

North Somerset Council

REPORT TO THE PUBLIC RIGHTS OF WAY SUB-COMMITTEE

DATE OF MEETING: 27TH JANUARY 2016

**SUBJECT OF REPORT: PROPOSED DIVERSION OF PART OF PUBLIC
BRIDLEWAY LA 2/10, SOUTH OF THE CURRENT
STANCOMBE QUARRY, BACKWELL**

TOWN OR PARISH: BACKWELL

OFFICER/MEMBER PRESENTING: PENNY PRICE

KEY DECISION: NO

RECOMMENDATIONS

- i) That the Committee approve the submission of the following opposed Public Path Diversion Order to the Secretary of State for Environment, Food and Rural Affairs with a request for confirmation:
'North Somerset Council (Part of Bridleway LA 2/10, south of the current Stancombe Quarry, between Backwell Hill Road and Bourton Combe, Backwell) Public Path Diversion Order No. 4 2015'
- ii) That the Committee approve the council's promotion of the Diversion Order in any subsequent proceedings

1. SUMMARY OF REPORT

North Somerset Council has made a Public Path Diversion Order under Section 257 of the Town and Country Planning Act 1990, for part of Bridleway LA 2/10, south of the existing Stancombe Quarry in Backwell, because it is satisfied that it is necessary to divert the bridleway to enable development to be carried out in accordance with planning permission no. 14/P/1179/F2, granted on 15th May 2015 under Part III of the Town and Country Planning Act 1990, namely:

"Planning application and Environmental Impact Assessment for the extension of Stancombe Quarry and increase in the end date for the whole quarry and all quarrying activities and operations to 31 December 2043 with landscaping and restoration. The development will include retention of the processing plant, asphalt plants, concrete batching plant, block making plant, laboratory, canteen facilities, storage units, extension to lean-to shed, silos and offices together with bagging aggregates and imported gravel at Stancombe Quarry, Stancombe Lane, Backwell."

There is one outstanding objection following formal Diversion Order consultation and the council cannot confirm an opposed Order itself. Therefore, Committee approval is now sought for submission of the Order and objection to the Secretary of State for Environment, Food and Rural Affairs, with a request for confirmation and for the council to promote the Order in any further proceedings.

A scanned copy of the Order and Public Notice is attached to this Report at Appendix 1. The Order Map No. PPO 166 shows the existing route between points A-B and the proposed route between points C-D-E-B.

Although the proposed diversion will be 252 metres longer than the existing route between points A-B, there will be access/safety improvements with regards path furniture, along the connecting Bridleway LA 2/59 which runs adjacent to Backwell Hill Road. Two bridleway dedication agreements are also proposed, to create spur links from the diverted bridleway. The submitted restoration plan for the quarry site, attached to this Report at Appendix 2, shows additional proposed routes, providing links both from the north of the existing quarry and for the proposed southern extension, when development is finished in 2043.

2. POLICY

This proposal forms part of the management of the Public Rights of Way network and so contributes to two corporate aims: “enhancing health and well being” and “protecting and improving the environment”.

3. DETAILS

Background

i) Legal context

The Order complies with the provisions of Section 257 of the Town and Country Planning Act and the relevant sections are extracted below:

“(1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development to be carried out--

- (a) in accordance with planning permission granted under Part III [or section 293A],
or
- (b) by a government department.

(2) An order under this section may, if the competent authority are satisfied that it should do so, provide--

- (a) for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
- (b) for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;

- (c) for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;
- (d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.”

This legislation therefore allows a local authority to grant an order, in this case to divert a bridleway, if it is satisfied that it is necessary to do so in order to enable development to be carried out.

This Order further complies with legislation under Section 257 because the development for which the planning permission relates has not been completed and is not substantially complete. As legislation provides for an order to be made to enable development to be carried-out, an order cannot be made or confirmed if development has already been completed or is substantially complete. The existing route is currently open for public use and has not been obstructed.

Before confirming an opposed Order (which has received objection), the Secretary of State must be satisfied that the criteria under Section 257, for an order to be made to enable development to be carried out, has been met.

DEFRA Rights of Way Circular 1/09 – Guidance for Local Authorities

Circular 1/09, specifically paragraphs 7.1–7.28, provides advice and guidance to local authorities. Those paragraphs of particular relevance to this determination are extracted below.

“7.10 The Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) provides that development affecting a public right of way must be advertised in a local newspaper and by posting a notice on the site (this is entirely separate from any notices and advertisements required when making and confirming a subsequent extinguishment or diversion order).”

“7.11 The grant of planning permission does not entitle developers to obstruct a public right of way. It cannot be assumed that because planning permission has been granted that an order under section 247 or 257 of the 1990 Act, for the diversion or extinguishment of the right of way, will invariably be made or confirmed. Development, in so far as it affects a right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect. The requirement to keep a public right of way open for public use will preclude the developer from using the existing footpath, bridleway or restricted byway as a vehicular access to the site unless there are existing additional private rights. Planning authorities must ensure that applicants whose proposals may affect public rights of way are made aware of the limitations to their entitlement to start work at the time planning permission is granted. Authorities have on occasion granted planning permission on the condition that an order to stop-up or divert a right of way is obtained before the development commences. The view is taken that such a condition is unnecessary in that it duplicates the separate statutory procedure that exists for diverting or stopping-up the right of way, and would require the developer to do something outside his or her control.”

“7.15 The local planning authority should not question the merits of planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a

right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.”

“7.18 The 1990 Act enables orders to include provision for the creation of an alternative highway, or the improvement of an existing one, for use as a replacement for one being stopped up or diverted. While a diversion must either commence or terminate at some point on the line of the original way, an alternative way need not do so and may, for instance, run parallel to the way being stopped up. However, to avoid the creation of a cul-de-sac and to enable the public, where appropriate, to return to that part of the original way not affected by the development, any alternative way provided should link by means of other highways to the original way.”

“7.20 In making a diversion order under section 257 of the 1990 Act the authority should give consideration to any necessary works that will be required to bring an alternative way in to a fit condition for public use. Where necessary the order, as specified by Schedule 1 of the Town and Country Planning (Public Path Orders) Regulations 1993 should state within its paragraph 3 that the diversion will not have effect until the authority certifies that the requirements defined in its paragraph 2 have been complied with. Note that certification achieved by completion of works must be advertised to the public in a local newspaper.”

While it is not open to question the merits of a planning permission when considering a diversion under Section 257, it should not be assumed that the order has to be made or confirmed simply because planning permission exists. The courts have held that there is a need to consider the merits of the proposed change and the effects it will have on the rights of those affected.

Objection

Responses to formal consultation comprised two objections and one additional party making representations. Following Officers seeking resolution of the objection points and representations, one objection has been withdrawn and the third party’s representation points satisfied, resulting in the landowner agreeing to enter into two proposed dedication agreements to secure further route improvements, if the Diversion Order is confirmed.

The one outstanding objection, which necessitates this Report is summarised below, with the objector’s full comments shown at Appendix 3:

1.	<p>Objector walks existing route on a daily basis, on their way to work and advises the changes will add about half a mile or ten minutes to their journey time, amounting to about 35 hours extra a year, roughly a working week.</p> <p>The alternative of driving would increase local congestion at peak times and slow road users, increase wear and tear on the roads increasing council costs (and the demand for road aggregate), add to global warming, increase pollution affecting public health and reduce the objector’s own level of exercise both of which are likely to add to the burden on the NHS. While individually each of the affects might be small, a rain forest is cut down one tree at a time and it all contributes to the destruction of the environment;</p>
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2.	<p>Objector approaches existing section of route to be diverted from the north east and leaves the western end by turning right (north west) onto the metalled road. The Quarry obstructs any possible route further north until the A370 is reached and this extension of the quarry will increase the already considerable extent of this obstruction;</p>
3.	<p>In not wishing to be inflexible, the objector suggested two possible solutions:</p> <p>a. if the quarry consider making a new Public Footpath through the northern part of the quarry, which presumably is now worked out, this may present a suitable compromise;</p> <p>b. alternatively, the quarry could construct an access under the existing footpath to the new area they wish to remove, leaving a bridge over the new gap. Increased area of cliff face created would also have environmental benefits;</p>
4.	<p>Further to the council sending the objector the quarry restoration plan, showing proposed future routes, the applicant's agent advised, in response to the objector's enquiry, that it is thought the quarry started operating in the 1940s and that the quarry end date is 2043, unless it is worked out before then.</p> <p>The objector responded that, given the quarry has been expanding for about 70 years already and has current plans to continue until 2043, the 10 plus years until the paths on this new map would appear to mean at least 28 years and probably never as the chances are that the quarry will continue to apply for extensions while any rock remains. The objector views that none of these paths are likely to be created within their lifetime if ever. Even then the proposed plans would not reinstate a through route to replace the one being destroyed;</p>
5.	<p>Objector advised that, given the intransigence of the quarry in refusing to properly consider any of the alternatives they have proposed, they have no alternative but to maintain their opposition to the destruction of this well used public right of way.</p>

Objector's comments made in response to Public Path Diversion Order formal consultation, with regards the approved planning permission included:

1.	<p>As a regular user of this footpath for over 20 years, the objector and other users they have discussed the matter with have no recollection of notification of this proposal being posted on the path. It would appear there is a case for Judicial Review of this planning permission on the grounds of failure to carry out reasonable notification and they will be investigating the matter further which may render this application to move the footpath irrelevant. The council may wish to await the result of these matters before wasting public money on pursuing matters further;</p>
2.	<p>The council responded to request for reference to Environmental Impact Assessment ('EIA'), submitted with planning application. Objector further advised it would appear EIA fails to make any assessment of the enhanced release of CO2 resulting from the</p>

	<p>expansion of the quarry and its continued running until 2043. This is one of the major environmental impacts of limestone quarrying but this may have been an inconvenient truth and thus deliberately omitted. That omission would appear to invalidate the impact assessment and thus the resulting planning approval, it would certainly raise grounds for judicial review.</p> <p>Objector advises they are currently putting together a team to consider the matter and consult with recognised national bodies as to whether this is a systemic problem with EIAs which requires a class action. As there may be an injunction to prevent quarry expansion while the matter is under review it might be premature to proceed with the minor matter of whether or not the footpath should be moved as this may well become irrelevant;</p>
3.	Has the Quarry Geotechnically meshed the existing quarry walls?;
4.	Objector advises they were trying to save the council time and expense in pursuing a matter which may turn out to be irrelevant if, as appears probable, due process was not carried out in the matter of the planning permission.

Comments from Applicant's Agent, when advised of outstanding objection points:

1.	There are no unacceptable environmental impacts involved and the agent does not consider the personal impacts are relevant. The impacts were considered by the council (at the planning application stage) and found to be acceptable;
2.	A number of improvements to the rights of way network are being provided which will benefit the wider public rather than impact on one individual;
3.	<p>The quarry extension and need to alter the right of way has long been referred to. To allow the quarry to extend, the right of way would need to be removed.</p> <p>The extension has been identified as a Preferred Area for stone extraction in the Avon Mineral Local Plan 1993 and the presence of the right of way acknowledged. The Preferred Area status of the quarry extension was continued in the North Somerset Council Sites and Policies SPD 2013 where the diversion/stopping up of the right of way was specifically referred to;</p>
4.	Both of the objector's two suggested solutions are not acceptable. The northern part of the quarry is heavily used by quarry plant and vehicles. A public right of way is not appropriate in this area. Accessing the extension by a tunnel is a ridiculous suggestion and would sterilise an enormous tonnage of limestone.

Officer comments:

1.	<p>This Public Path Diversion Order meets the requirements of Section 257 of the Town and Country Planning Act, including that the diversion is necessary to enable development to be carried out. With quarry operations expanding south of the existing Stancombe Quarry, it will not be possible to accommodate Bridleway LA 2/10 between points A-B on the Order Map;</p>
2.	<p>It is understood that the objector arrives at the section B-A to be diverted from the north east and leaves the western end by turning right/north west. While Officers are not aware of the complete round trip the objector takes to and from their workplace, Officers did outline to the objector proposed improvements which will benefit wider access and path furniture improvements on a connecting bridleway. Further information was also supplied to the objector, including the quarry restoration plan showing proposed access and the location of the requested Environmental Impact Assessment, with regards the planning application;</p>
3.	<p>The objector raised points with regards the planning permission, suggesting a case for judicial review of same. The planning permission was dated 15th May 2015 and the time limit for a judicial review of a planning decision is six weeks, so this had already expired before the Public Path Diversion Order was made and therefore before the objector's comments were received.</p> <p>The objector advises of no recollection of notification of the planning application being posted on the path. The Planning Officer has advised that, in addition to the planning application being advertised in the North Somerset Times on 18th June 2014, Site Notices advising of the application were displayed: one on the main road in Flax Bourton and one at the entrance to the Public Right of Way which currently crosses the quarry site, adjoining Backwell Hill Road.</p> <p>Although the objector advises the planning points were highlighted to save council time and expense if due process was not carried-out with the planning permission, Officers advice to the objector was that the council is processing the Public Path Diversion Order, made because it is satisfied it is necessary to divert the bridleway to enable development for which planning permission has already been granted, to be carried-out. It is not open to question the merits of the planning permission in considering the Diversion Order, although the merits of the proposed diversion and the effect it will have on the rights of those affected by it, does need to be considered;</p>
4.	<p>The objector's two suggested possible solutions were relayed to the applicant's agent and, in turn, the agent's advice that both suggestions were not acceptable, together with the reasons for this, was relayed to the objector.</p> <p>Although the restoration plan does show a future link route from the north of the existing quarry, it is considered that with the northern part of the quarry still heavily used by quarry plant and vehicles, a route here at present is not appropriate for public safety.</p>

	Officers appreciate that the suggestion of a tunnel for the quarry, to allow the existing route to continue overhead, would be too great an undertaking, in addition to the agent's advice with regards the enormous amount of limestone loss;
5.	In assessing any disadvantages or loss likely to arise as a result of the diversion of the way to members of the public, it is considered that the benefit to the local economy and employment in the area, outweighs any disadvantage stated by the single objector if they wish to follow the same diversion route on a daily basis.

4. CONSULTATION

Formal consultations were undertaken (including landowners, those parties/utility companies who had expressed an interest during the pre-order consultation stage, Backwell Parish Council, the local ward councillor and statutory consultees), with Public Notices appearing in the press and displayed on site; and a copy Order/Public Notice appearing on the council's website. The one outstanding objection is summarised at section '3. Details' of this Report, above.

5. FINANCIAL IMPLICATIONS

The applicants are to pay the council's normal Public Path Diversion Order application costs and those of bringing the new route into a fit condition for use by the public. If the Order is submitted to the Secretary of State for confirmation, none of the associated costs can be recovered, so these would be borne by the Council

6. RISK MANAGEMENT

If this Diversion Order is submitted to the Secretary of State, there are three methods which an Inspector can use to determine the matter: written representations; a Hearing or a Public Inquiry. As there is only one outstanding objection, this is likely to be a factor in the Inspector's direction of the procedure to follow.

The current planning permission cannot be implemented without the diversion of Bridleway LA 2/10.

7. EQUALITY IMPLICATIONS

Public rights of way are available for the population as a whole to use and enjoy irrespective of gender, ethnic background or ability and are free at point of use.

8. CORPORATE IMPLICATIONS

Any changes to the network will be reflected on the GIS system which forms the basis of the relevant corporate records.

9. OPTIONS CONSIDERED

The options to be considered by this Committee are:

- i) to approve the submission of the following opposed Public Path Diversion Order to the Secretary of State for Environment, Food and Rural Affairs with a request for confirmation (recommended):
'North Somerset Council (Part of Bridleway LA 2/10, south of the current Stancombe Quarry, between Backwell Hill Road and Bourton Combe, Backwell) Public Path Diversion Order No. 4 2015'
- ii) and to approve the council's promotion of the Diversion Order in any subsequent proceedings (recommended);
- iii) to abandon the Public Path Diversion Order, having regard to the risk management factors at section 6, above.

AUTHOR

Penny Price
Access Support Officer
Public Rights of Way (Natural Environment)
Tel. 01934 427467

BACKGROUND PAPERS

Public Rights of Way Section File PPO 166

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257
AND PARAGRAPH 1 OF SCHEDULE 14

NORTH SOMERSET DISTRICT COUNCIL
(PART OF BRIDLEWAY LA 2/10, SOUTH OF THE CURRENT STANCOMBE QUARRY,
BETWEEN BACKWELL HILL ROAD AND BOURTON COMBE, BACKWELL)
PUBLIC PATH DIVERSION ORDER NO. 4 2015

The above Order was made on 21st August 2015. The effect of the Order will be to divert that part of Public Bridleway LA 2/10 in the Parish of Backwell within the District of North Somerset as described below:

From that part of Public Bridleway LA 2/10 in the Parish of Backwell which runs from point A (grid reference ST 50228 67651) in a generally east, north easterly direction for approximately 402 metres to point B (grid reference ST 50618 67746) as shown by a bold black line on Map No. PPO 166.

to a Public Bridleway in the Parish of Backwell running from point C (grid reference ST 50344 67314) in an east, north easterly direction for approximately 250 metres to point D (grid reference ST 50589 67365), then in a generally north, north easterly direction for approximately 370 metres to point E (grid reference ST 50646 67730) and then in a generally west, north westerly direction for approximately 34 metres to point B (grid reference ST 50618 67746), with a width of 3 metres, as shown by bold black dashes on Map No. PPO 166.

Reference to Points A, B, C, D and E above are references to the points marked on the Order Map No. PPO 166.

A copy of the Order and Order Map has been placed and may be seen free of charge at the Reception desk, North Somerset Council Offices, Castlewood, Tickenham Road, Clevedon (opposite Clevedon Garages) from 9.00am to 4.30pm Mondays to Thursdays and 9.00am to 4.00pm on Fridays, or may be viewed on the Council's Web site (www.n-somerset.gov.uk/notices). A copy is also available for inspection at Backwell Post Office and Store, 30 West Town Road, Backwell, North Somerset BS48 3HH during normal post office counter opening hours (Mondays to Fridays 9.00am-5.30pm and Saturdays 9.00am-12.30pm). A copy can be obtained from North Somerset Council at the price of £6.50 if collected and £7.80 if posted out.

Any representation about or objection to the Order may be sent or delivered in writing to the Director of Development and Environment, Natural Environment Team, Streets and Open Spaces, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ not later than **24th September 2015** (quoting reference **PAP/PPO 166**). Please state the grounds on which it is made.

If no such representations or objections are duly made, or if any so made are withdrawn, North Somerset District Council may itself confirm the Order as an unopposed Order. If the Order is sent to the Secretary of State for the Environment, Food and Rural Affairs for confirmation, any representations or objections which have not been withdrawn will be sent with the Order.

Dated: 27th August 2015

David Turner
Director of Development and Environment

North Somerset Council
Town Hall, Walliscote Grove Road
Weston-super-Mare BS23 1UJ



**Town and Country Planning Act 1990
Section 257**

North Somerset District Council

**(Part of Bridleway LA 2/10, south of the current
Stancombe Quarry, between Backwell Hill Road
and Bourton Combe, Backwell)**

Public Path Diversion Order No. 4 2015

**N P Brain
Head of Legal and Democratic Services
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ**

Ref: PPO 166

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

NORTH SOMERSET DISTRICT COUNCIL (PART OF BRIDLEWAY LA 2/10, SOUTH OF THE CURRENT STANCOMBE QUARRY, BETWEEN BACKWELL HILL ROAD AND BOURTON COMBE, BACKWELL) **PUBLIC PATH DIVERSION ORDER NO. 4 2015**

This Order is made by North Somerset District Council ("the authority") under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the bridleway to which this Order relates in order to enable development to be carried out in accordance with planning permission no. 14/P/1179/F2 granted under Part III of the Town and Country Planning Act 1990.

This is namely: planning application and Environmental Impact Assessment for the extension of Stancombe Quarry and increase in the end date for the whole quarry and all quarrying activities and operations to 31 December 2043 with landscaping and restoration. The development will include retention of the processing plant, asphalt plants, concrete batching plant, block making plant, laboratory, canteen facilities, storage units, extension to lean-to shed, silos and offices together with bagging aggregates and imported gravel at Stancombe Quarry, Stancombe Lane, Backwell.

BY THIS ORDER:

1. The bridleway over the land shown by a bold black line on the attached map no. PPO 166 and described in Part 1 of the Schedule to this Order ("the Schedule") shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of North Somerset District Council an alternative highway for use as a replacement for the said bridleway as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map no. PPO 166.
3. The diversion of the bridleway shall have effect on the date on which North Somerset District Council certify that the terms of Article 2 above have been complied with.
4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule: clearance of surface and overhanging vegetation as necessary; establishment of diverted bridleway surface with fine stone, compacted with suitable cross fall; erection of post and wire fencing alongside route and the installation of new fingerpost signage at points B, C and D.
5. Where immediately before the date on which the bridleway is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That part of Public Bridleway LA 2/10 in the Parish of Backwell which runs from point A (grid reference ST 50228 67651) in a generally east, north easterly direction for approximately 402 metres to point B (grid reference ST 50618 67746) as shown by a bold black line on the attached Map No. PPO 166.

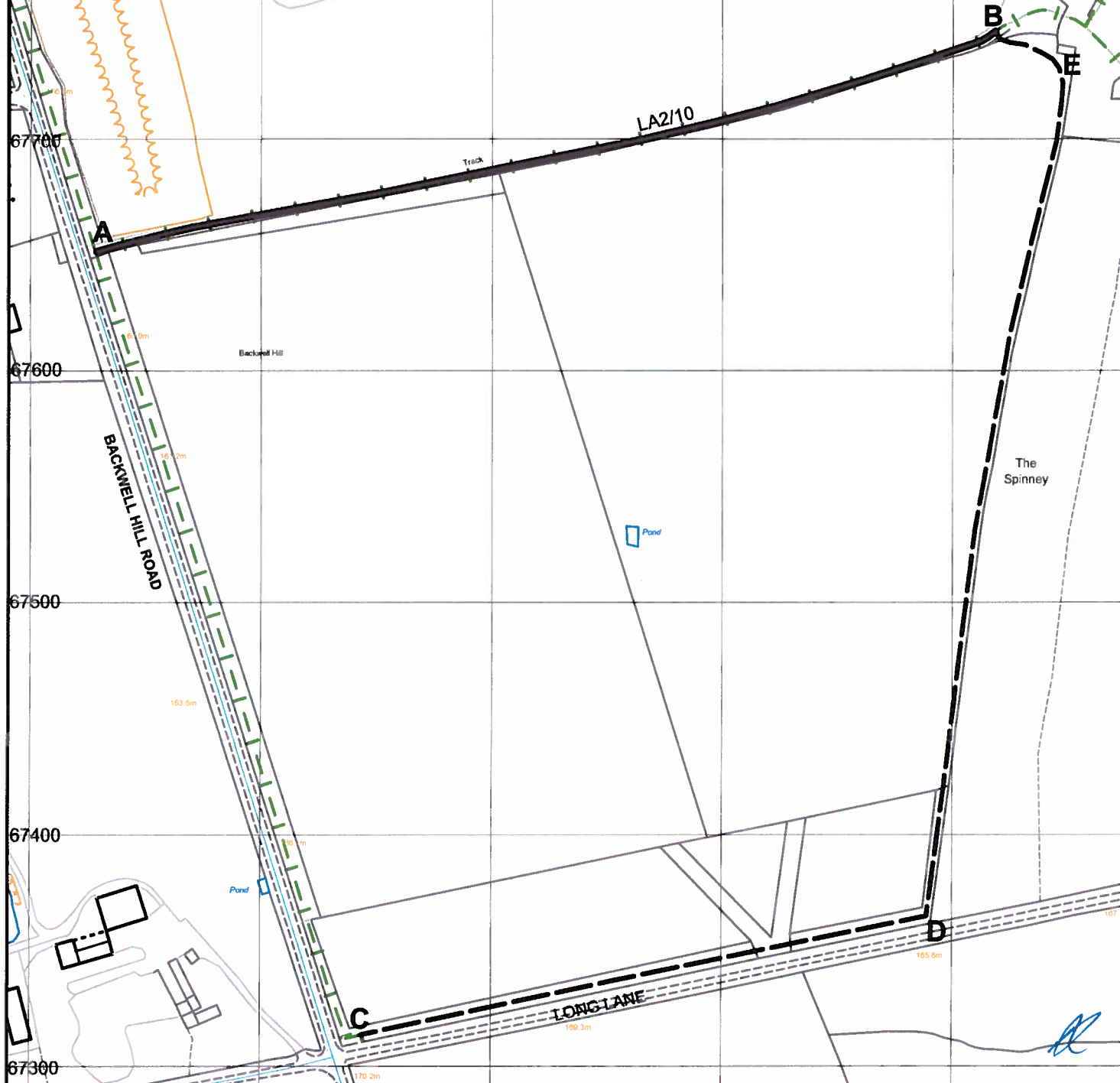
PART 2

DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAY

A Public Bridleway in the Parish of Backwell running from point C (grid reference ST 50344 67314) in an east, north easterly direction for approximately 250 metres to point D (grid reference ST 50589 67365), then in a generally north, north easterly direction for approximately 370 metres to point E (grid reference ST 50646 67730) and then in a generally west, north westerly direction for approximately 34 metres to point B (grid reference ST 50618 67746), with a width of 3 metres, as shown by bold black dashes on the attached Map No. PPO 166.

50300 50400 50500 50600

Map No. PPO 166



This map forms part of Public Path Diversion Order No. 4 2015, Sealed by North Somerset District Council in August 2015

Town & Country Planning Act 1990 - Section 257 North Somerset District Council

Public Path Diversion Order No. 4 2015

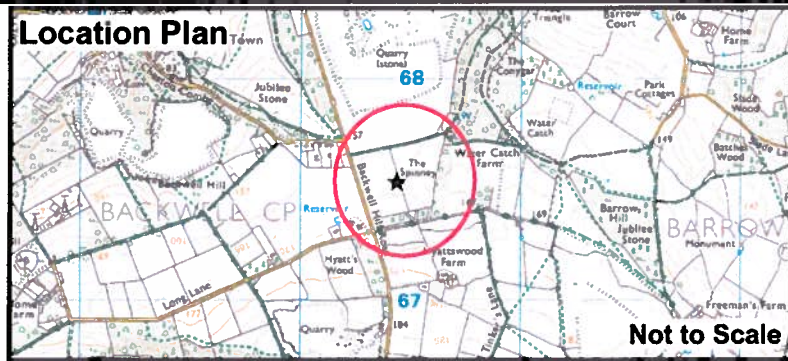
Part of Bridleway LA 2/10, south of the current Stancombe Quarry, between Backwell Hill Road and Bourton Combe, Backwell



North Somerset COUNCIL

Development & Environment

Public Rights of Way
Streets and Open Spaces
North Somerset Council
Town Hall
Wallscote Grove Road
Weston-super-Mare
BS23 1UJ
Tel: 01934 888 802



Scale 1:2500

Date 20 August 2015

Grid Square ST5067

Drawn by Penny Price

BRIDLEWAY TO BE DIVERTED

Existing (A-B) ————

Proposed (C-D-E-B) - - - - -

Connecting Bridleways - | - | - | -

NORTH

Given under the Common Seal of North Somerset District Council the 21st day of August 2015.

THE COMMON SEAL of)
NORTH SOMERSET)
DISTRICT COUNCIL)
was hereunto affixed in)
the presence of:)

16145



HEAD OF LEGAL AND DEMOCRATIC SERVICES

Legend

- Application Boundary
- Existing Public Footpaths
- Existing Public Bridleways
- Currently Proposed Rerouted Bridleway
- Suggested New Routes to view both into the quarry and externally northwards (Footpath/Bridleway)
- Proposed Viewing Platform and DDA ramp
- Possible additional routes within the restored quarry - Northern Section of Bridleway placed back on its original alignment - gradient N/S, 1 in 5 - too steep for horses but ok as footpath
- Proposed New Bridleway following completion of site restoration

This Drawing May Not Be Used Without Consent Of: Poydell Smithyman Limited, 20A The Wharfrage, Shropshire, Shropshire, ST9 7NH. This Drawing May Not Be Used Without Consent Of: Poydell Smithyman Limited, 20A The Wharfrage, Shropshire, Shropshire, ST9 7NH.

Timescales

- The Viewing Platform and Interpretation Board could be created within Phase 1
- The Suggested New Routes Additional Routes and Occasional Seating could be created within Phase 4

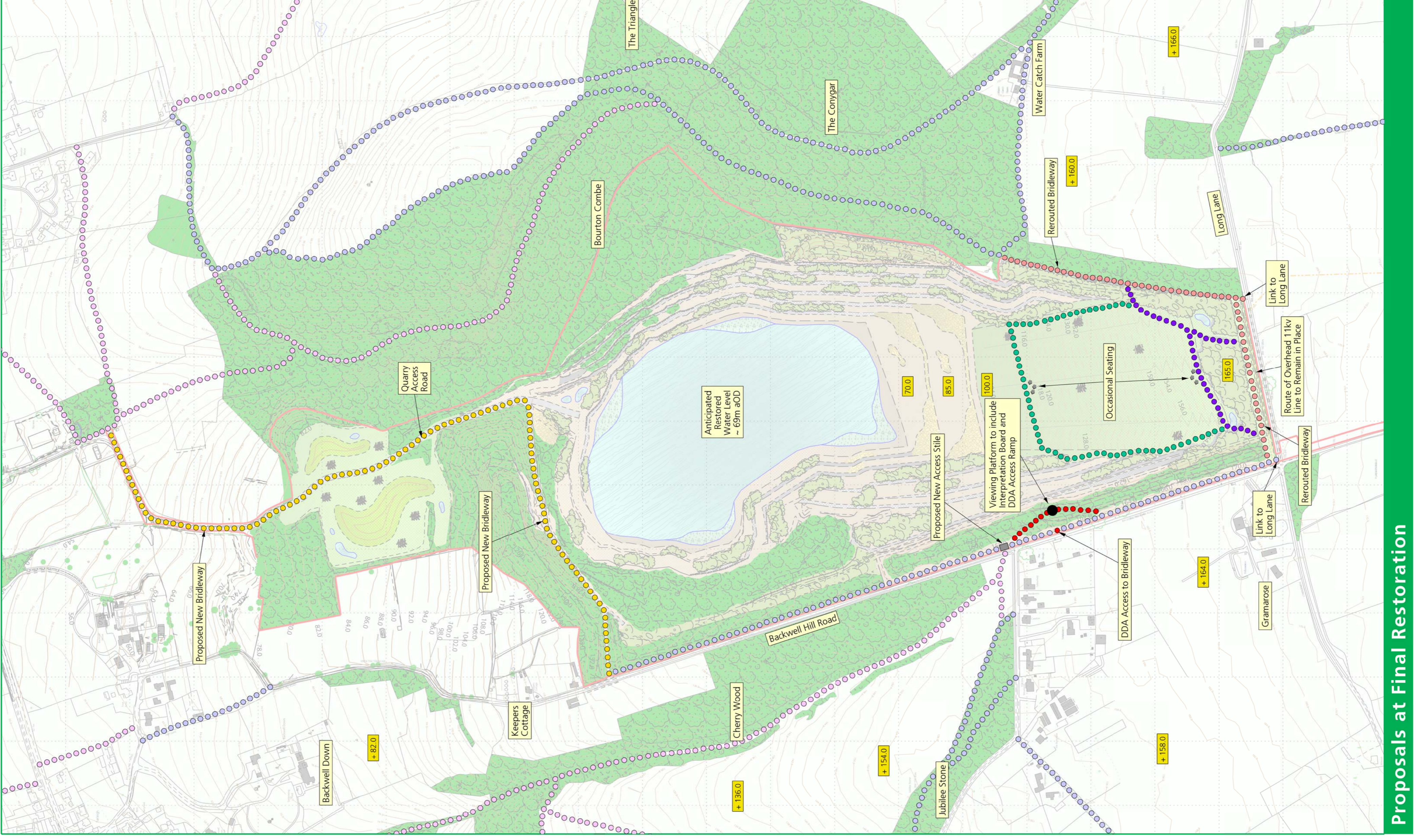
LAFARGE TARMAC
Lafarge Tarmac Limited

Poydell Smithyman
Poydell Smithyman Limited
20A The Wharfrage, Ironbridge
Shropshire, TF8 7NH
Tel: +44(0)1952 453217
Fax: +44(0)1952 453227
www.poydellsmithyman.co.uk

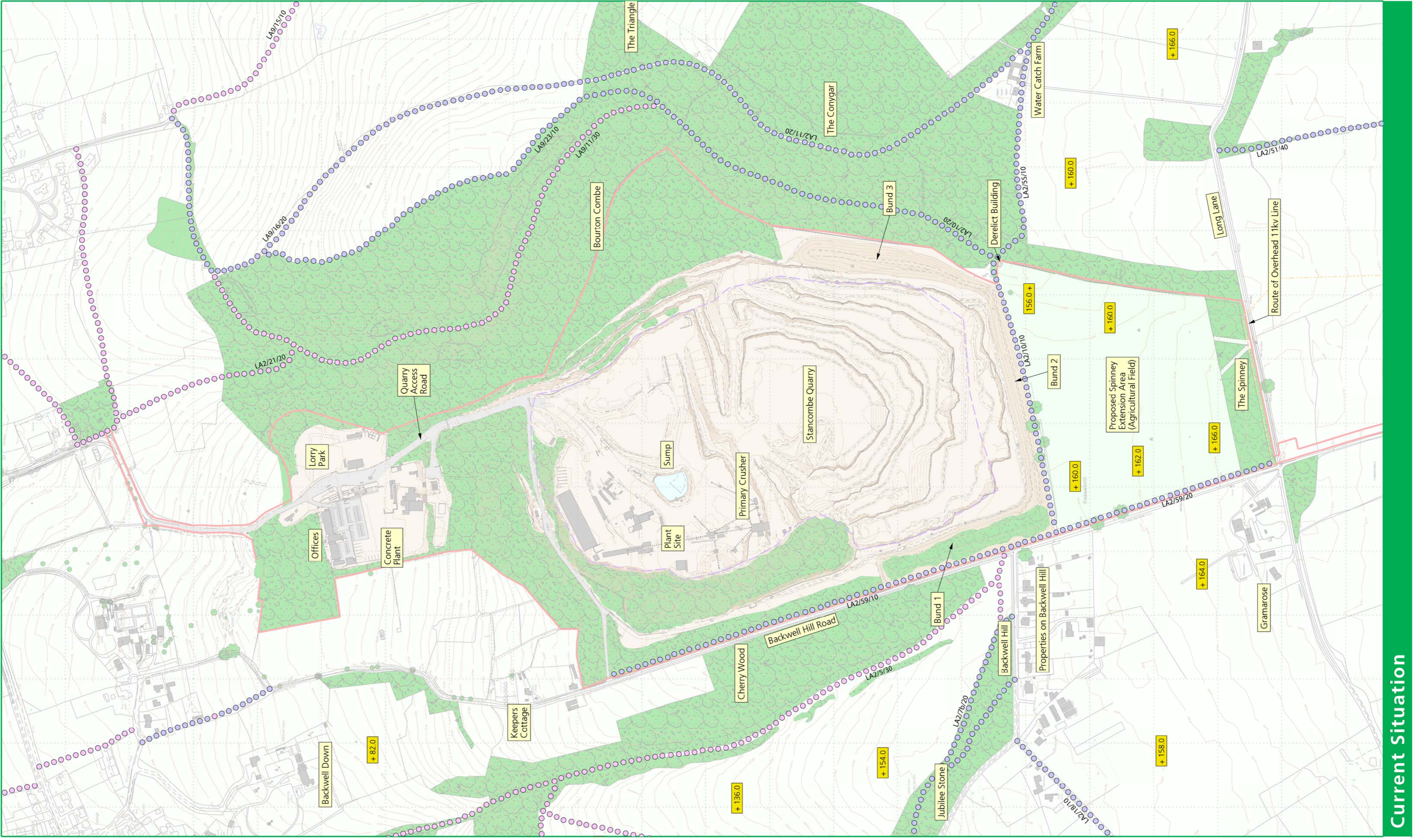
Stanccombe Quarry

Proposed Public Rights of Way

Drawn By	R.J.S. / L.M.B.	Scale	1:4000 @A1
Date	March 2015	Drawing No	M11.174(a).13B



Proposals at Final Restoration



Current Situation

OBJECTOR'S FULL COMMENTS RECEIVED

(PLEASE NOTE THAT PARAGRAPHS/WORDING RELATING TO PERSONAL QUALIFICATIONS OR RELATIVES HAVE BEEN REMOVED FROM THIS DOCUMENT)

1. Letter dated Tuesday 15th September 2015

I am writing to object to the proposed footpath/bridleway changes. I walk the existing route on a daily basis on my way to work. The changes will add about half a mile or ten minutes to the journey time. On the typical basis of working about 200 days a year [after allowing for weekends and holidays this amounts to about 35 hours extra per year, roughly a working week. The alternative of driving would increase local congestion at peak times and slow other road users, increase wear and tear on the roads increasing council costs [and the demand for road aggregate], add to global warming, increase pollution affecting public health and reduce my own level of exercise both of which are likely to add to the burden on the NHS. While individually each of the affects might be small a rain forest is cut down one tree at a time and it all contributes to the destruction of the environment.

Further emails sent were in relation to council Officers seeking to resolve objection points

2. Email dated 12th October 2015

Thank you for your email. I do not see anything in it that would incline me to withdraw my objection to the proposed changes.

I note that you imply that planning permission for the quarry extension has already been approved. As a regular user of this footpath for over 20 years I and other users I have discussed the matter with have no recollection of notification of this proposal being posted on the path. I have had discussions with my sister in law who is a lawyer over the weekend. It would appear there is a case for Judicial Review of this planning permission on the grounds of failure to carry out reasonable notification and we will be investigating the matter further which may render this application to move the footpath irrelevant. You may wish to await the result of these matters before wasting public money on pursuing matters further.

3. Email dated 27th October 2015

Thank you for your response, I apologise for the delay in replying but I have been out of the country for a couple of weeks. Concerning your most recent communication as we both appreciate the agents are paid to spin the information to the extractors benefit and, as is their duty to their client, are hardly presenting an unbiased case.

Concerning the route. I approach the section of the footpath which has applied to be destroyed from the north east and leave the western end by turning right [north west] onto the metalled road. The quarry obstructs any possible route further north until the A370 is reached and this extension of the quarry will increase the already considerable extent of this obstruction.

Not wishing to be inflexible might I suggest two possible solutions. Should the quarry consider making a new public footpath through the northern part of the quarry, which presumably is now worked out as they claim to need to acquire further land to the south, this may present a suitable compromise, alternatively they could construct an access under the existing footpath to the new area they wish to remove leaving a bridge over the new gap. The increased area of cliff face created would also have environmental benefits. Agreement to either of these solutions would depend on consideration of the details of the proposals that the quarry might put forward.

4. Email dated 28th October 2015

Could you provide some clarification over the comment "The link to the online planning application details which I attached in my previous email includes, for example at the 2nd document, a final restoration plan, which includes path details. Although I appreciate that this shows the whole final plan, I understand it does include some earlier improvements.". Does this refer to once the quarry has ceased to use the site?

Could you refresh my memory as to when this quarry was first opened and when it is currently planned to continue until?

5. Email dated 30th October 2015

Given that the quarry has been expanding for about 70 years already and has current plans to continue until 2043 then the 10 plus years until the paths on this new map would appear to mean at least 28 years and probably never as the chances are that the quarry will continue to apply for extensions while any rock remains. In all cases none of these paths are likely to be created within my lifetime if ever. Even then the proposed plans would not restate a through route to replace the one being destroyed.

A site meeting would probably be in order once sufficient information has been acquired. I presume the original planning application was accompanied by an environmental impact assessment. Could you supply me with the section which covers the CO₂ releases which will result from the continued working of the quarry, clearly crucial to any environmental impact assessment in the light of global warming.

6. Email dated 4th November 2015

Thank you for the environmental impact assessment. Unless I am missing something it would appear that this fails to make any assessment of the enhanced release of CO₂ resulting from the expansion of the quarry and its continued running until 2043. As anyone with a basic knowledge of geochemistry would know this is one of the major environmental impacts of limestone quarrying but this may have been an inconvenient truth and thus deliberately omitted. That omission would appear to invalidate the impact assessment and thus the resulting planning approval, it would certainly raise grounds for judicial review.

I am currently putting together a team to consider the matter. We will be consulting with the BCRA [British Cave Research Association], CPRE and other recognised national bodies as to whether this is a systemic problem with EIA's which requires a class action. As there may be an injunction to prevent quarry expansion while the

matter is under review it might be premature to proceed with the minor matter of whether or not the footpath should be moved as this may well become irrelevant.

I note you have not yet come back on the matter of the notification of the quarry expansion. Have you discovered what notification was posted?

Should you wish to discuss the geochemical issues please feel free to phone me on xxxxx xxxxxx.

7. Email dated 5th November 2015

One matter raised by our technical experts: Has the Quarry Geotechnically meshed the existing quarry walls?

8. Email dated 5th November 2015

Thank you for your response, I was trying to save your department time and expense in pursuing a matter which may turn out to be irrelevant if, as appears probable, due process was not carried out in the matter of the planning permission. Given your response "I'm currently enquiring with the Planning Officer who dealt with the planning application for the quarry extension, as to the notification undertaken, as mentioned in your email and I'll be back in touch when I have an update." I am still waiting for the promised reply which has not yet been forthcoming. Should I presume that the answer would be an inconvenient truth? The failure to produce a response, particularly in the light of your stated intention to do so, will of course be pertinent to any subsequent enquiry.

If you wish to focus purely on the diversion I am happy to confirm that, given the intransigence of the quarry in refusing to properly consider any of the alternatives we have proposed, I have no alternative but to maintain my opposition to the destruction of this well used public right of way. On the matter of my route approaching and leaving the section of right of way proposed for destruction I did cover this in my email of the 27th October, could you clarify what it is you do not understand?