

Planning Committee – 24 September 2008

Report of the Development Manager

Enforcement Item: E282/25/2007

1. **File/Complaint Number** E282/25/2007
2. **Location of Site** Land South East of Allerford Fishing Pond, Norton Fitzwarren.
3. **Names of Owners** West Somerset Railway Association, The Railway Station, Bishops Lydeard, TAUNTON.
4. **Names of Occupiers** West Somerset Railway Association and John Luffman Trading.
5. **Nature of Contravention** Sorting and selling excess ballast
6. **Planning History** A complaint was received that large volumes of ballast were being deposited, crushed and sold by a contractor constructing the triangle at the above. Members will no doubt recall that Planning Permission was granted to West Somerset Railway Association (WSRA) in April 2005 for the change of use of land to form a turning triangle, embankments and reinstatement of the former track on land adjacent to Allerford Pond. WSRA had intended that the development would be constructed using material from two large forthcoming developments in the area, namely the demolition of the Cider Factory and the redevelopment of Taunton Trading Estate. All the crushed material from these developments would be brought to site by road. All the relevant approvals from the Environment Agency had also been obtained. Detailed negotiations were entered into with both contractors but considerable delays were occurring and no firm date could be obtained.

During this time Network Rail offered WSRA clean inert material in the form of spent ballast from their maintenance operations. With no firm date from the other developments it was decided to take up Network Rail's offer. Network Rail has based their High Output Ballast Cleaner at Fairwater Yard. This highly automated machine works at night to clean and replace ballast under the tracks. The machine lifts the old ballast and replaces it with new in a single pass. The old ballast is conveyed within the train along a series of hopper wagons. The lines between Bristol and Exeter and Taunton and Newbury are those that are currently being serviced which will take another two, maybe three years. The machine will then move to Birmingham and no further ballast will be available to WSRA. A revision to the Planning application was made to incorporate these arrangements. The revised proposals included an area to store, screen and handle the unloading operation. The area set aside for this was approved by both the Local

Authority and the Environment Agency. In order to extract useable material there would need to be a greater volume than required. The material has to be screened to remove both the large and smaller aggregate. This was stated in the revised proposals and it was intended to sell the excess material to the Taunton Cider site, Taunton Trading Estate and major developments in Minehead using the railway corridor for delivery. The entire surplus for both 2007 and 2008 would have been taken by these projects.

In early 2007 when deliveries began it became clear that none of the contracts would start imminently so WSRA sent a letter dated 31 January in compliance with Condition 8 outlining proposals to move aggregate by road. John Luffman Trading of Tiverton is the appointed contractor for the triangle and surplus aggregate was moved by road to a large contract in Bridgwater. John Luffman took most of the aggregate to other sites which were currently being developed. John Luffman secured a contract in 2007 for road stone. However this was small chippings. In order to achieve the correct technical specification of aggregate size they started a crushing operation in between two of the existing screens using a machine to size the aggregate.

In summary the current situation is that WSRA are receiving, storing, handling and screening ballast using as much as needed in the construction of the triangle and making the balance available for sale in accordance with the details contained in the original and revised application. The volumes on site vary but are in accordance with the agreed locations and storage limits agreed with the Environment Agency. At the current rate of progress and dependant upon Network Rail's programme of works upon which WSRA rely, it is estimated that the triangle would be substantially complete in the next two to three years and the activities on site would run down to clear any remaining stocks at that time.

7. **Reasons for taking Action** It is considered that in order for the approved triangle to be constructed WSRA have had to rely on the selling of the surplus ballast. This has also involved not only the implementation of an additional process but the stock piling of material. Due to the relatively short time scale of the project no further action at this time should be taken.
8. **Recommendation** Members to resolve that No further action be taken.

In preparing this report the Planning Officer has considered fully the Implications and requirements of the Human Rights Act 1998

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