

Public Agenda Pack



Notice of Meeting of

STRATEGIC PLANNING COMMITTEE

Thursday, 22 June 2023 at 10.00 am

Luttrell Room - County Hall, Taunton TA1 4DY

To: The members of the Strategic Planning Committee

Chair: Councillor Tony Lock
Vice-chair: Councillor Andy Soughton

Councillor Steve Ashton	Councillor Mike Caswell
Councillor Simon Coles	Councillor Michael Dunk
Councillor Philip Ham	Councillor Edric Hobbs
Councillor John Hunt	Councillor Andy Kendall
Councillor Matthew Martin	Councillor Wes Read
Councillor Martin Wales	

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services – see contact details below.

Requests to speak at the meeting about a planning application must be made to the Democratic Services Team no later than **12noon on Tuesday, 20 June 2023** by email to democraticservicessouth@somerset.gov.uk . Further information on the public speaking arrangements at Planning Committee is provided in the Public Guidance Notes near the front of this agenda pack.

This meeting will be recorded and then uploaded to YouTube following the meeting.

Members of the public are welcome to attend the meeting.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

Issued by David Clark, Monitoring Officer (the Proper Officer) on Wednesday, 14 June 2023.

AGENDA

Strategic Planning Committee - 10.00 am Thursday, 22 June 2023

Public Guidance Notes for Planning Committees (Agenda Annexe) (Pages 7 - 10)

Click here to join the online meeting (Pages 11 - 12)

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting (Pages 13 - 20)

To approve the minutes from the previous meeting (the meeting of 16 March 2023 of the former Regulation Committee of Somerset County Council).

3 Declarations of Interest (Pages 21 - 22)

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4 Public Question Time

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker.

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to democraticserviceteam@somerset.gov.uk by 5pm on Friday 16 June 2023.

5 Planning Application SCC/4040/2023 - Chard Junction Quarry, Westford Park Farm, Chard. (Pages 23 - 30)

To consider an application for variation of Conditions 5 (Adherence to approved plans and details) and 6 (Depth of working) of planning application 1/D/12/000079 (for the winning and working of circa 1.5 million tonnes of sand and gravel) to vary the Phase 3 and 4 Working Plans, Restoration Plan and Cross Section Plan.

6 Future Reports

To consider a verbal update from officers.

7 Access to Information - Exclusion of the Press and Public - Agenda Item 8

During discussion of the following item (Agenda Item 8) it may be necessary to pass the following resolution to exclude the press and public having reflected on Section 1.34 in Part A of the Constitution (decisions are as open and transparent as possible). This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Committee will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

Recommend that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business (Agenda Item 8) on the ground that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

8 Planning Staff Update

To consider a verbal update from officers.

Please note:

Exclusion of the Press and Public for any discussion regarding exempt information

The Press and Public will be excluded from the meeting when a report or appendix on this agenda has been classed as confidential, or if the Committee wish to receive confidential legal advice at the meeting. If the Planning Committee wish to discuss information in Closed Session then the Committee will be asked to agree the following resolution to exclude the press and public:

Exclusion of the Press and Public

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

Reason: Para 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Or for any other reason as stated in the agenda or at the meeting)

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

The Applicant or Agent, Parish, Town or City Council, Division Members and objectors or supporters are able to address the Planning Committee. **All speakers need to register – please see details on the next page.**

The order of speaking will be:-

- Those speaking to object to the proposal - maximum of 5 speakers of 3 minutes each
- Those speaking in support of the proposal - maximum of 5 speakers of 3 minutes each
- Parish, Town or City Council(s) - 3 minutes each
- Councillors of Somerset Council (non-Committee members) - 3 minutes each
- The applicant or their agent - 3 minutes

Public speaking will be timed and the Chair will be responsible for bringing the speech to a close. The speaker/s will be allowed to address the Committee during their registered slot only and will not be allowed to provide further clarification. If an item on the Agenda is contentious, with a large number of people attending the meeting, a representative speaking to object or support the proposal should be nominated to present the views of a group.

The Chair can exercise their discretion in consultation with the Legal Adviser and this maybe, for example, it maybe that comments are derogatory in which case the Chair will exercise discretion to prevent the speaker from continuing, or if balance was required in terms of speakers for and against or to make a specific point, to allow a further speaker.

Comments should be limited to relevant planning issues. There are limits to the range of issues that can be taken into account when considering planning applications.

Although not an exhaustive list, these might include:

- Government planning policy and guidance
- Planning legislation
- The suitability of the site for development
- Conflict with any planning policies such as the relevant Development Plan – which are available for inspection on the Council's website
- Adopted Neighbourhood Plans
- Supplementary Planning Documents (SPD)

- Previous planning applications and decisions
- Design, appearance, layout issues and relationship with the surrounding area.
- Living conditions such as privacy, noise and odour.
- Highway safety and traffic issues
- Biodiversity and ecology
- Impact on trees and the landscape
- Flood risk in identified areas at risk.
- Heritage assets such as listed buildings, conservation areas and archaeology
- The economy, including job creation/retention.
- Drainage and surface water run-off.

Issues that are not usually relevant will vary with each application, but the courts have established that the following matters cannot be taken into account when considering planning applications:

- The history or character of an applicant
- Perceived or actual impact of development on property values.
- Land ownership, restrictive covenants or other private property rights including boundary and access disputes or maintenance.
- An applicant's motivations or future intentions.
- Retrospective nature of applications;
- Impact on private views;
- The extent of public support or opposition for a proposal alone;
- Competition between businesses;
- Matters controlled by other (non-planning) legislation such as licensing and building regulations or other laws.

How do I register to speak at Planning Committee?

A request to speak must be made to the Council's Democratic Services team no later than 12 noon on the working day before the Committee meeting by email to democraticservicessouth@somerset.gov.uk . For those speaking to object or support the proposal, the speaking slots will be allocated on a first come first served basis. If there are numerous members of the public wishing to speak in one slot it is advisable to make arrangements for one person to make a statement on behalf of all. The meetings are hybrid and you can speak either in person at the meeting or virtually. If you wish to speak at the meeting virtually please inform Democratic Services so that they can advise you of the details. If you have registered to speak, the Chairman will invite you to speak at the appropriate time during the meeting.

Can I present information to the Committee?

Please be advised that you cannot present documents in any form to the Committee Members at the meeting – this includes photographs and presentations (including Powerpoint presentations).

How do I know what time an application will be heard?

If you have registered to speak in person, we recommend arriving at the meeting venue about 15 minutes before the start time. If joining virtually, please consider joining the meeting a few minutes early to ensure your technology is working correctly - you may have to wait in a lobby until being admitted to the meeting. It is not possible to estimate the exact time an application will be heard.

What if my Division Member does not sit on the Planning Committee?

If your local Councillor is not a member of the Planning Committee, he or she can still address the meeting to outline any concerns or points of support. However, they will not be permitted to take part in the main debate, to make or second a proposal or to vote on any item.

Presentation of planning applications

The Planning Officer will present the case to the Committee explaining the factual matters and any salient points which need to be drawn out with the use of a visual presentation. It is important to note that the Planning Officer is not an advocate for either the applicant or any third parties but will make an impartial recommendation based on the merits of the proposal and any relevant material considerations.

The role of Officers during the debate of an application

When an application is considered at Planning Committee, it is the Officers' role to explain why they have concluded that permission should be approved or refused and answer any questions that Members may have. Whilst the Committee has to reach its own decision bearing in mind the Officer advice, report and recommendation, the Lead Planning Officer and Council Solicitor in particular have a professional obligation to ensure that a lawful and unambiguous decision is made in accordance with the Council's Development Plan, planning legislation, regulations and case law. This means, in the event that a contrary decision is sought, they will need to explain the implications of doing so. This can sometimes mean that Officers need to advise and guide Members as to planning policy, what are or are not material considerations, what

legally can or cannot be considered or given weight and the likely outcome of any subsequent appeal or judicial review.

Officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Members and there should always be scope for Members to express a different view from Officers. However, any decision by the Committee must be based on proper planning reasons as part of the overall aim to ensure that a lawful and unambiguous decision is made. Where this is contrary to that recommended within the Officer report, the Lead Planning Officer and Council Lawyer will advise Members in making that decision.

Recording of the Meeting

Please note that this meeting will be recorded, and the recording will be made available on the Council's website and/or on YouTube. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore, unless you are advised otherwise, by taking part in the Council meeting during public participation you are consenting to being recorded and to the use of the sound recording for access via the website or for training purposes.

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public – providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings, No filming or recording may take place when the press and public are excluded for that part of the meeting.

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REGULATION COMMITTEE

Minutes of a Meeting of the Regulation Committee held in the Luttrell Room - County Hall, Taunton, on Thursday 16 March 2023 at 2.00 pm

Present: Cllr T Lock (Chair), Cllr S Coles (Vice-Chair), Cllr M Caswell, Cllr M Dunk, Cllr T Grimes, Cllr E Hobbs, Cllr A Kendall, Cllr K Pearce, Cllr A Soughton and Cllr M Wales

Other Members present virtually: Cllr B Clarke, Cllr M Dimery and Cllr R Wyke

Apologies for absence: Cllr B Bolt and Cllr M Murphy

1 **Declarations of Interest** - Agenda Item 2

There were no new declarations made at the meeting.

2 **Accuracy of the Minutes of the meeting held on Thursday 9 February 2023** - Agenda Item 3

The Minutes of the previous meeting held on Thursday 9 February 2023 were accepted as accurate and signed.

3 **Public Question Time** - Agenda Item 4

The Chair advised that a request to speak had been received from Mr Herbert, applicant, in respect of agenda item 5 - Application No. SCC/4002/2022. The statement was considered as part of the relevant agenda item.

4 **Torr Works Quarry, East Cranmore, Shepton Mallet BA4 4RA - Application SCC/4002/2022** - Agenda Item 5

Application for demolition of Torr Blockworks and lateral extension of quarry on land at Torr Works, East Cranmore, Shepton Mallet BA4 4RA – Application No SCC/4002/2022

Applicant - Aggregate Industries UK Ltd.

Committee Members had undertaken a site visit ahead of the meeting.

1. The Committee considered a report by the Service Manager – Planning and Development, Enforcement and Compliance and noted that an updated report had been published and circulated on 9 March 2023. The Planning Manager, with reference to the revised report, presentation, supporting papers and the use of maps and plans, outlined the application and the key issues for consideration – the policy context and the principle of the development; the impact on the living conditions of local residents – noise, dust, vibration; the impact on the amenity of the local area – landscape and visual impact,

footpaths; the impact on the environment- groundwater and flood risk, ecology and habitats; traffic and highway matters.

The Planning Manager highlighted that:

- planning permission is already granted to relocate the blockworks to Leighton Business Park. The Marshalls Mono brickworks will remain in situ to the northeast of the extension area and access to it will be maintained. The extension is expected to release of 11 million tonnes of stone which will be worked over 10 years and completed before the 2040 date of the existing planning permission for the tour site as a whole.
- No change is proposed to the method of working or to traffic, blasting or monitoring and environmental control measures already in place.
- Environmental enhancements are also proposed as part of this proposal, and these include a replacement bat roost, a standoff zone from Asham Wood, new planting to replace trees, diversion of a bridleway to avoid the need for users to cross a haul route within the quarry.
- The proposed extension would replace production at the Leighton extension area which is expected to cease by the end of 2023.
- There have been no objections received from any of the statutory consultees, subject to suitable conditions, as outlined in the revised report.
- One letter of objection has been received from a local resident raising concern about the impact on bats, impact on the Asham Wood SSSI, noise in local villages, impact on wildlife and ecosystems and cumulative impacts.
- Downhead Village Meeting had raised concern about the proposed bridleway changes, noise, dust, lighting, tree planting and impact on water courses.
- Received letter commenting on the application and raising concern about dust and fault lines but supporting the re-routing of the bridleway to avoid the need to cross a busy road and observing that additional tree planting will provide habitats for birds, bats, and other wildlife.
- All these matters are addressed in the Committee report and explained that this is an uncontroversial application.
- Referred to the recommendations, as set out in section 10 of the revised report and to a minor amendment to the wording of the section 106 agreement, as follows (see underlined text): -
".....water monitoring and other measures, where relevant, in line with those agreed for the main site....."

2. The Committee had received written submissions and heard from the following at the meeting. The comments / views are summarised as shown below: -

Mr Herbert, Planning Manager, Aggregate Industries UK Limited – applicant – read out statement which had been circulated in advance of the meeting: -

- rationale for application;
- take environmental responsibilities very seriously;
- ongoing community engagement;
- application provide a replacement extraction area to come on stream after Leighton extension has been worked out; proposal wholly located within existing quarry operational boundary;
- will be completed prior to the 2040 end date;
- support the officer's recommendation to approve but query about the need for the legal agreement to include water monitoring.

3. The Local Division members, Cllr Barry Clarke and Cllr Philip Ham had submitted comments which had been circulated in advance of the meeting and these were read out by the Governance Manager: -

- both been involved in the application through Torr Quarry Liaison meetings and consultation process;
- application is covered by many of the conditions that the operators already adhere to on the site;
- Quarry has access to rail network, thus avoiding a lot of HGV road movements;
- Allow production of aggregates until 2040, providing work for workforce and associated businesses;
- Note that the Bridleway/footpath network will be safer for its users as the haul road will not need to be crossed;
- fully support this application and agree with recommendation to approve.

4. The Planning Manager responded to the comment by the applicant re water monitoring and referred to the wording of the slightly amended recommendation, which has been added to address the point made by the applicant.

5. The Committee discussed the matter, and the following comments were made and responded to by Officers, as follows: -

- the site visit had been informative;
- Biodiversity Management Plan and whether this covers woodland / planting – *confirmed that this will be covered by Condition 24 and enhancement measures subject to the section 106 agreement. The Management Plan will include timings of the works;*
- Have visited site previously and impressed how the operator operates the site;
- Question about the wooded buffer strip between workings and Asham Woods – is this detailed in the Conditions and question about bats – *confirmed this is fully covered in the proposed conditions (Ecological*

Enhancement Plan; Construction Environmental Management Plan: Biodiversity); mitigation measures outlined, which will be checked;

- Are the comments of Somerset Wildlife Trust, detailed in the report, re bats and alternative habitat and roosting sites included in conditions – *confirmed will be covered in proposed condition 24 (Biodiversity Management Plan);*
- Excellent application;
- Commend what the company is doing with the local community (bridleway) - they are looking after local population.

6. Cllr M Caswell, seconded by Cllr T Grimes, moved the proposed recommendation, and the Committee RESOLVED:

1. That planning permission be GRANTED subject to the conditions set out in section 10 of the report and to the prior completion by the applicant and all other parties as necessary of a Section 106 Agreement to secure ecological mitigation including:
 - provision of a minimum of 2.05 hectares of woodland planting and 2.8ha of grassland reversion accessible to greater horseshoe bats to comprise: 2.05ha native woodland / woodland buffer planting; 0.10ha native woodland planting in the grassland reversion site; 0.12ha of buffer planting alongside the undesignated woodland to the south of Asham Woods; 2.8ha of grassland reversion; and 310m of hedgerow enhancement. The habitat should be broadly consistent with the Ecological Enhancement Plan as contained within the shadow HRA (SLR, 2023).
 - Landscape and Ecological Management Plan (LEMP).
 - Programme of implementation.
 - Long-term maintenance and management scheme for the woodland planting and grassland reversion, to include legal and financial mechanisms.
 - Water monitoring and other measures, where relevant, in line with those agreed for the main site (application reference 2010/0984) contained in the section 106 agreement dated 7th August 2012.
 - Provision for future maintenance of the bridleway diversion.
 - The works associated with the diversion of the bridleway SM8/11/1.
2. That authority to undertake any minor non-material editing which may be necessary to the wording of those conditions being delegated to the Service Director.

5 **Consultation on amendments to the Rights of Way Statement of Priorities**
- Agenda Item 6

The Committee considered a report by the Senior Rights of Way Officer, concerning the consultation on amendments to the Rights of Way Statement of Priorities.

The Rights of Way Officer explained that the County Council currently has a backlog of 375 undetermined applications to modify the Definitive Map and Statement. The policy which dictates the order in which those applications are investigated is known as the Statement of Priorities. Applications received prior to November 2011 were scored against a range of criteria set out in the Rights of Way Improvement Scorecard. Under the current Statement of Priorities, set out in Appendix 1 to the report, those applications are investigated in their scored order. Applications which have been received since November 2011 have not been scored and are to be dealt with in chronological order. The policy also allows for applications to be 'taken out of turn' in certain circumstances.

The Statement was last reviewed in 2018 and on the whole the Statement is considered to work well. However, officers were of the view that there were areas which could be improved. It is recommended that greater priority should be given to those applications which are supported by user evidence. It is also recommended that applications which are not compliant with certain procedural requirements should be given less priority.

A copy of a draft Statement, including the proposed changes to the Rights of Way Statement of Priorities, was attached at Appendix 2 to the report for consideration by the Committee.

The Rights of Way Service Manager outlined the main proposed changes set out in the report and the consultation responses received: -

- Many of the changes form part if a tidying up exercise and / or clarify the existing wording, making the policy more concise or to change any references to 'Somerset County Council' to 'Somerset Council'.
- The two more substantial changes are – greater priority for user-based applications; and secondly, the priority given to 'uncertified' applications;
- Proposal to give greater priority to those applications supported by user evidence (typically formed of first-hand witness accounts of the route for example) – will take out of the queue if there are five or more user-evidence forms (so will be fresher in people's minds).
- Uncertified applications process – when uncertified applications reach the top of the queue they would be held in abeyance until such time as a certificate had been received from the applicant or all other certified applications had been investigated.
- When an uncertified application reaches the top of the list, will hold in abeyance, and advise the applicant accordingly – there will be one exception – when decided an application should be taken out of normal

order, proposed to still ask applicant to certify and if they do not, consider waiving noncompliance.

- Somerset Local Access Forum views outlined in the report – also over recent times a number of user representatives have made strong representations that user evidence applications should be given greater priority.
- Highlighted the positives of the proposed changes – will encourage compliance; help focus the officer resource.
- Outlined the changes and impact of the Deregulation Act 2015, which will make a number of changes which are intended to streamline the application process; in due course expect legislation requiring the authority to serve notices on all landowners – expect to get this later in the year and could be retrospective; will affect applications being taken to the new Strategic Planning Committee in the future.

The Committee discussed the matter, and the following comments were made:

- Will the holding uncertified applications in abeyance disadvantage landowners – *applications where the applicant has chosen not to certify for whatever reason, would more than likely take longer to get to the top of the queue; would hope that applicants would choose to certify as in their interest to do so, but there is no guarantee that they would; the landowner could seek for their application to be taken 'out of turn' and there are various mechanisms for them to do so. One of them is where they are experiencing exceptional problems due to an application which impacts on their property. So that would be an option available to them;*
- What is the impact of uncertified applications on the department- *clarified it goes on the register but duty to determine only occurs after the certification; uncertified applications have to remain on the register – its around the order in which they are looked at;*
- Seems strange that a person can make an application but not complete the whole registration process – should be responsibility of the applicant to complete the whole process (3 stages) – *it is what the legislation states and not a policy decision we have discretion over – law states the council has to register it on the first stage / step – most applicants do then go on to certify (their application); there is no timescale by which they have to certify (in legislation);*
- Query about why some applicants do not certify / move to second stage – *the reason could be for a number of factors; does happen in other areas as well;*
- Seems to be no compulsion to certify / do the second stage within a certain length of time;
- Query about new set of rules and being retrospective and the numbers currently on the list – *at the moment there are about 375 undetermined applications to modify the Definitive Map and Statement and the changes will dictate the order in which they are considered; it also gives the ability to put more pressure on to get the certificate in the first place.*

Cllr S Coles, seconded by Cllr M Wale, moved the recommendation and the Committee RESOLVED to support the proposed changes and amendments to the Rights of Way Statement of Priorities and noted that the decision as to whether or not to adopt any amendments to the current policy will be made by the Lead Member for Transport and Digital.

6 **Any Other Business of Urgency - Agenda Item 7**

There were no additional items of business raised at the meeting.

The Chair thanked members for attending and officers for their input, in the last meeting of the Regulation Committee.

(The meeting ended at 3.20 pm)

CHAIR

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SOMERSET COUNCIL

COUNCILLORS WHO ARE ALSO CITY, TOWN AND/OR PARISH COUNCILLORS

SOMERSET COUNCILLOR	CITY, TOWN AND/OR PARISH COUNCIL
Steve Ashton	Crewkerne Town Council / Hinton St George Parish Council
Jason Baker	Chard Town Council
Alan Bradford	North Petherton Town Council
Bob Filmer	Brent Knoll Parish Council
Philip Ham	Coleford Parish Council
Edric Hobbs	Shepton Mallet Town Council
John Hunt	Bishop's Hull Parish Council
Andy Kendall	Yeovil Town Council
Marcus Kravis	Minehead Town Council
Tony Lock	Yeovil Town Council
Sue Osborne	Ilminster Town Council
Wes Read	Yeovil Town Council
Leigh Redman	Bridgwater Town Council
Gill Slocombe	Bridgwater Town Council
Andy Soughton	Yeovil Town Council

The memberships of City, Parish or Town Councils will be taken as being declared by these Councillors to be other registerable interests in the business of the Somerset Council meeting and need not be declared verbally.

Monitoring Officer of Somerset Council

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Strategic Planning Committee – 22 June 2023

Report by Service Manager - Planning & Development

Application Number: SCC/4040/2023

Date Registered: 16 February 2023

Parish: Tatworth & Forton Parish Council,

District: South Somerset District Council,

Member Division: Chard South,

Local Members: Councillor Jason Baker & Connor Payne

Case Officer: Colin Arnold

Contact Details: colin.arnold@somerset.gov.uk

Description of Application: Variation of Conditions 5 (Adherence to approved plans and details) and 6 (Depth of working) of planning application 1/D/12/000079 (for the winning and working of circa 1.5 million tonnes of sand and gravel) to vary the Phase 3 and 4 Working Plans, Restoration Plan and Cross Section Plan.

Grid Reference: Easting - 334020, Northing - 104095

Applicant: Chris Herbert, Aggregate Industries

Location: Chard Junction Quarry, Westford Park Farm, Chard

1. Summary of Key Issues and Recommendation(s)

1.1 Key issues:

- duplicate planning applications have been submitted to Somerset County Council (at the time of submission – now Somerset Council) and Dorset County Councils for a site straddling the county boundary, with only a very small proportion of the site being within Somerset;
- Somerset Council can discharge its function as the determining mineral planning authority for this application to Dorset County Council under Section 101(1) of the Local Government Act 1972.

1.2 On four previous occasions (see 2.5 below) the then Regulation Committee of Somerset County Council have resolved to discharge its function as mineral planning authority to Dorset Council, The application site lies almost entirely within Dorset, with the exception of part of an existing silt lagoon where an area of 0.4ha lies within Somerset. As the site falls within the boundaries of separate mineral planning authorities, the applicant is obliged to submit duplicate planning applications to Dorset and Somerset Councils seeking planning permission from each authority for development of the land falling within their administrative area.

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

- (a) Determination of planning application SCC/4040/2023; and
- (b) Determination of any applications for the discharge of conditions or nonmaterial amendments pursuant to that application;

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

2. Planning History, Description of the Site and Proposals

2.1 Planning History –

Planning application ref WD/D/19/000451 (SCC ref SCC/3540/2018) for Proposed extension to Chard Junction Quarry at Westford Park Farm to release approximately 930,000 saleable tonnes of sand and gravel, equating to approximately 4.5 years of extraction at the current level of production with a designated haul road to transport sand and gravel back to the existing Chard Junction Quarry for processing was refused (against officer recommendation) for the following reason:

‘The development is within the Dorset AONB where exceptional circumstances are required for major development. Bearing in mind the landbank for sand and gravel and the distance to alternative sources of aggregate, the public interest in minimising HGV movements from other sources and the characteristics of the gravel deposit at Chard Junction do not outweigh the harm identified to the Dorset AONB. The proposal would therefore be contrary to policy DM4 of the Bournemouth, Dorset and Poole Minerals Strategy (2014) and paragraphs 176 and 177 of the NPPF’

Planning application reference P/FUL/2022/00109 for Temporary planning permission 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 was withdrawn on 20/06/2022.

2.2 Description of the Site -

Chard Junction Quarry was established in the 1940s and extracts sand and gravel from river terrace deposits to the south of the River Axe. The quarry’s processing and stocking area and silt lagoons are established to the south of Chard Junction, with extraction currently taking place to the east of the lagoons in an area known as Carter’s Close which was granted consent to recover a further 1.5 million tonnes of sand and gravel on 10th May 2012 (ref number 1/D/12/000079)

2.3 Proposed Development-

It is noted that good progress has been made on a restoration scheme but this was halted before Christmas 2022 which has led to a delay in completing the scheme.

The agent outlines the required works in his accompanying letter with the application

-

“In respect of the silt lagoons and processing plant area, consultants have been appointed and work is underway to prepare the schemes required by conditions 15 and 16 of planning permission WD/D/20/000313 granted by Dorset Council. However

initial inspections by our Geology Team have identified two areas where further works will be required in order to deliver a long term, stable landform. These areas are:

- The western boundary of the silt lagoons - these are historical faces bounding the silt lagoon and adjacent to a public road, at ~8m in height and up to 60° in places. There are various large trees and vegetation on top of this feature and in the south western corner there is an electricity pylon on top of this face. Various stability analysis has indicated that it has a Factor of Safety of ~1.0 so is considered semi stable. However, the area beneath the electricity pylon especially need to re-graded or buttressed to a stable angle to ensure long term stability. This buttressing/re-grading will require some further investigation and analysis due to the proximity to the silt lagoon - as any works are likely to have to be undertaken with access via the lagoon; and
- The old quarry faces on the northern and western boundaries of the processing plant area - these faces are up to 10m in height and 50°, adjacent to a public road. Stability analysis has indicated that these faces have a Factor of Safety of 1.2 (stable) under dry conditions. However as part of the restoration scheme the ground water will naturally rebound in this area. Therefore a further stability analysis is being undertaken to determine whether these slopes will need regrading or buttressing with further material to support their long term stability.

To address these matters, more detailed, geotechnical studies are currently underway which will inform the design of the restoration scheme in these areas and it is intended that these schemes will be submitted by the 31 March 2023. Following approval it is intended that restoration works in this part of the site will commence in 2023 with final restoration of the site being achieved in 2024.”

The time is requested to be extended until the 31 December 2024.

2.4 The application site lies almost entirely within Dorset, with the exception of part of an existing silt lagoon where an area of 0.4ha lies within Somerset. As the site falls within the boundaries of separate mineral planning authorities, the applicant is obliged to submit duplicate planning applications to Dorset and Somerset Councils seeking planning permission from each authority for development of the land falling within their administrative area.

2.5 On four previous occasions in 1999, 2012, 2018 and 2021 when duplicate cross-boundary applications were submitted to Somerset and Dorset Councils for mineral development at the quarry, the Regulation Committee resolved under Section 101 of the Local Government Act 1972 to discharge its function as mineral planning authority to Dorset Council to enable the latter authority to determine both applications.

3. Responsibility for Determination of the Applications

3.1 While it is open to Somerset Council to determine the planning application for the 0.4ha of land within its administrative area, such an approach would be artificial as this small area is integral to the operation of the quarry as a whole. Separate decisions by the two Councils could also lead to an uncoordinated approach with differing planning conditions.

3.2 Section 101(5) of the Local Government Act 1972 authorises two or more Local Planning Authorities to discharge any of their functions jointly. This arrangement can be achieved through the establishment of a joint committee. In practice, this type of arrangement is usually established for larger applications or if it is likely that there will be a number of cross-boundary applications, and it would not be appropriate in this case.

3.3 Alternatively, Section 101(1) of the Local Government Act 1972 authorises a local authority to arrange for the discharge of functions by any other local authority. This provision could be relied on by a Local Planning Authority to delegate its development management functions to another Local Planning Authority in respect of a specific cross boundary planning application.

3.4 In this case Somerset Council could discharge its decision-making powers to Dorset Council in respect of this cross-boundary planning application. The latter authority would then determine both the application submitted directly to it and the application submitted to Somerset Council. If Dorset Council was minded to grant consent for the cross-boundary development, it could grant planning permission authorising the development applied for in both of the administrative areas under the two original planning applications.

3.5 Dorset Council has confirmed that it is content with such an approach, and it is considered that Section 101(1) will provide the most appropriate mechanism to enable Somerset Council to delegate its authority. To avoid the need to seek further approvals, it would be prudent to include any future associated applications for the discharge of conditions or approval of non-material amendments within the scope of the arrangement.

3.6 A secondary consideration is that Somerset Council has not received a planning fee for the application due to Dorset receiving the fee as the majority of the site is within its area (as is the norm) and so would assume all of the costs associated with the processing of the application submitted to it, including publicity (neighbour notification letters, site and press notices), administration and officers' time.

4. Issues

4.1 It is appropriate for Somerset Council to discharge its function to determine mineral planning applications to Dorset Council in this case because:

- Dorset Council is required to deal with mineral applications in a similar way to Somerset Council, being bound by the same planning regulations and required to consider the same policies;
- The part of the development that lies within the county of Somerset is a very small proportion of the application site overall;
- The impacts of that part of the development that lies within Somerset are minimal;
- The planning application for this mineral development proposal is more coherent and therefore can more properly be considered if it is not split into two smaller, separate applications (i.e. one relating to the area which falls within Somerset and one relating to the area which falls within Dorset), but is dealt with in its entirety by a single planning authority;
- Dorset Council is better placed to deal with the entirety of the development, having dealt with all previous applications at this site under Section 101 of the Local Government Act 1972.

4.2 If the power to determine the application is discharged to Dorset Council it is essential that the Mineral Planning Authority and Highway Authority within Somerset be consulted on the application and it is also considered very important that the local Divisional Members for Chard South be consulted on the application.

5. Conclusion

5.1 Application SCC/4040/2023 can be more properly considered in its entirety rather than being split into two parts. The proportion of the overall application area which lies within Somerset is very small and the development of that part would, of itself, have minimal impacts. Those impacts, in addition to the impacts of the application overall, can be effectively considered and addressed by Dorset Council, in consultation with Somerset Council. It is therefore considered appropriate for Dorset Council to determine the application in its entirety.

6. Recommendation

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

- (a) determination of planning application SCC/4040/2023; and

(b) determination of any applications for the discharge of conditions or non-material amendments pursuant to that application;

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

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