

Somerset Council

Strategic Planning Committee – 20 November 2024

Report by Service Manager – Resources, Integration, Minerals and Waste:

Application Number: SCC/4113/2024

Date Registered: 6 November 2024

Parish: Tatworth & Forton Parish Council,

District: Somerset Council South,

Member Division: Chard South,

Local Members: Councillor Jason Baker, Councillor Jenny Kenton, Councillor Martin Wale and Councillor Connor Payne

Case Officer: Colin Arnold

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

Description of Application: PLANNING APPLICATION TO VARY CONDITIONS 1, 8 AND 11 OF P/VOC/2023/00946 TO ALLOW EXTENSION OF TIME FOR COMPLETION OF RESTORATION OF LAND AT CHARD JUNCTION QUARRY, CHARD JUNCTION, DORSET

Grid Reference: Easting - 334020, Northing - 104095

Applicant: Mr Chris Herbert, Aggregate Industries UK Ltd

Location: Chard Junction Quarry

Green Lane Junction Westford Park Road To Broadbridge Farm Junction

Chard Junction

Dorset

TA20 4QS

1. Summary of Key Issues and Recommendation(s)

1.1 Key issues:

- duplicate planning applications have been submitted to Somerset Council and Dorset 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 five previous occasions (see 2.5 below) the then Regulation Committee of Somerset County Council or this Scrutiny Committee have resolved to discharge its function as mineral planning authority in relation to this site 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 (of a total site area of 22.61ha) 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/4113/2024; 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 Members, 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.

Planning application reference P/FUL/2022/01971 for Deepening of a 1.4 Ha area of the previously worked area known as Hodge Ditch to release approximately 50 000 tonnes of previously unreachable sand and gravel was withdrawn on 15 June 2022

Planning application P/VOC/2023/00946 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 was granted on 18 May 2023.

Planning application ref. P/NMA/2023/06593 for Non Material Amendment - Change of restoration of the former quarry access road on the western side of the silt ponds up to the bund to mixed woodland instead of meadow grassland for P/VOC/2023/00946 (Variation of Condition 3 (Duration) of Planning Permission WD/D/20/000313 (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) to extend the end date to 31 December 2024 in order to restore the site.) was withdrawn on 8 Dec 2023.

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

The agent outlines the required changes to planning conditions in his accompanying letter with the application –

'...we have been unable to complete the work required to restore Chard Junction Quarry due to National Grid being unable to remove the electricity connection at the site which requires a wayleave over third party land. We understand that National Grid are now making

progress in this matter but because of this delay we are going to have to seek an additional one year time extension to complete the restoration works at the quarry.

We are therefore seeking to vary Condition 1 of the Permission to extend the end date for completing restoration of the site to the 31 December 2025.

Please be assured that the company remain committed to the completion of the restoration of this site and the delay that has caused this application has been due to matters entirely outside of our control.

From your recent site visit you would have seen that the majority of buildings, plant, machinery, foundations and hardstandings have been removed but as those that remain relate to the electricity connection we have also been unable to comply with the requirements of condition 8. However, given that we are only seeking a further 12 months to complete the restoration of the site, the requirements of condition 8 are now considered superfluous and we are therefore applying to remove this condition in its entirety, as condition 1 will provide the necessary control to secure the restoration of the site.

Finally, condition 11 requires updating to refer to the aftercare scheme that has now been approved for the silt lagoon and mineral processing areas of the site. In addition the current wording of condition 11 prevents aftercare from commencing anywhere on site until the entire site is fully restored and this is preventing Hodge Ditch and Carters Close from entering aftercare even though their restoration was completed at the end of 2023. We are therefore also seeking to have the following sentence removed from the condition:

“The aftercare period shall commence following the completion of restoration of the entire site as notified under condition 2.”

This would then allow the MPA the flexibility to agree for areas to be placed in aftercare after their restoration is completed on a phased basis, which is an approach we have used successfully at some of our sites in Devon.’

For clarities sake the original conditions are;

‘1. Duration of the development permitted

‘The development, subject of this permission, requires that the site shall be fully restored by 31 December 2024.

Reason: To safeguard the natural environment and amenity of the local area and to ensure the timely restoration of the site in accordance with Policies SSI (Presumption in favour of sustainable development), RS1 (Restoration, Aftercare and Afteruse of Minerals Development) and DM4 (Protection and Enhancement of Landscape Character and the Countryside) of the Bournemouth, Dorset and Poole Minerals Strategy.’

It is proposed to change the date on the above till 31 December 2025 (i.e. extend it by a year)

'8. Site Restoration No later than 9 months from the date of this permission being granted, all buildings, plant, machinery, foundations, hardstandings and access roads (excluding internal haul road between Broadbridge Lane and the private road leading to West Lears Farm) unless required in connection with the final use of the site, shall be permanently removed from the site.

Reason: In the interests of the amenities of the area in accordance with Policy RS1 - Restoration, Aftercare and Afteruse of Minerals development, of the Bournemouth, Dorset and Poole Minerals Strategy (BDPMS) (May 2014)'

It is proposed to delete this condition altogether as the matter will be covered by the amended condition 1 above.

11. Aftercare Within 6 months of the date of this permission, a five year scheme and strategy for aftercare management of the internal haul road, silt lagoon and mineral processing areas shall be submitted for the written approval of the Mineral Planning Authority. The aftercare period shall commence following the completion of restoration of the entire site as notified under condition 2. The aftercare scheme shall specify the steps to be taken, the period during which they are undertaken and who will be responsible for those steps. The scheme shall provide for an annual meeting and review of aftercare with the Mineral Planning Authority. The scheme shall be implemented in accordance with approved details.

Reason: To ensure the beneficial afteruse of the land and to ensure the viability of the newly created habitat in accordance with Policies DM4 (Protection and Enhancement of Landscape Character and the Countryside) and DM5 (Biodiversity and geological interest) of the Bournemouth, Dorset and Poole Minerals Strategy.

It is proposed to remove the second sentence from this condition.

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 (within a total site area of 22/61 ha). 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 five previous occasions in 1999, 2012, 2018, 2021 and 2023 when duplicate cross-boundary applications were submitted to Somerset and Dorset Councils for mineral development at the quarry, the then Regulation Committee and subsequently this Strategic 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 incur 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 Members for Chard North and Chard South be consulted on the application.

5. Conclusion

5.1 Application SCC/4113/2024 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/4113/2024; 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 Members, being consulted for their views regarding the application.