

## REPORT TO THE STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	22 June 2021
<b>Application Number</b>	PL/2021/04232
<b>Site Address</b>	Fairford Road, Marston Meysey, SN6 6LL
<b>Proposal</b>	The extraction of minerals, provision of associated infrastructure including access and processing facilities, associated ancillary buildings, structures and operations, with site restoration using imported materials to agriculture and enhanced ecological interest and biodiversity.
<b>Applicant</b>	Hills Quarry Products Ltd
<b>Town/Parish Council</b>	Latton
<b>Electoral Division</b>	Cricklade and Latton – Councillor Bob Jones MBE
<b>Grid Ref</b>	412908 196528
<b>Type of application</b>	County Matter
<b>Case Officer</b>	Jason Day

### Reason for the application being considered by Committee

1. The delegation to another local authority of the function to make strategic planning decisions is not covered in the scheme of delegation to the Director for Economic Development and Planning as detailed in Part 3 Section D3 of the Constitution.

### Purpose of Report

2. To consider a proposal for Wiltshire Council to delegate the determination of a planning application for mineral extraction which crosses the administrative boundary to Gloucestershire County Council.

### Report Summary

3. Duplicate planning applications have been submitted to Wiltshire Council and Gloucestershire County Council for development of a new quarry site straddling the county boundary, with only a very small proportion of the site being within Wiltshire.
4. As the proposed extraction area lies in Gloucestershire, with only the point at which the new access is created onto the public highway lying in Wiltshire, it is recommended that Wiltshire Council delegates its function as the determining mineral planning authority for this application to Gloucestershire County Council under Section 101(1) of the Local Government Act 1972.

## **Proposals and Description of the Site**

5. Hills Quarry Products Ltd are proposing to develop a new quarry at Down Ampney. The proposed mineral extraction area, plant site, offices and haul road lie wholly within Gloucestershire, and only the point of access onto the public highway is in Wiltshire. In accordance with planning requirements, duplicate planning applications have been submitted to Wiltshire Council and Gloucestershire County Council.
6. Plans to show the application area and administrative boundary are attached at **Appendix 1**.
7. The site, referred to as 'Airfield Quarry', is being developed in partnership with the landowner, Farmcare Trading Ltd. The application site comprises approximately 236 hectares of agricultural land and mixed woodland plantations, located approximately 1 km east of the villages of Down Ampney and Latton, 0.8 km west of the village of Marston Meysey and 1.5 km northeast of the town of Cricklade. The remnants of a Second World War airfield lie at the heart of the site, comprising parts of the runways and the perimeter road. The proposed access crosses the watercourse on the north side of the C124/Eastern Spine Road, between Gally Leaze Bridge and Sheepen Bridge, which forms the boundary between the two counties. The relative areas are 236 ha in Gloucestershire and 0.2 ha in Wiltshire.
8. The quarry would supply local and regional construction material needs with an estimated 6.5 million tonnes of sand and gravel over 13 years, at an average output of 510,000 tonnes per annum. The quarry would operate a mineral washing and screening plant, a bagging plant to package materials for retailers and a batching plant to produce ready-mixed concrete. The land would be progressively restored to a mix of farmland with areas of increased ecological interest and biodiversity. The restoration of the site will require an estimated 4.9 million tonnes of inert materials. Imports would average 200,000 tonnes per annum. The restoration operation is estimated to take 24 years. The active life of the quarry, from initial site set up to final restoration works, is estimated to be 26.5 years.
9. The proposed quarry is located within 'Allocation 06 – Land southeast of Down Ampney' of the Minerals Local Plan for Gloucestershire (2018 – 2032) adopted by Gloucestershire County Council on 20 March 2020. Policy MA01 of the Local Plan states that the principle of mineral working for aggregates has been accepted within this location, subject to satisfying the detailed development requirements set out in the Plan.

## **Responsibility for Determination of the Applications**

10. National Planning Practice Guidance confirms that if an application site is on land that falls within the boundary of more than one local planning authority, then identical applications must be submitted to each local planning authority, identifying on the plans which part of the site is relevant to each. However, in accordance with the nationally set planning fee regulations, the full application fee has been paid to Gloucestershire County Council whose area contains the largest part of the application site.
11. While it is open to Wiltshire Council to determine the planning application that it has received for the proposed new quarry, such an approach would be artificial as the area of land within its administrative area is just a few square metres, comprising only of the junction bellmouth arrangement where the access road would meet the public highway. All the operational aspects of the 236ha application area, including the access road itself lie within Gloucestershire. Separate consideration and determination of the application by the two Councils could also lead to an uncoordinated approach with differing decisions.

12. 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 typically established if it is likely that there will be several cross-boundary applications and so is not considered appropriate in this case.
13. Alternatively, pursuant to Section 101(1) of the Local Government Act 1972 a local authority may arrange for the discharge of any of its functions by any other local authority. In this way it is possible for one Local Planning Authority to delegate its development control functions to another in respect of a specific cross-boundary planning application or site.
14. Accordingly, Wiltshire Council could delegate its decision-making powers to Gloucestershire County Council in respect of the determination of this cross-boundary planning application. Gloucestershire County Council would lead the determination of the planning application and Wiltshire Council would act as a consultee. Gloucestershire County Council would be responsible for all the administrative tasks associated with the application, such as consultations and publicity.
15. Gloucestershire County 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 Wiltshire Council to delegate its authority. The Applicant has also requested that Wiltshire delegate its decision making to Gloucestershire in this instance given the very small part of the site lying in Wiltshire.

#### **Issues**

16. The part of the development that lies within the administrative area of Wiltshire is a very small proportion of the application site overall, comprising only the site access junction arrangement and visibility splays;
17. Officers consider that the most appropriate process for determining the planning application is for Wiltshire Council to delegate determination to Gloucestershire County Council, for the following reasons:
  - The development proposal is more coherent and therefore can be more properly considered if it is not split into two separate applications but is dealt with in its entirety by a single planning authority. This would also, should permission be granted, assist with monitoring compliance with planning conditions and obligations which apply to the site;
  - The Environmental Impact Assessment that has been carried out considers the proposed new quarry, with submission of a single Environmental Statement. This includes a transport assessment that sets out the routing of HGV traffic and considers the changes in traffic on the local highway network;
  - Gloucestershire County Council is better placed to deal with the entirety of the development, having allocated the site for future mineral working in its Minerals Local Plan adopted in March 2020; and
  - The interests of Wiltshire Council can be satisfactorily addressed in its role as a consultee in the planning process. The Council as the Local Highway Authority has previously engaged in pre-application discussions with the Applicant and their counterparts at Gloucestershire County Council.

18. A further consideration is that Wiltshire Council has not received a planning fee for the application 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.
19. If the function to determine the application is delegated to Gloucestershire County Council it would be appropriate for the Mineral Planning Authority and the Local Highway Authority within Wiltshire be consulted separately on the application, as well as the Division Member for Cricklade and Latton.
20. To aid efficient and consistent decision-making, 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.

### **Conclusion**

21. The part of the application area that lies within Wiltshire is very small (0.2 ha). All the operational aspects of the 236ha application area lie within Gloucestershire, and which is allocated for mineral working in the adopted Minerals Local Plan for Gloucestershire. Whilst planning process requires duplicate applications to be submitted to each authority, legislation makes it possible for one local authority to delegate its development control functions to another. The interests of Wiltshire Council can be satisfactorily addressed in its role as a consultee in the planning process. It is therefore considered that in this case, the most appropriate process for determining the planning application is for Wiltshire Council to delegate determination to Gloucestershire County Council.

### **Recommendation**

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

- a) determination of planning application ref: PL/2021/04232; and
- b) determination of any subsequent applications for the discharge of conditions or non-material amendments pursuant to that application;

subject to Wiltshire Council in its roles as mineral planning authority and highway authority, together with the local Divisional Member and parish council, being consulted for their views regarding the proposed development.

Location Plan:



Land within Wiltshire:

