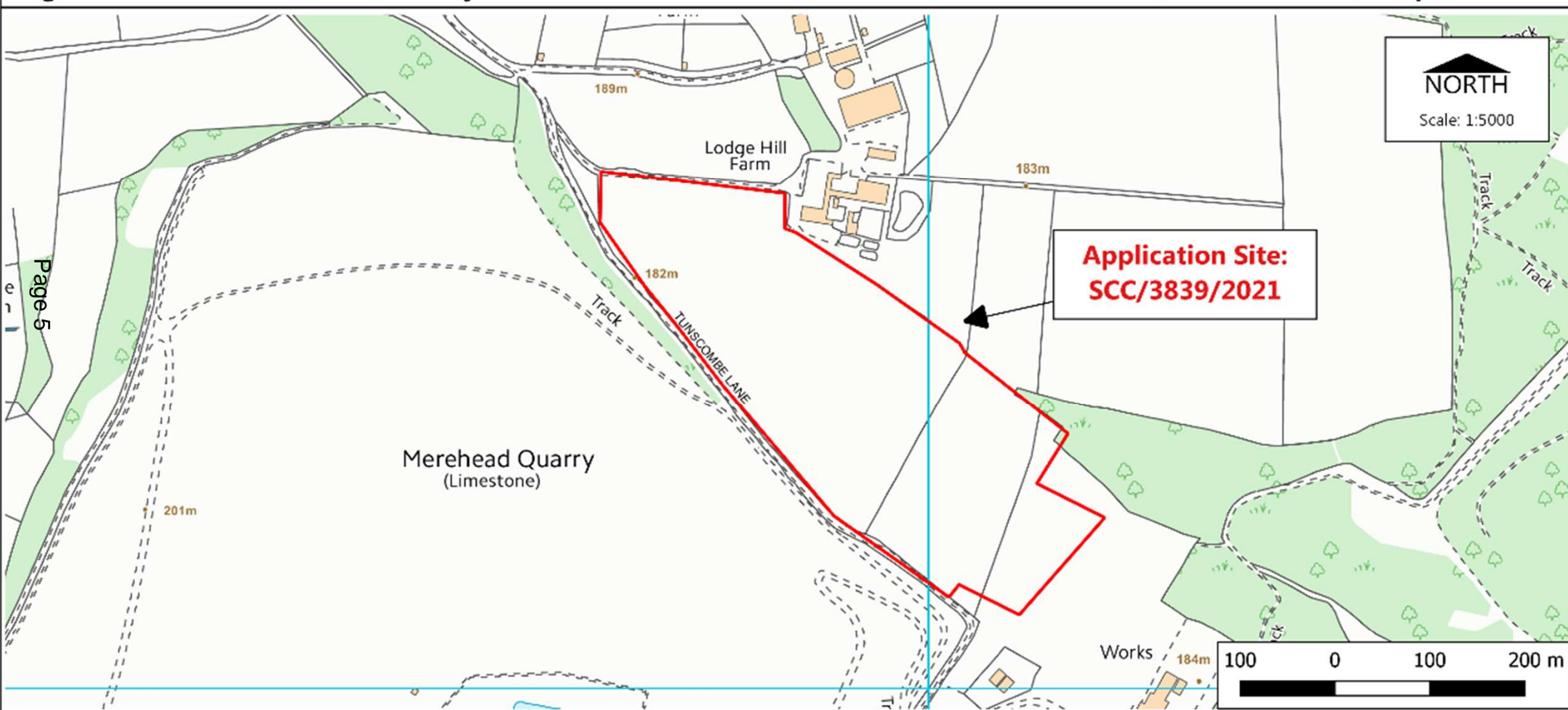
Item 5: Land to the North of Torr Works, East Cranmore, Shepton Mallet

Application Number: SCC/3839/2021

Application Proposal:

Temporary storage of Limestone Scalpings





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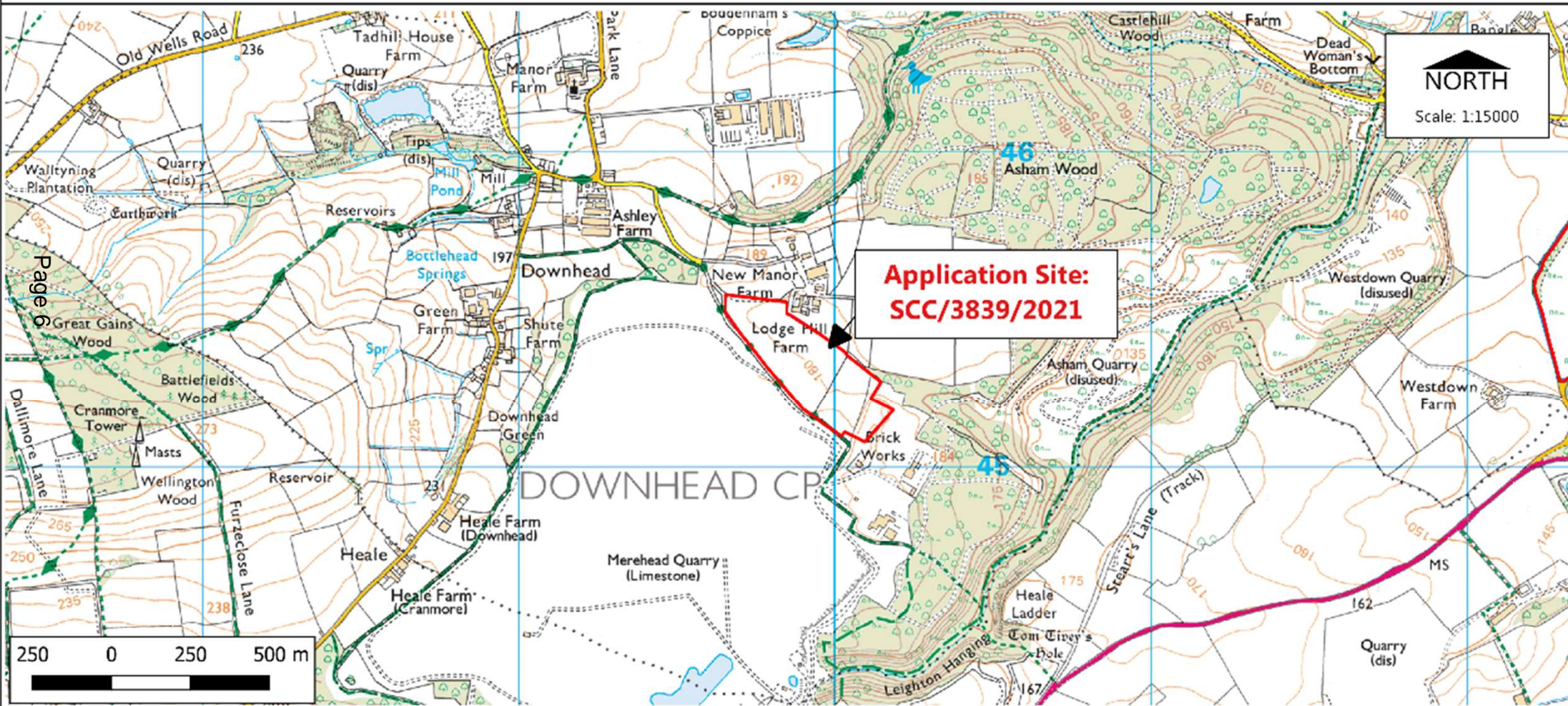
Paul Hickson,
Strategic Commissioning Manager
Community & Environmental Services
Somerset County Council
County Hall, Taunton, TA1 4DY

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Planning Control
Drawn by: K Blackmore

Site Plan

Dated: 22/12/21



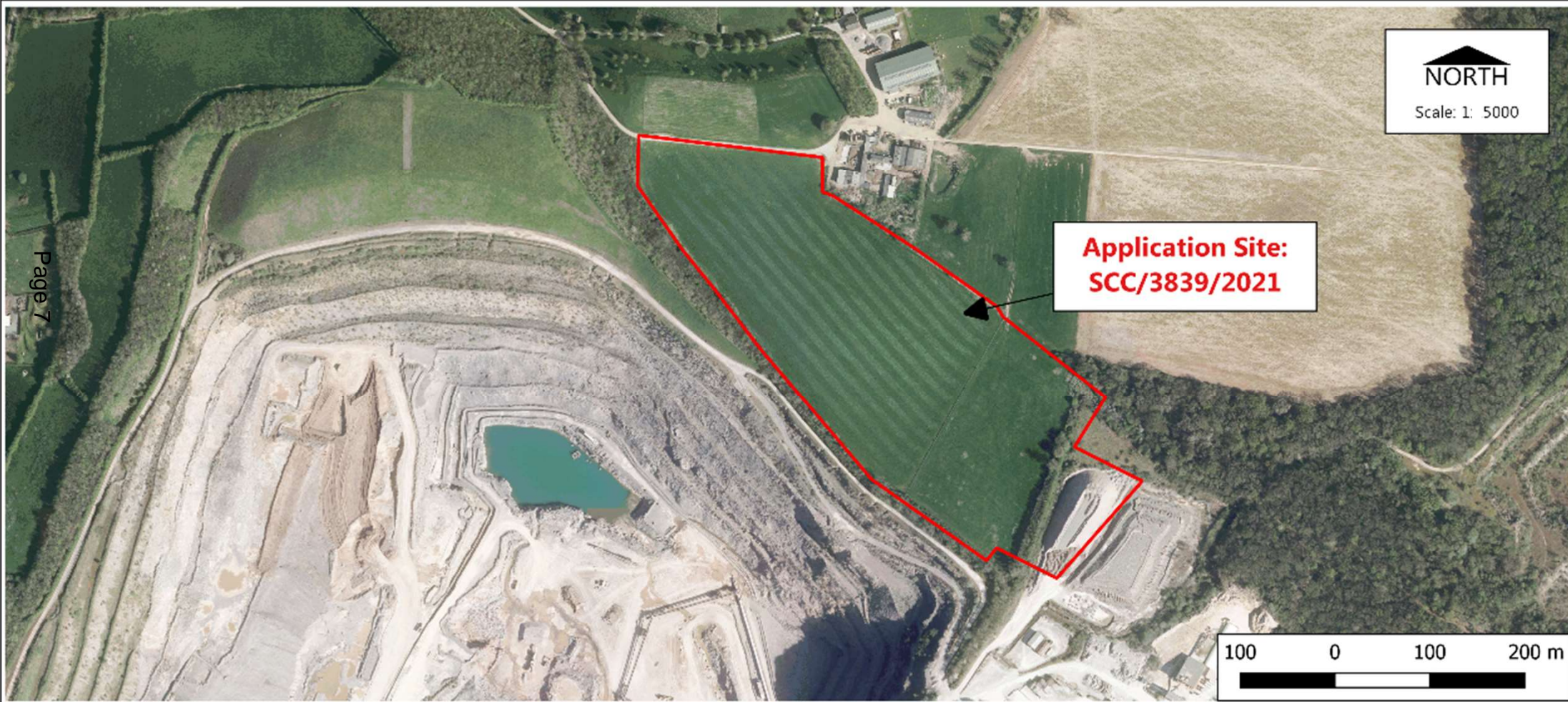
Paul Hickson,
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Planning Control
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Location Plan

Dated: 22/12/21



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Planning Control
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Aerial Plan

Dated: 22/12/21



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Paul Hickson,
Strategic Commissioning Manager
Community & Environmental Services
Somerset County Council
County Hall, Taunton, TA1 4DY

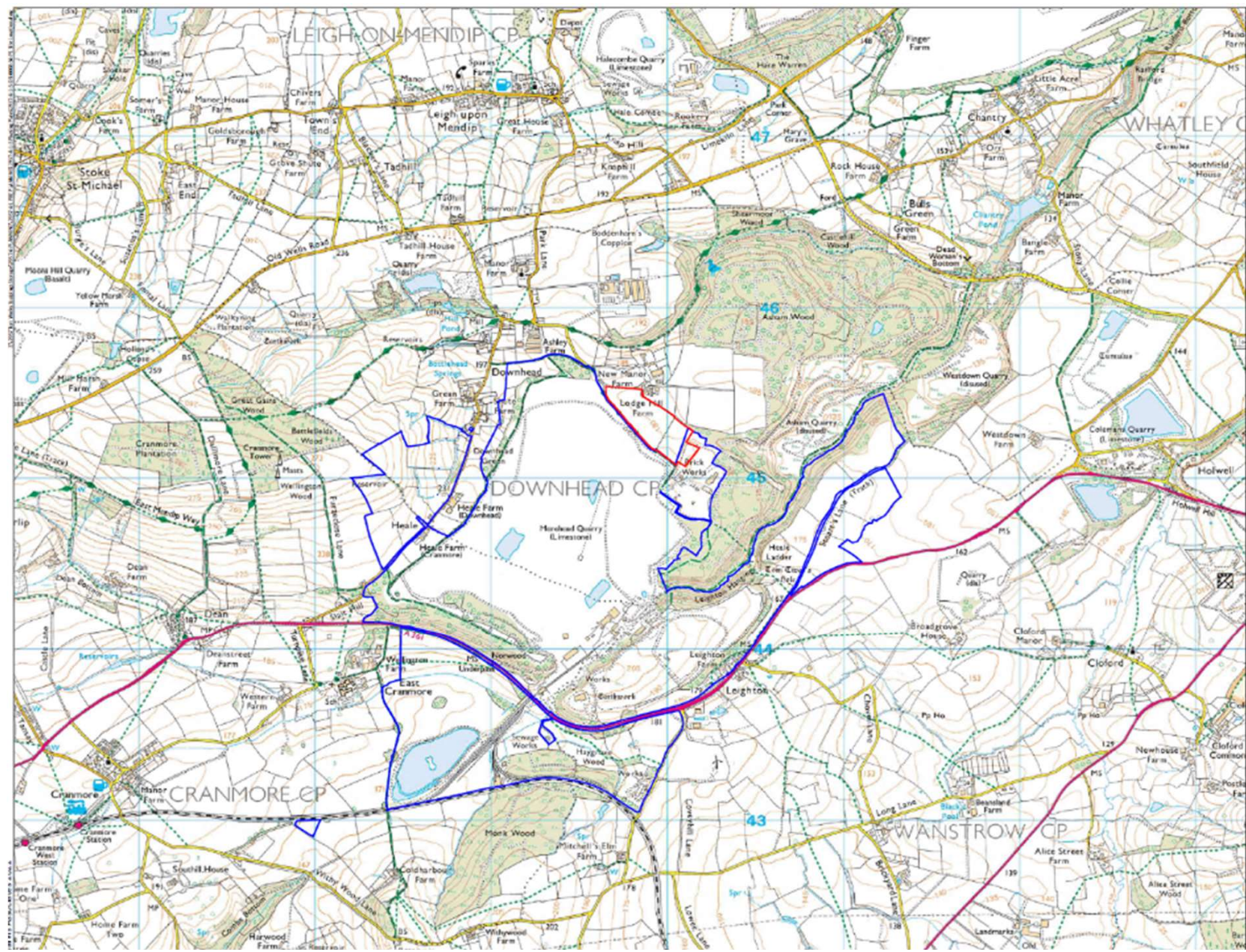
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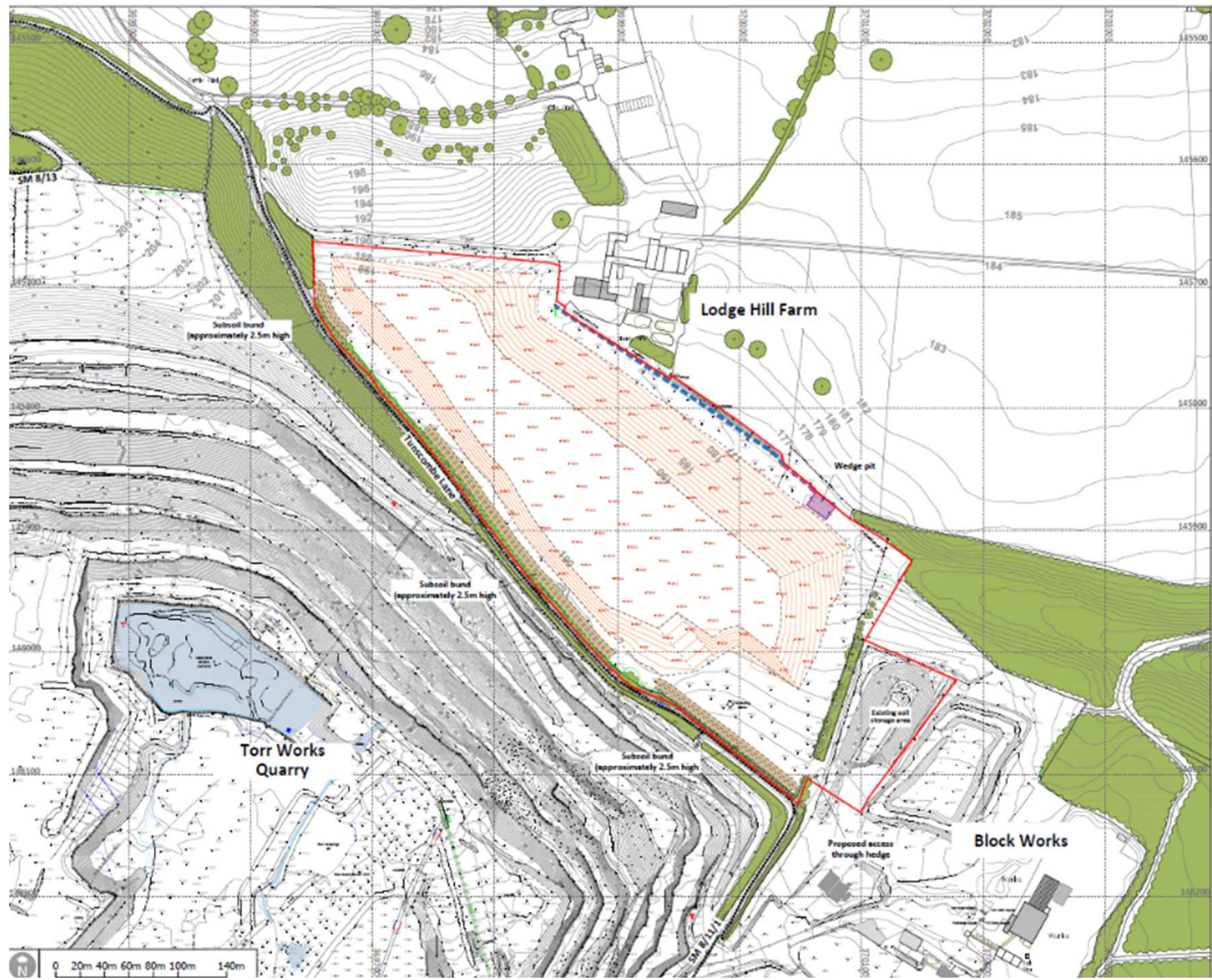
Aerial Plan

Dated: 22/12/21

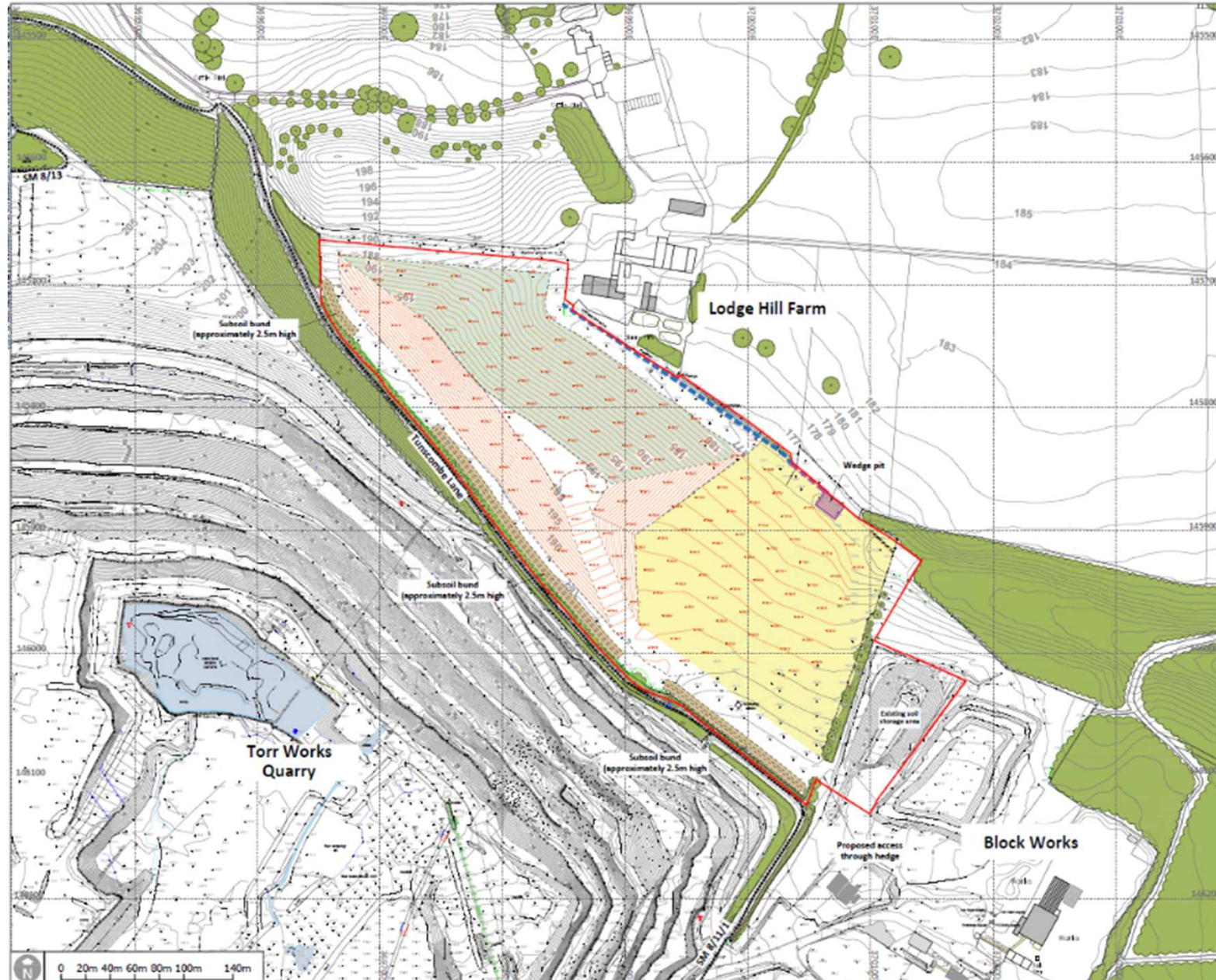
Item 5: Location Plan



Item 5: Site Plan

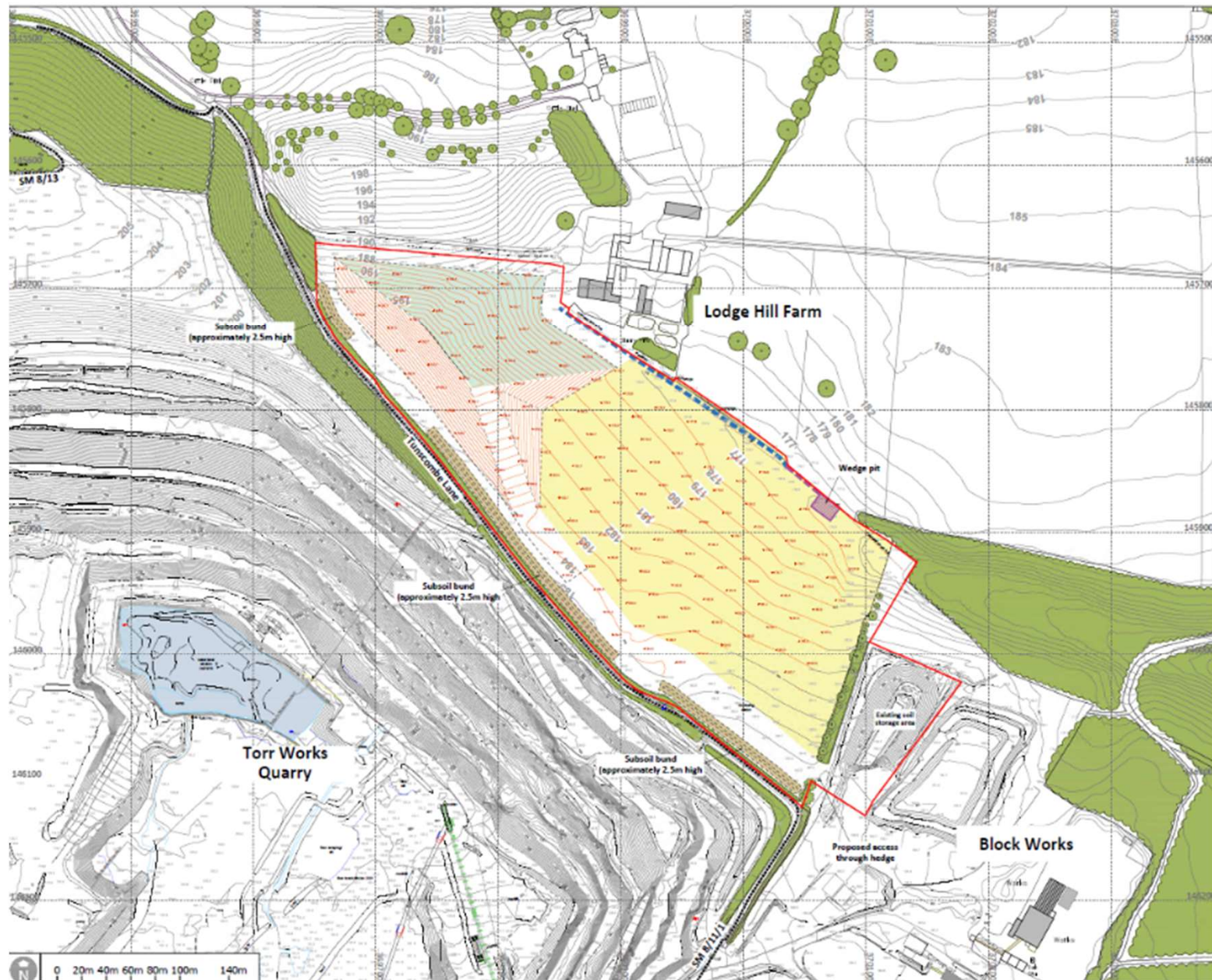


Item 5: Initial Restoration

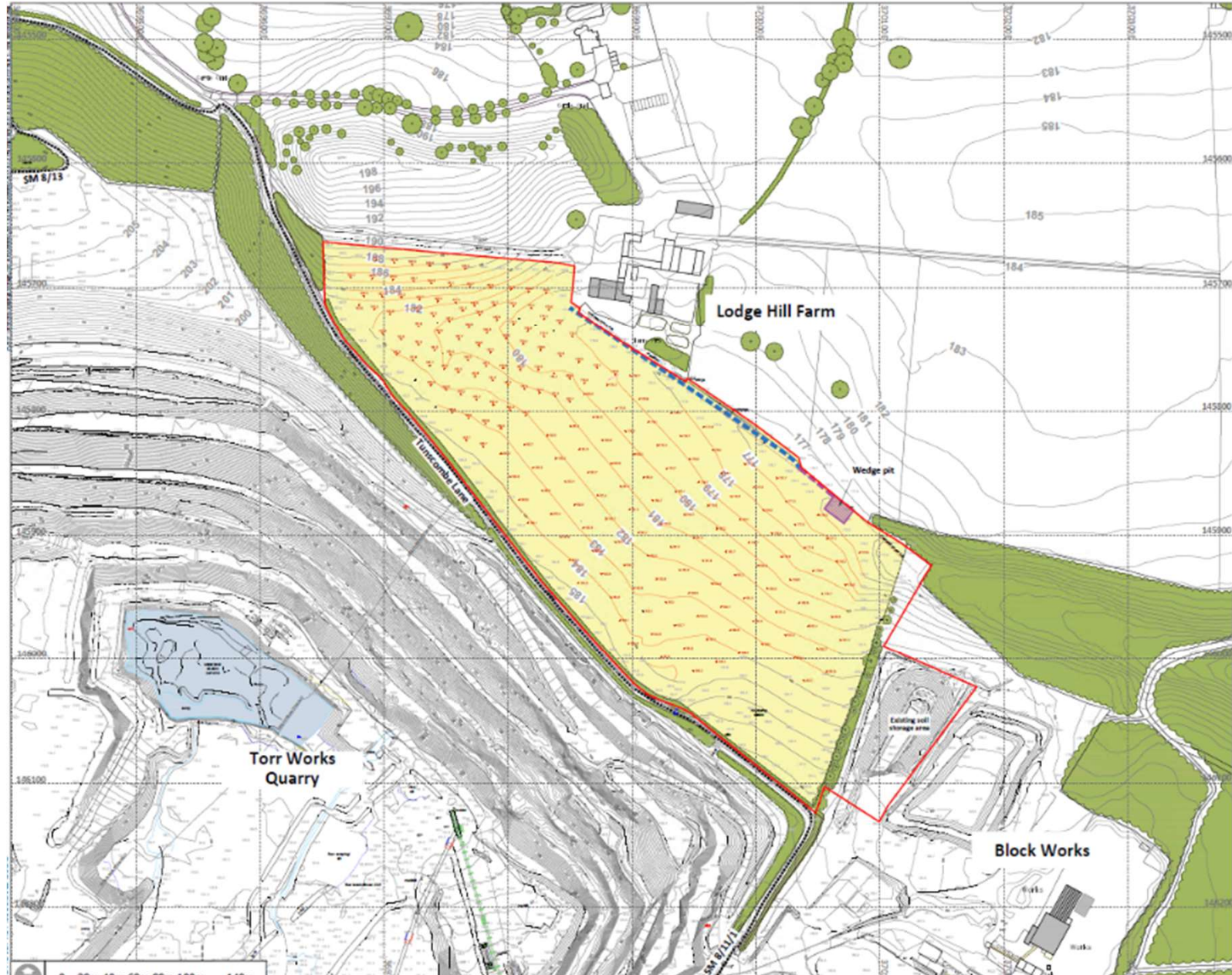


Item 5: Restoration in progress

Page 12



Item 5: Final Restoration



Item 5:
Photographs
(Existing scalping stock pile)

Page 14



**Item 5:
Photographs**

(Facing south looking
into the proposed site)

Page 15



**Item 5:
Photographs**

(Facing south looking
into the site – Lodge
Hill Farm shown)

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Item 5: Key Issues

- planning policy considerations and the justification for the proposal;
- highways and traffic;
- ecology;
- other environmental impacts (such as noise, dust etc) and their control and responses to objectors concerns.



Item 5:

Planning policy considerations and the justification for the proposal

- Complies with Policy SMP3 of the Somerset Minerals Plan (2015)
- Complies with Policy DM1 (landscape and visual amenity) wont be viewed from nearby village of Downhead)
- Required to enable the efficient running of the quarry and free up quarrying space.

Highways and Traffic

- No external traffic required all roads to be used are internal to the quarry
- No objection from the County Highway Authority



Item 5:

Ecology

- No objections from County Ecologist subject to conditions
- HRA shows the proposal as acceptable
- Awaiting Natural Englands view on the HRA

Other environmental impacts (such as noise, dust etc) and their control and responses to objectors concerns.

- Noise – proposal considered as acceptable nearest neighbour is in favour of the application and is also protected by condition
- Dust – ecologist has suggested a condition to control any dust issues
- Objectors concerns are addressed within the report



Item 5: Officers Recommendation

- It is recommended that planning permission **be granted subject to a satisfactory response to the HRA from Natural England** and to planning conditions .



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13th Jan 2022

Item 5: SCC/3839/2021 - Temporary storage of Limestone Scalpings at Land to the North of Torr Works, East Cranmore, Shepton Mallet

Item 6: SCC/3907/2021 - Temporary planning permission is sought for an extension to Chard Junction Quarry at Westford Park Farm for the winning and working of approximately 830,000 tonnes of sand and gravel with progressive restoration to agriculture and nature conservation, inclusive of a new internal haul road and the retention of the existing mineral processing facilities for a period of seven years.

Item 7: Application to upgrade public footpath Y 9/46 in the parish of East Coker to a public bridleway





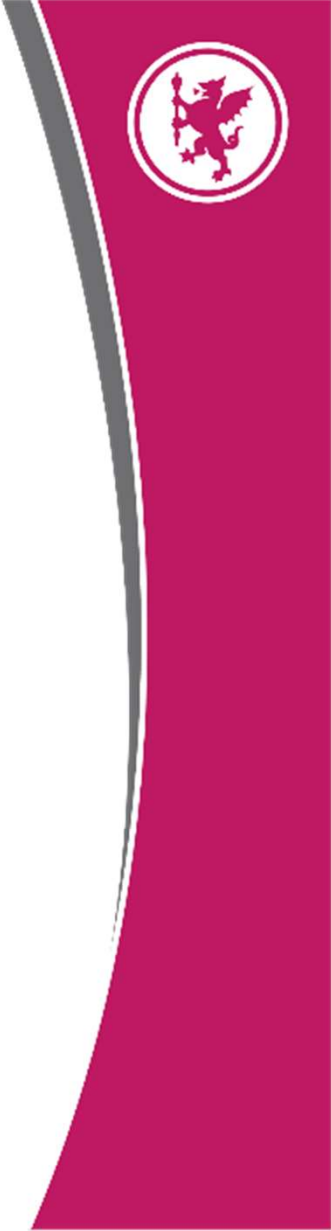
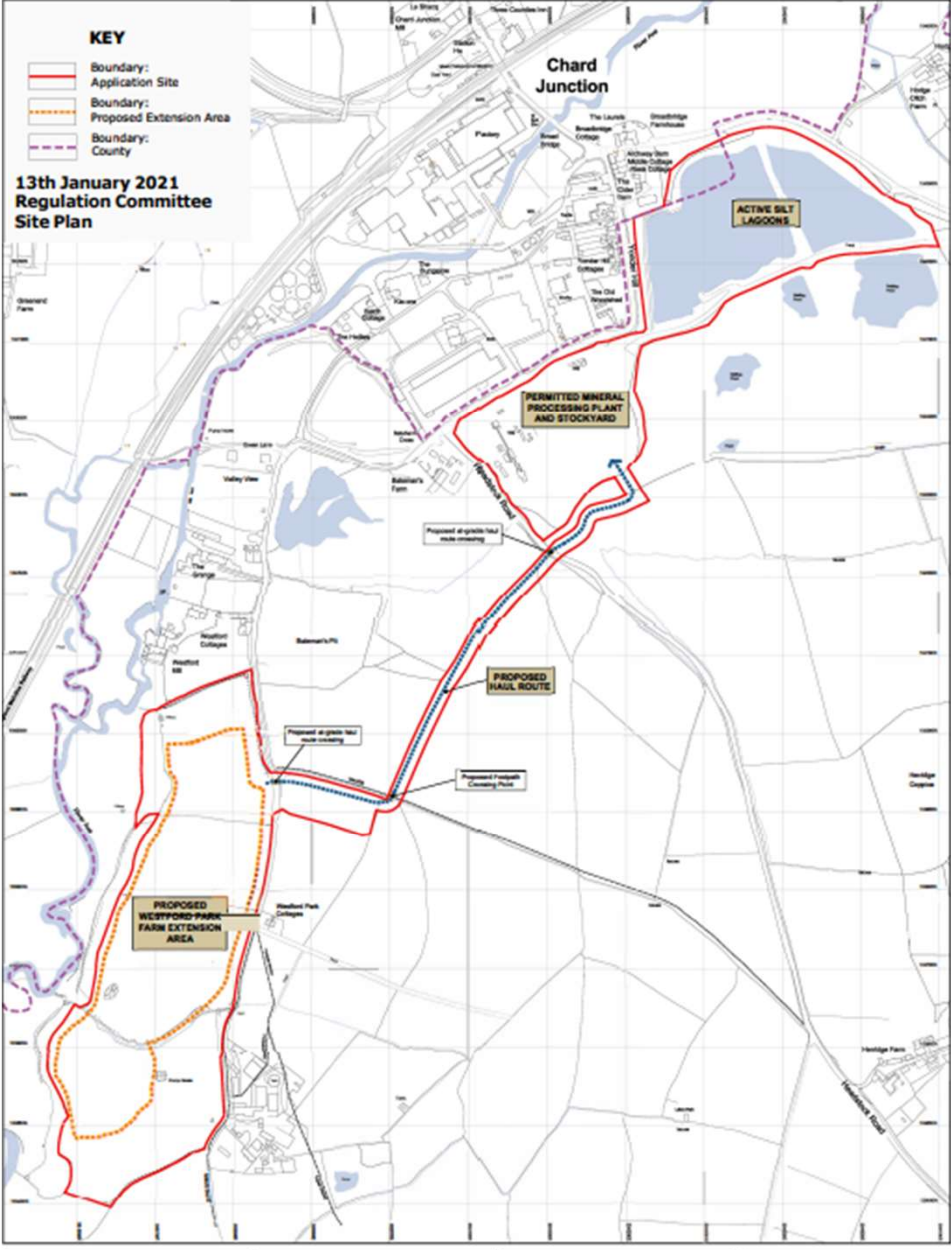
Item 6: Chard Junction Quarry

Application Number: SCC/3907/2021

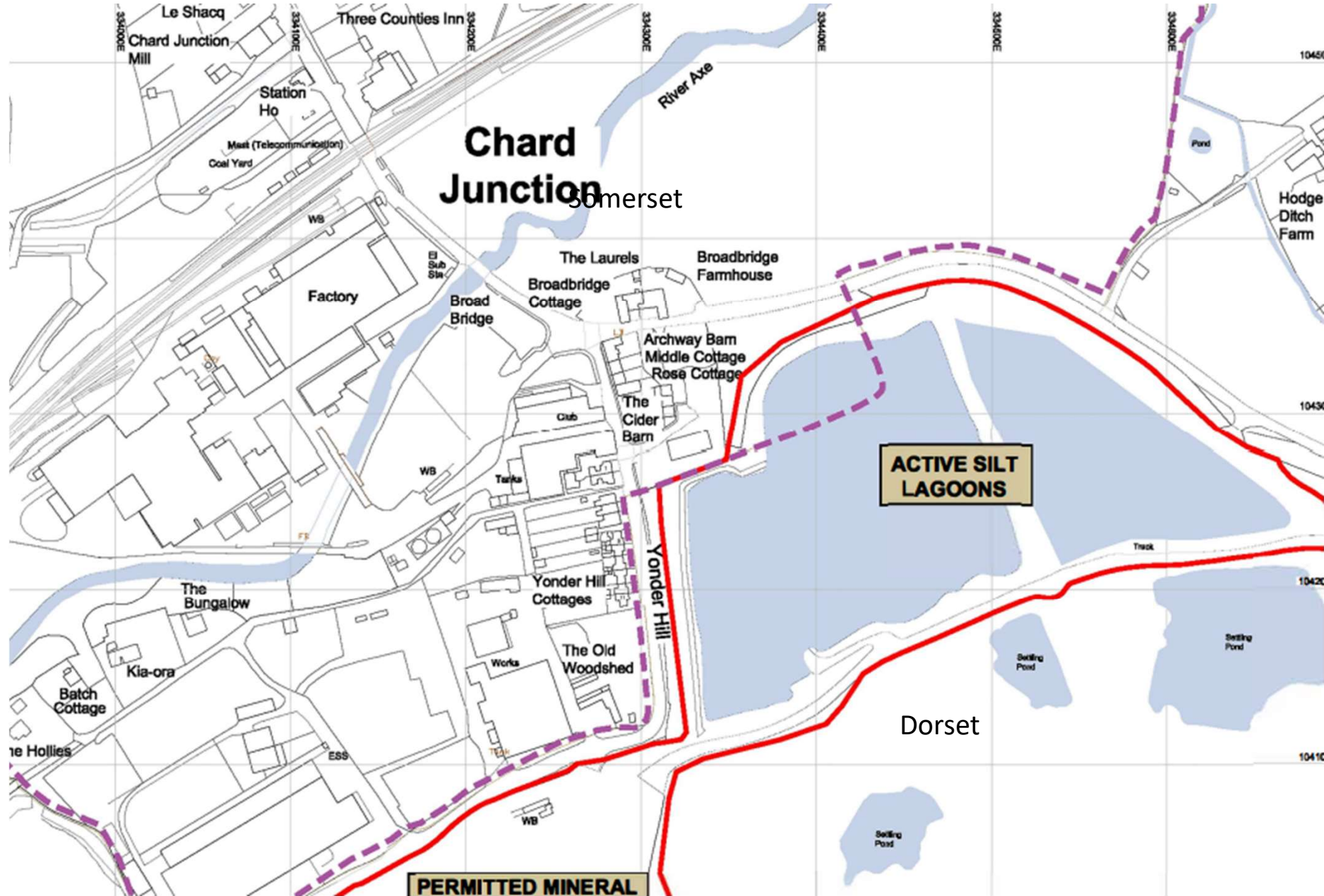
Application Proposal:

Temporary planning permission is sought for an extension to Chard Junction Quarry at Westford Park Farm for the winning and working of approximately 830,000 tonnes of sand and gravel with progressive restoration to agriculture and nature conservation, inclusive of a new internal haul road and the retention of the existing mineral processing facilities for a period of seven years

Item 6: Location Plan



Item 6: Site Border



Item 6: Officers Recommendation

It is recommended that the following functions be discharged to Dorset County Council in accordance with Section 101(1) of the Local Government Act 1972:

- (a) determination of planning application SCC/3907/2021; and
- (b) determination of any applications for the discharge of conditions or non-material amendments pursuant to that application;

Subject to Somerset County Council in its roles and mineral planning authority and highway authority, together with the local Divisional Member, being consulted for their views regarding the application.



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Item 7: Application to upgrade public footpath Y 9/46 in the parish of East Coker to a public bridleway



Item 7: WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION
53
SCHEDULE 14 APPLICATION

Application to upgrade public footpath Y 9/46 in the parish of East Coker
to a public bridleway

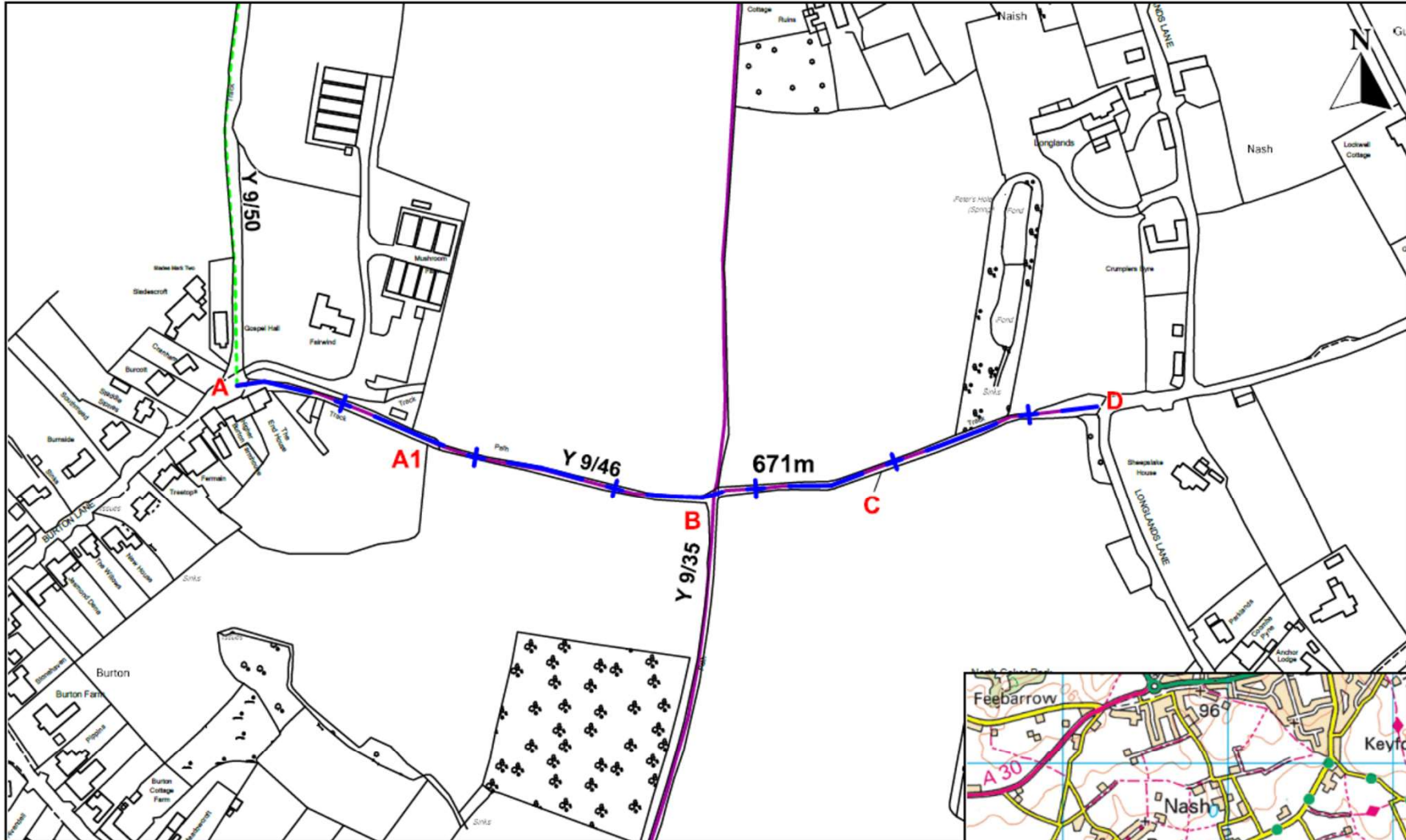
Application: 671M
Author: Harry Wood
Dates: Report: October 2021
Presentation: January 2022



Item 7: Details of the application

- Somerset County Council received an application on 26 November 2009 from South Somerset Bridleways Association.
- The applicant claims that footpath Y 9/46 should be recorded as a bridleway.
- A public bridleway can be used by the public on foot, with bicycles, or riding or leading a horse.





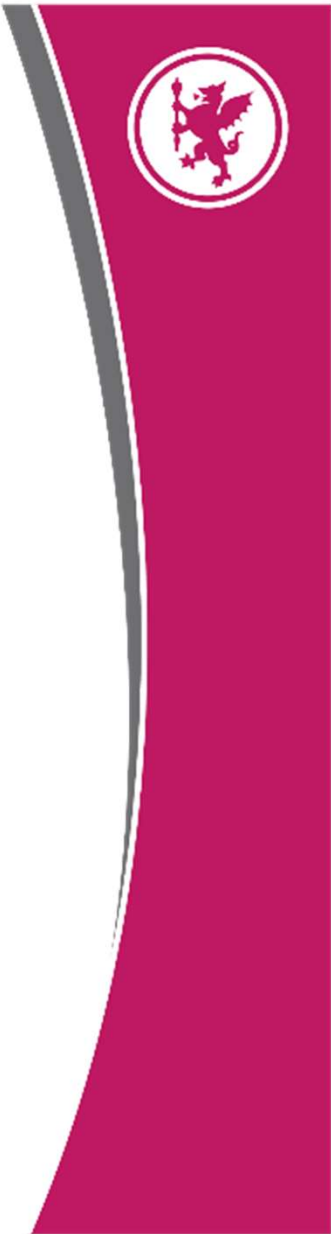
Parish: East Coker
 District: South Somerset
 Date: 27/11/2020
 Drawing No: H74-2020
 Drawn By: MHardwill
 Centre Grid Ref: 353749 113588
 Scale: 1:2500

Proposed Upgrading of Public Footpath
 Y 9/46 to Bridleway
 in the Parish of East Coker
 WILDLIFE & COUNTRYSIDE ACT 1981
 SECTION 53 APPLICATION

Modification 671 - A-A1-B-C-D
 Definitive Footpath
 Restricted Byway

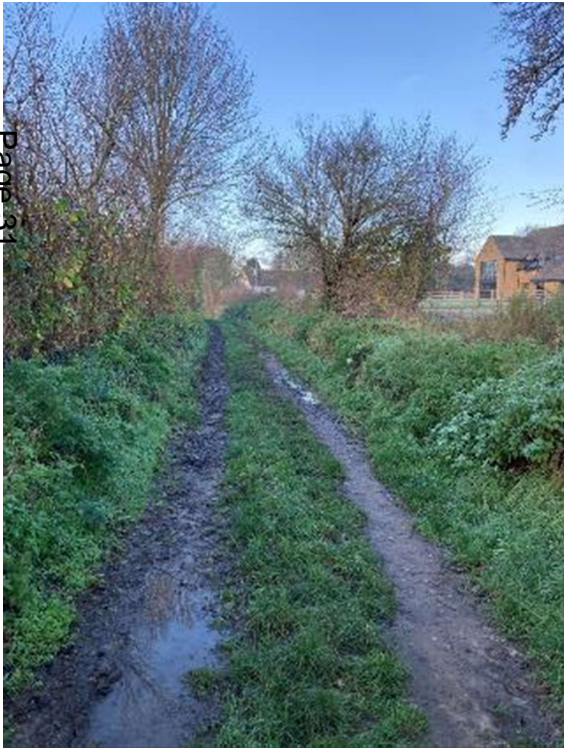


The County Council can accept no responsibility for any error or inaccuracy which may arise from the transposition of the Rights of Way Definitive Map to a different scale.
 - For reference purposes only.
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Item 7: Application route

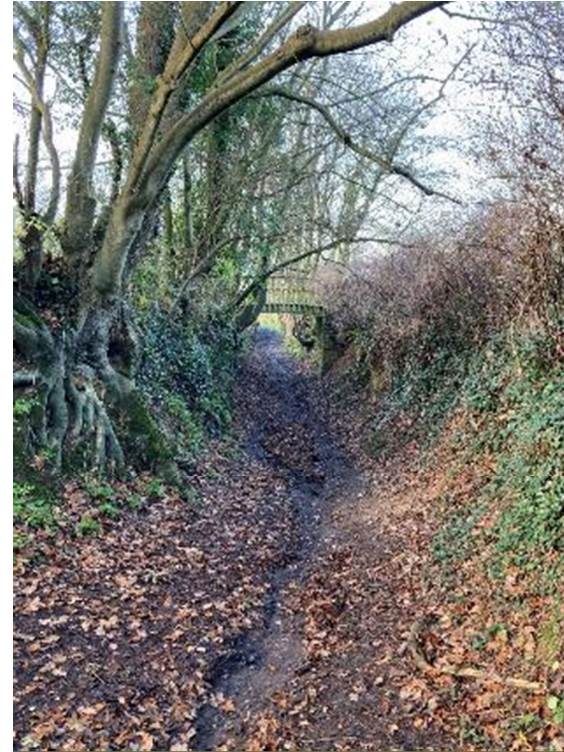
Page 31



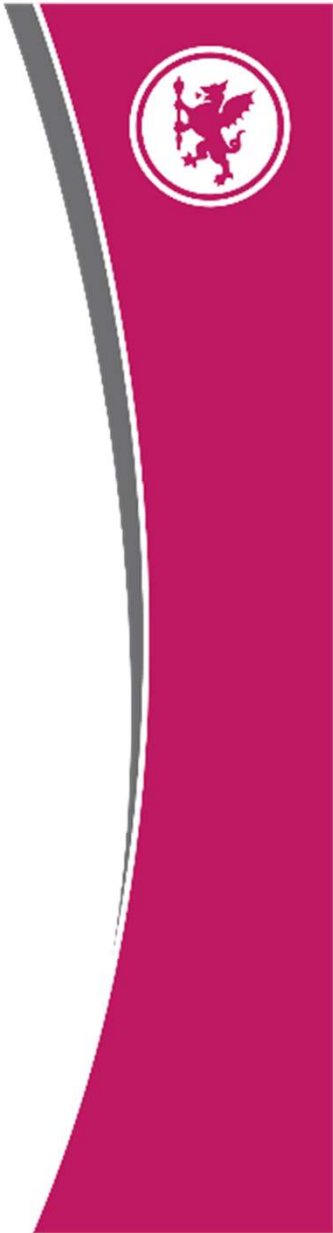
East of Point A looking east



Point B looking west



Point D looking west



Item 7: Potential outcomes for this matter 1

- Refuse to make an Order, in which case the route will remain as a footpath
- Resolve that higher public rights exist in the form of one of the following;
 - Bridleway
 - Restricted byway
 - Byway open to all traffic (commonly referred to as a BOAT)
- Resolve that no rights exist



Item 7: Potential outcomes for this matter 2

- The conclusion of the report is that, on the **balance of probabilities**, the application route has historically carried vehicular rights. The Definitive Map should be amended so that the route is recorded as a restricted byway.
- Committee members must make their own assessment of the evidence, rather than accept the report's recommendation without question.
- If the Committee reach an alternative conclusion, the grounds for that conclusion must be clearly stated and consistent with the relevant legislation.

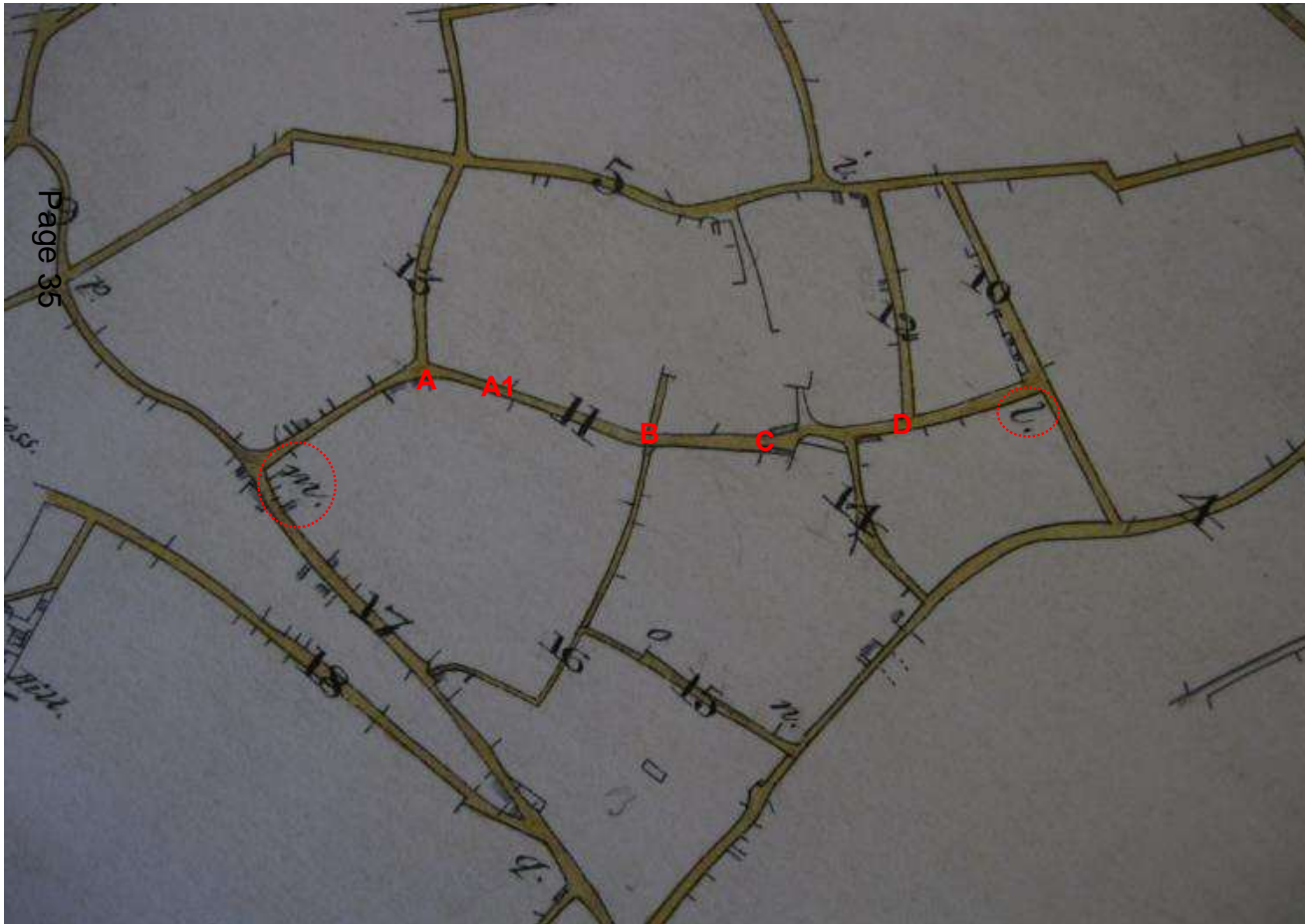


Item 7: Test to be applied

- Before an order can be made to modify the Definitive Map, there must first have been a discovery of new evidence (i.e. evidence that was not consulted when the Definitive Map was last reviewed).
- Having discovered that evidence, the standard of proof to be applied in this case is the **balance of probabilities**. This test involves determining, based on all of the available evidence, **whether higher public rights are more likely to exist than not**.



Item 7: 1863 Yeovil Highway Board Map



Page 35

Number	Description of Highways.	Length by statute in Perches.
1	From a to b.	84
2	" b. c.	96
3	" d. c.	200
4	" d. f.	266
5	" g. h.	356
6	" i. j.	120
7	Lane	92
8	From h to k.	158
9	Short Lane	52
10	Lane	40
11	From l to m.	166
12	Lane	50
13	Lane	46
14	Lane	38
15	From n to o.	36
16	Lane and Path	38
17	From p to q.	186
18	Lane to Skinners Hill	148
19	From r to s.	376
20	Lane	62
21	Lane	160
22	Lane	140
23	From p to s.	272
24	From Berril Knapp to t.	218
25	" t. u.	180
26	" v. w.	180
27	Lane by Church	56
28	From x to y.	104
29	" z. a.	160
30	" b. c.	348
31	Lane to Closerworth	72
Total - 14. 1. 23		
Halter Paths		264

N.B THE HIGHWAYS are colored YELLOW.
HALTER-PATHS " GREEN.
TURNPIKE ROADS " RED.

The References contain the lengths of the Highways as sealed and are as follows - The Highways 144. 4. 56. Halter Paths 27. 3. 28

1863 Yeovil Highway Board Map, South West Heritage Trust, SHC D/R/yeo/32/4/1



Item 7: 1910 Finance Act Record Plan



Finance Act Record Plan, National Archives, IR 128/9/1102

Item 7: Reason for the recommendation

- The Highway Board Map and Finance Act Record Plan offer strong evidence that the application route has historically carried public vehicular rights.
- Various pieces of supporting evidence (including the tithe records and several commercial maps) are supportive of this conclusion.
- The majority of the evidence examined was not inconsistent with the existence of public rights.
- Natural Environment and Rural Communities Act 2006 (NERC) extinguished mechanical vehicular rights over the route.



Item 7: Main issues raised

- Concerns over safety, utility, etc.
- Use of Wincanton map legend to interpret Yeovil Handover Map.

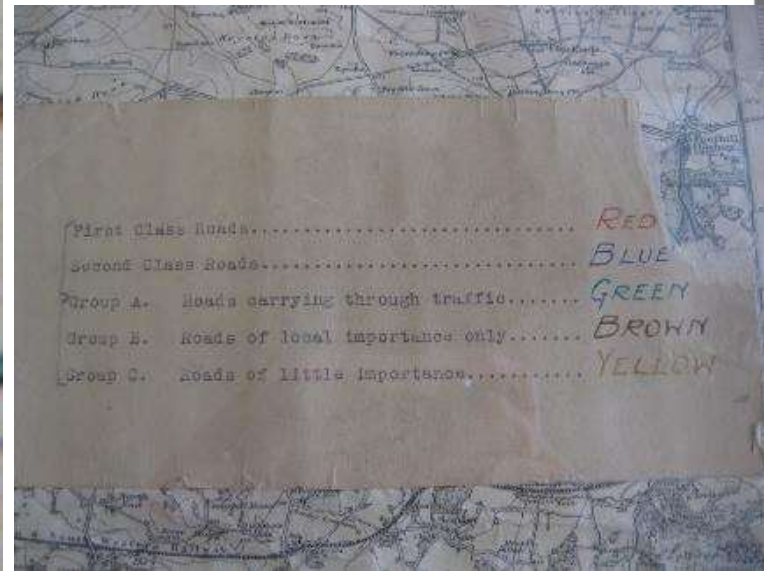


Item 7: Concerns over safety, utility, etc

- Various respondents raised concerns relating to safety, suitability, utility, environmental considerations, and cost.
- This investigation is concerned with correctly recording public rights, which may be higher than those currently recorded. The above concerns, while understandable, cannot be taken into account under the relevant legislation.



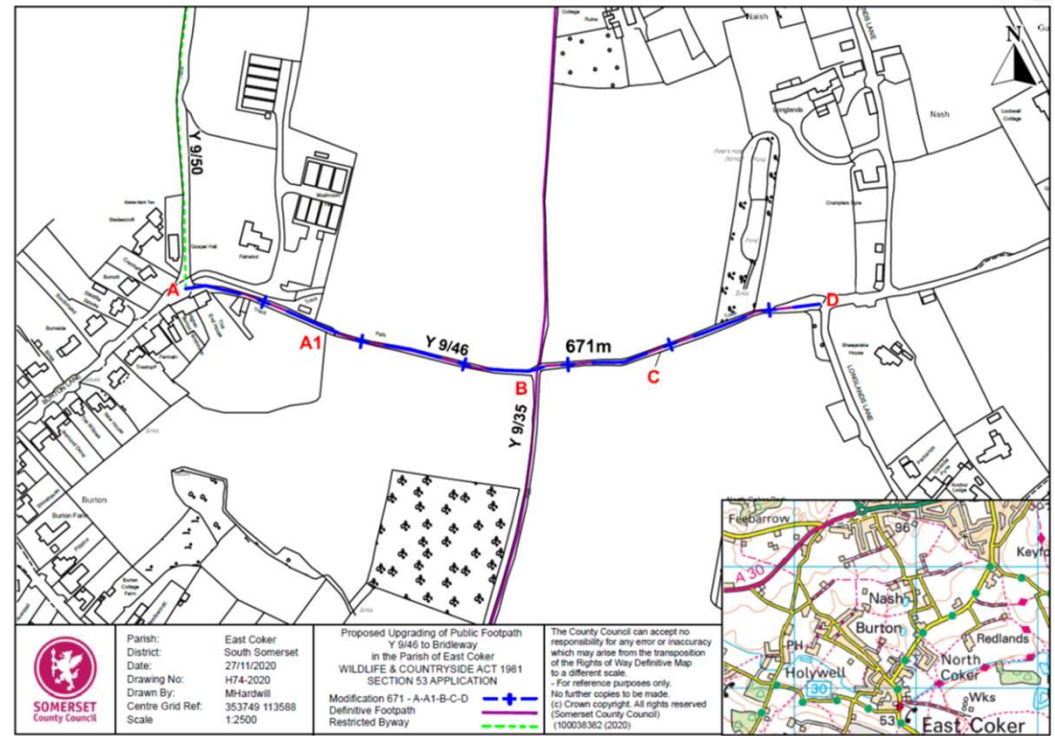
Item 7: 1929 Yeovil District Handover Map 1



Item 7: Summary

- An order should be made to modify the Definitive Map and Statement where the surveying authority discover evidence which, when considered alongside all other available evidence, indicates “that a highway shown on the map and statement as a highway of a particular description ought to be shown as a highway of a different description”.

Wildlife and Countryside Act 1981, Section 53(3)(c)(ii)



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