

Regulation Committee
Thursday 3 November 2022
2.00 pm Luttrell Room - County Hall,
Taunton



SUPPLEMENT TO THE AGENDA

To: The Members of the Regulation Committee

We are now able to enclose the list of public speakers for the meeting on 3 November 2022:

Item 4	Public Question Time
	Public Speakers (attached)

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Democratic Services, County Hall, Taunton, TA1 4DY

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Regulation Committee - Thursday 3 November 2022 (14.00)

Public Speakers etc

Items 5, 6 and 7

Objectors:

None

Supporters:

None

Applicant / Agent:

1. Sarah Bucks, South Somerset Bridleways Association

Re: DMMO application routes north and west of Sparkford, 858, 859, 869, 851

The South Somerset Bridleways Association submitted these application when the consultations started for the National Highways A303 Sparkford to Ilchester improvement scheme. It was sensible to alert Somerset County Council, National Highways and the Planning Inspectors to these historic routes in order for them to make allowances for them to be incorporated, albeit with mitigations, into the plans.

The assessor has recommended restricted byway status for most of them, and we understand why they have refused the order for the southwestern section of Hazelgrove Lane, comments on which concerning **application 869** follow.

These routes you are considering now are important to us. They will provide a safe off road link from South Barrow to join up with the new bridleways being constructed as part of the National Highways scheme. We are checking that they do, in fact, connect up on the ground as it would be frustrating to find that there is a short section missing which could have been included if considered at this stage, not so difficult if the gap is within the redline envelope of the DCO.

DMMO application 869 was processed 2 years ago and an order was made in April 2021 for the route to be recorded as a restricted byway. The evidence for this route included Quarter Sessions records showing that the landowner at that time legally diverted the southwestern end of Hazelgrove Lane south-eastwards to Sparkford along the line of the application route. This accounts for the assessor recommending refusing to make the order for the section of application 859 southwestwards along Hazelgrove Lane as it had been legally diverted along the route of modification 869,

which Quarter Session record we had not found when DMMO application 859 was submitted. As you may know, if there is an objection to an order, however trivial, Somerset County Council has to either discuss this with the objector to see if the objection can be withdrawn. If not withdrawn the case has to be referred to the Planning Inspectorate who will arrange for an Inspector to consider it either by written representations or hold a public inquiry. We request that the Regulation Committee encourage the Rights of Way Department to refer this case to the Planning Inspectorate as, until this is done, National Highways are not obliged to mitigate the route, which crosses the top of the proposed westbound offramp as it leaves the new A303 carriageway and would be impossible for the public to cross safely either on foot or horseback. Obviously we do not want to miss the opportunity of including a safe off-road route from South Barrow to Sparkford while these major works are being carried out, and will agree to any reasonable mitigation for the route. However, while the authority delay referring the case back to the Planning Inspectorate – as they have with similar cases since 2016 - these routes, with orders made but not confirmed, will be kept off the Definitive map.

Unfortunately I am unable to attend the Regulation Committee meeting on November 3rd.

Thank you for reading this, and I hope you understand the assessors report and agree to her recommendations.

Sarah Bucks
South Somerset Bridleways Association

Item 8 - Application for variation in planning condition at Blackford Hill Quarry, Blackford Hill, Yeovil, Somerset BA22 7EA (SCC/3940/2022)

Objectors:

1. Roger Martin

Inappropriate Transport options (Draft)

Members of the Committee;

You have heard about the misleading information quoted in the application and the absence of verified extraction data. What you must now consider, is whether the proposed transport options are appropriate in technical terms. They are not.

The applicant proposes to increase the size and/or number of vehicles transporting stone. *All* of the options represent the capability to transport *more than the originally permitted total*, so you are inadvertently being asked to approve the growing of the operation.

Options 2 and 3, depend on the use of a monster Kassbohrer trailer behind the same tractor unit that can carry a 16-Ton load in a demountable body. This combination will be capable of transporting around 25-Tons of stone; a weekly jump to a potential 50-Tons extracted, against the conditioned 32. You are also being asked to endorse a jump from 6.3meter HGVs, to unwieldy articulated combos of 12.74meters in length [that's 41' 9"]. The scale of this articulated unit is suspiciously hidden in Appendix 2, but which reveals the combo will completely fill both the track from the quarry AND, the single-track road it joins. Its increased length, weight, turning circle and reduced manoeuvrability must surely make it a non-starter.

These highly inappropriate solutions are probably designed to make you lean towards Option 1.

Please don't. Option one seeks to introduce 4 loads a week, using the same vehicles currently in use, which **DOUBLES the number of conditioned loads.**

School arithmetic. The operator is currently transporting 2 loads per week, in 4 vehicle movements. The new option is for 4 loads, or 8 vehicle movements per week, Therefore, over 50 weeks this could actually increase the number of vehicle movements from the conditioned 178 to a potential 8 x 50 which is 400. This represents a 124% increase – a ridiculous and huge overkill to address the apparent

40% calculation error the applicant disingenuously claims he made. **Trim and add 1500/10 =150 loads.**

The operator's claim is that each current trip is limited by stone size to 10 tons per vehicle, despite advising our Parish Clerk, in an e-mail in March, that he is actually using a vehicle capable of 12t; but to make up this claimed shortfall, the application request is for 4 loads of 10 tons, totalling 40 tons per week. Again, school arithmetic, if the operation was active for 50 weeks of the year, this would yield 2000 tons per annum, which represents an increase of 500 tons, or 33%, over the 1500 tons originally conditioned. **No variation has been sought to extend the extraction limit, and restrictions on total load numbers must apply.**

Frustratingly, your context-unaware Highways department pontificates from Taunton with no site visits, but those of us on the ground know the extent of the increased hazards and road safety risks.

In summary,

Options 2 and 3 suggest use of a totally inappropriate vehicle, and

Option 1 would increase the permitted amount of stone extracted by 33% in addition to the unacceptable potential 124% increase in vehicle movements.

This disingenuous application is based on misinformation – it is not technically credible and must be refused.

2. Sylvia Hartnell-Beavis

Committee members:

We now have to look at the unsuitability of the Haul Road; however, 3 minutes is an impossibly short time to deal with this matter so forgive me if I am reduced to a series of questions.

Was it clear to you on your visit that the Haul Road from the quarry to the A303 is 1 kilometre in distance, and that all but the last 30 meters is a narrow, single-track?

Were you told that we invited Highways and the Planning Office to visit the site for the original Application... and again in June of this year to walk the route guided by our Parish Chair? To date, the Parish has had no reply from Highways, and to our knowledge, no one from that department has ever made a site visit, but have seen fit to make judgements on this idiosyncratic road lay-out from a desk 36 miles away here in Taunton?

Have you been shown the resubmitted Highways Report that the village commissioned last year in the absence of any study from the Council? If not, you may

not be aware that the Independent Highways' Consultant reported that, and I quote, *"...the figures indicate that visibility at the site access is sub-standard to a potentially dangerous degree."*

Did you observe that from the south the entrance to the quarry is concealed... and that from the north it is hidden behind a blind bend... and that the speed limit on this lane is a ridiculous 60 mph?

And was it clear that this lane is part of the Wessex Cycle way, and that there are stables at the southerly end from which horses are exercised along this track daily?

Were you shown that only 30 meters north of the quarry the lane runs over causeway which is currently being monitored by your own Structures department? And that for last year's application they warned the Planning Officer that, *"In view of the uncertainty we have at present I would think it best not to permit additional / increased loadings on this section of the route."*?

I presume you saw that this narrow lane has very few passing places? A lane where HGVs frequently cause a several-vehicle train to reverse about 30 meters downhill into the village and onto the narrow crossroads, or uphill round a blind bend to locate the field entrance to facilitate passing manoeuvres? Photos are available.

Was it made clear that Blackford is a conservation village with 18 listed buildings, 9 of which are Grade II... and did you see there are no pavements in spite of gates to the houses and gardens spilling directly onto the road; and that when leaving the village, heavy traffic is causing the beautiful, high-sided and narrow glade known as The Hollow to erode and slip?

And were you shown the dangerous 3-way road lay-out, known locally as Death Trap Junction at the top of The Hollow... where there is no run off from the A303, and where there are frequent accidents? Again, photos are available.

And for the record, do you know that this whole haul route and much of the surrounding area is governed by an incorrectly signed 7.5-Ton restriction limit which is currently under an enforcement reassessment that appears to be caught up in the system?

Sadly, there is no time for a fuller examination of the Haul Road. We thank you for making a visit, and we hope that all the hazards of this road which is completely unsuitable for heavy quarry traffic were pointed out to you.

In conclusion:

Neither additional, nor heavier vehicles, nor the quarry itself are feasible or workable propositions. May I encourage you examine how on earth the original application was granted in the first place?

3. Ian Tibbitt

The argument presented in the application is flawed, and this has either not been recognised or deliberately excluded from the official briefing prepared for you.

The original application for the Quarry was amended twice to address mistakes in calculations. That was to ENSURE there was a match between the number of loads, the permitted extraction total and transport vehicle type.

Now, the applicant claims that he made *more* mistakes and needs approval condition change.

He claims that approved vehicles and transits are insufficient to enable the annual extraction total from the quarry site. That would be OK, if his interpretations of the approval and facts are correct, but.....

The application reads as if it is to overcome an unforeseen constraint - but the CHARACTERISTICS OF THE STONE FROM THE QUARRY ARE NOT NEW KNOWLEDGE. The PO report confirms that the characteristics were known to the operator BEFORE your predecessors' June 2021 approval.

The insufficient vehicle capability statements reflect A CHOICE of the applicant not to use the optimum type of vehicle, but to constrain himself to vehicles in the current H&D fleet. Optimal vehicle choice would almost certainly deliver output in accordance with the existing integrated set of conditions. The Operator has CHOSEN to use a vehicle that is able to carry LESS in terms of volume than the type allowed by the existing approval. Here's why...

The applicant states¹ that "the exact type of HGV allowed to transport stone, ... is a 3-axle articulated lorry tractor unit with a demountable body able to carry a 16-tonne payload." This statement is simply NOT TRUE.

The actual vehicle type permitted and conditioned, is, "... a 6- wheeler HGV with a 16-tonne carrying capacity² which will be owned by or UNDER FULL CONTROL of the Applicant..." The applicant DOES NOT have to own the vehicle.

The applicant ignores this and claims that a different company's 'owned' vehicle fleet (H&D's) takes priority over SCC's approval. It is hard to believe that this highly unusual interpretation was the intent of your predecessors?

¹ Application Planning Statement Para 4

² Planning statement para 3.13

The stating of INCORRECT FACT about Conditions is a transparent attempt to manipulate perceptions to align with the applicant's argument for expanding his PERMISSIONs.

Vehicles with integral bodies normally have greater volume-carrying characteristics than tractor units with demountable bodies. With an optimal vehicle there could probably be no need for this application at all.

A second concern - Prior to the submission of the PO report SCC officials were unwilling to provide extraction data that the MPA has previously said, *in writing*, would be simply available.

Partial data with a key parameter missing has now been provided in the PO report. There is no evidence that the claims about extraction have been independently verified or shown coherent by simple analysis. The data reveal stark issues.

Assuming no condition breaches, the average load weight so far extracted has been 12.5Tons. Alternatively, if the statements by the applicant on weight carried per load are correct (only 10 Tons), the conditioned limit on number of loads per annum was likely exceeded after 10 months. The figures in the application and real life just don't match up, and the application is over-egged by 65% or more.

And finally, evidence has been provided that all stone removed from Blackford Quarry has NOT gone to the conditioned processing site. The obfuscatory implications of that are obvious.

So do you know what stone is going where, and if it's being properly weighed and reported? The Planning Officer has not even addressed this in her report so what confidence do you have in the numbers?

How can you approve an application like this with its obfuscation and untruth, and no visible professional analysis, without knowing what is really going on?

SECTION ENDS

Supporters:

None

Applicant / Agent:

Applicant- Zak England of Somerset Stone Supplies; and
Applicant's Agent- Nick Dunn of Land & Mineral Management.

1. Applicant- Zak England of Somerset Stone Supplies: -

My name is Zak England and I am a director of Somerset Stone Supplies who operates the quarry.

Since we started extraction we have been taken back by the popularity of the stone for use in heritage and new build developments.

With the current planning limit on HGVs, which I am seeking to change, the outputs for the last 11 months have totalled 1,010.3 tonnes.

With only 1 month left during this operational year, it is clear that the consented 1,500 tonne per annum approved by planning will not be achieved.

This is a shame because sales have been outstripping demand and achieving this limit is important for the financial viability of the quarry.

It is clear from the objections that there is a misunderstanding as to why we underestimated the weekly HGV numbers required when we first sought planning permission.

I am here today to explain why this underestimation was made.

When working a natural stone quarry two raw products are normally produced, namely;

- large block stone; and
- small walling stone.

When loading a lorry with small walling stone, to achieve a good payload, the stone is packed together with very few voids.

In contrast, when loading large block stone the voids are bigger, hence less pay load.

This quarry was first quarried by the Landowner and not me.

The Landowner was, however, not a quarryman and was only seeking the smaller stone.

As a result, the larger blocks which is the main stone I am seeking, were not transported from the site by me until planning permission was granted in 2021.

This is why I did not fully understand the characteristics of the stone when planning was first granted.

Because of this underestimation we have consistently been unable to reach the permitted volume of extraction.

I therefore respectfully request that Planning Permission is granted today so we can achieve our permitted output limit.

Thank you for your time and if the Chairman allows I am available to answer any questions.

Duration 2 minutes 15 seconds approx.

2. Applicant's Agent - Nick Dunn of Land & Mineral Management

Good afternoon, my name is Nick Dunn and I am the Applicant's Planning Agent.

The Applicant and I fully understand the concerns raised in the local community about the proposals.

As recognised in the National Planning Policy Frame Work, minerals can only be worked where they are found.

The stone from this quarry is only found in this immediate local area, while this is the only quarry that has extracted this stone commercially since the 1960's.

This situation is far from uncommon, as natural stone is typically found in rural locations accessed by suboptimal roads.

There are many examples in Somerset where quarries are served by such roads where the outputs and therefore HGV movements are higher than those proposed at Blackford Quarry.

The two Ham Hill Quarries, Ashen Cross, Bowden's Lane, Hadspen, Doultling and Abbey quarries provide examples.

I am, however, here today to talk about the technical highways and planning aspects of this planning application.

This Application was accompanied by a Transport Statement by an independent specialist named IMA Transport Planning.

This assessment reviewed the highways impacts and found that the proposed increase in HGV movements would be acceptable.

A draft of this report was submitted to Somerset County Council Highways Authority.

They agreed with its findings and reiterated their stance for the original planning application that:

'..the Highway Authority does not consider up to 8 vehicle movements in a week to be onerous in highway terms'...

As a result the Highways Authority, who are your principle technical specialist, have not objected to the proposed increase in weekly HGVs.

In your Officer's Report the Planning Application has been found to be compliant with planning policy.

This stance is supported in the consultation response from the County Mineral Policy Officer.

This response and the Officer's Report therefore provide technical planning justification as to why planning permission should be granted.

I therefore respectfully request that you give great weight to this technical planning and highways advice.

In doing so, I hope that you conclude that there is no justifiable material reason why planning permission should not be granted today.

Thank you for your time and I can answer any questions if you wish.

Duration 2 minute 30 seconds.