

Costs Decision

Site visit made on 2 November 2021

by Simon Warder BSc(Hons) MA (DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Costs application in relation to Appeal Refs: APP/V3500/W/20/3264295 and APP/V3500/W/20/3264296

Hadleigh Quarry, Aldham Mill Hill, Hadleigh IP7 6DL

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by JT Few Plant Hire Ltd and Buffalo Crow Ltd for a full award of costs against Suffolk County Council.
 - The appeals were against the refusal of planning permission for the erection of a wash plant and associated Silt Lagoons without complying with conditions attached to planning permission Ref SCC/0157/17B, dated 23 January 2018 (Appeal A) and the extraction of sand and gravel without complying with conditions attached to planning permission Ref B/12/01244, dated 20 December 2012 (Appeal B).
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Decision

1. The application for an award of costs is refused.

Preliminary Matter

2. This decision follows the appeals made by JT Few Plant Hire Ltd and Buffalo Crow Ltd. Although the appellants for the appeals are different, the same evidence was submitted for each and a single costs application has been made.

Reasons

3. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. In this case the applicants consider that the Council's decision prevents development which should clearly be permitted, leading to unnecessary expense in conducting an appeal which should not have been required.
 4. The applicants consider that, whereas they have presented significant evidence, the Council has failed to produce evidence to substantiate each reason for refusal, instead relying on anecdotal views and unevidenced comments from third parties. Further, that the reasons for refusal are vague, generalised and inaccurate and, as Council officers recognised during the determination of the application, all of the concerns were capable of being dealt with by conditions. The Council received specialist advice on each of the three main issues in the appeals and its officers recommended that the permissions sought should be granted, subject to amended conditions.
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5. The appellant's highways evidence does provide substantive information on traffic flows and speeds, the width of Aldham Mill Hill and on the layout of the site access and the A1071/Aldham Mill Hill junction. Nevertheless, that information still needs to be interpreted in order to assess the highway safety effects of the significant increase in HGV movements proposed.
6. The local knowledge which the Council relied on in part can provide insight into matters such as the interaction of fast and slow moving vehicles at the A1071 junction, the implications of increased HGV movements on Aldham Mill Hill and the safety of turning movements at the site access (where all parties agree that the visibility available falls short of the relevant standards). I agree with the applicants to the extent that the claimed poor accident record at the A1071 junction was overstated. Nevertheless, overall it was not unreasonable for the Council to take local views, as well as the applicants' evidence, into account in its conclusions on highway safety.
7. The applicants did not produce a dust or air quality assessment in support of its Dust Management Plan. Although, I found that such an assessment was not strictly necessary, the relevant guidance on the matter pulls in different directions. In the absence of a formal assessment, both the applicants' and the Council's evidence relies to a degree on assertion as to whether the measures set out in the Dust Management Plan would be effective. In this context and, again taking into account the concerns expressed locally (even recognising that fewer people expressed concern on this matter than on highway safety), it was not unreasonable for the Council to reach the conclusion it did on this matter.
8. I have found that the applicants' Noise Report does not provide an adequate assessment of the noise effects of the proposals in terms of the choice of the baseline, the spatial extent of the assessment or the range of activities to be assessed. Since the Council found similar shortcomings, its position on this matter was not unreasonable.
9. Consequently, I consider that the Council did provide sufficient evidence to substantiate its position on each of the reasons for refusal and to conclude that the concerns could not be overcome by condition. Its appeal statement acknowledges the weight which the National Planning Policy Framework requires to be given to the continued supply of minerals, but also recognises the need for adequate mitigation. Moreover, I have found that, on the basis of the applicants' evidence, that extent of the claimed benefits of the proposals is limited. The Council's reasons for refusal are reasonably well defined, concern proper planning matters and are supported by relevant national and development plan policies. Overall therefore, I find that the Council's position has been sufficiently substantiated as required by PPG paragraphs 16-049-20140306 and 16-050-20140306.
10. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and that an award of costs is not justified.

Simon Warder

INSPECTOR