

Appeal Decisions

1. PURPOSE AND RECOMMENDATIONS

Purpose of Report: To inform Members of notified appeals and appeal decisions and to take them into account as a material consideration in the Planning Committee's future decisions.

Recommendations: It is **RECOMMENDED** that:
This report is for Information

Wards: Marshwood Vale

2.0 APPEAL DECISIONS

Appeal Reference: APP/D1265/W/22/3295006

Planning Reference: WD/D/19/000451

Proposal:

Temporary planning permission is sought for an extension to Chard Junction Quarry at Westford Park Farm for the winning and working of approximately 930,000 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 and silt lagoons for a period of seven years.

Address: Aggregate Industries UK Ltd, Chard Junction Quarry, South Chard, CHARD TA20 4QS

- 2.1 The planning application was considered by the Strategic and Technical Planning Committee in September 2021. The case officer for the application recommended to the committee that the application be approved. The Committee decided to refuse planning permission for the following reasons:

"The development is within the AONB where exceptional circumstances are required for development. Bearing in mind the landbank, the public interest in minimising HGV movements from other sources does not outweigh the harm identified to the AONB, contrary to paragraphs 176 and 177 of the NPPF"

- 2.2 The applicant subsequently appealed the refusal of planning permission. An Inspector was appointed, and a public local inquiry was held in Chard between 23rd August and 1st September, 2022. The Inspector's appeal decision letter was issued on 31st October 2022 and the appeal was dismissed.

- 2.3 The Inspector agreed with Dorset Council that it could demonstrate a landbank for River Terrace gravel in excess of seven years, and that the need for River Terrace gravel could therefore be met from allocated sites. As the proposed Chard Junction Quarry extension was an unallocated site, and outside of the Resource Blocks designated in the Bournemouth, Christchurch, Poole and Dorset Minerals Sites Plan (MSP), the Inspector concluded that the development would therefore be contrary to the adopted development plan.
- 2.4 As part of the development, a diesel generator would have been in constant operation at the proposed silt press, including throughout the night. Several properties are nearby, and the Inspector was unconvinced that “the proposed silt press could operate throughout the night at an acceptable noise level for this location.” Similarly, he concluded that “I am not convinced that noise would be adequately mitigated to an acceptable level.”
- 2.5 The Inspector considered whether there were exceptional circumstances to justify major development in the AONB, and whether such development would be in the public interest. He observed that “The proposed development would make a modest contribution to the local economy that would fall far short of being exceptional.”
- 2.6 The Inspector found that the appeal scheme would result in ecological and biodiversity benefits of moderate significance. He also thought that support would come from NPPF paragraph 176, which provides that the conservation and enhancement of wildlife is an important consideration in AONBs. But it is Government policy that decisions should enhance the natural environment by providing net gains for biodiversity and he concluded that the biodiversity net gain from the proposed development would not be considered as exceptional. Consequently, he concluded “I consider that the requirement for exceptional circumstances to justify major development in the AONB is not met. In addition, it has not been demonstrated that the proposed development is in the public interest.”
- 2.7 The Inspector considered that the proposal did not include provisions to protect and/or enhance the quality, character and amenity value of the countryside and landscape, and that the adverse impact on the landscape would not be adequately mitigated, and compensatory environmental enhancements would not offset the residual landscape and visual impacts.
- 2.8 The Inspector concluded that: “It is my judgement that the great weight to be given to conserving and enhancing landscape and scenic beauty in the AONB outweighs the great weight attributable to the benefits of mineral extraction, including to the economy, and the biodiversity benefits of the appeal scheme. Potential harm to the amenity of the area from silt press noise at night tips the balance further against the proposal. I find that the planning balance falls against the proposed development.”