

California Quarry Gas Drilling Application - Swanage Town Council Q and A Sheet

Question

Part 1 - Questions regarding the Gas Drilling Application

Why did the Town Council not comment on the Planning Application?

Answer

The Town Council did not respond to the planning application because the access road, which is in its ownership, was included in the application. Whilst the Council did not have a pecuniary interest in the application it was nevertheless an interested party and in line with its long-standing policy on such applications it did not comment. This is to ensure that the Council cannot be seen to have responded to an application on the basis of matters that affect its property, rather than the merits of the planning application itself.

What contact has the Town Council had with the drilling company?

Representatives of the Town Council have met with representatives of Infrastrata on the following occasions: 28th May 2013 (meeting requested by Infrastrata to make the Council aware of the project and the public information days held in June 2013); 25th September 2013 (Town Council requested meeting to discuss concerns regarding access along Panorama Road raised at Public Participation time on 2nd September 2013); 30th June 2014 (Town Council requested meeting to discuss concerns raised at the Policy Meeting held on 23rd June 2014).

Why has the Town Council not discussed the wider issue of gas drilling in Swanage?

The proposal for gas drilling at California Quarry has been on the agenda for discussion at Council meetings on the following occasions: 2nd September 2013 (min. 58), 7th October 2013 (min. 70), 23rd June 2014 (min. 9) and will be again on 1st September 2014. All of these occasions have been in open public session.

There has been no Environmental Impact Assessment. There are flora and fauna of great interest on and around this site and they need protection. This will be an industrial site which will have much more impact than the quarry.

See answer provided by Infrastrata in their FAQ sheet.

Part 2 - Questions regarding access to California Quarry

Does the Council's ownership of the road enable it to prevent the gas drilling going ahead?

No. the Council has no grounds to influence what activities are carried out on the land in the quarry owner's ownership. The 2007 Deed of Grant gives the quarry operator and 'all persons authorised by him' the right to use the road 'for all purposes in connection with access to and egress from' his property.

Why did the Council enter into the agreement with the quarry operator in 2007?

The Council entered into the agreement to facilitate the Jurassic Coast Project, which was planned to increase access to the land in the Council's ownership to the south of Swanage Bay View Holiday Park and the geological exposure on the quarry operator's land. Following the resignation of the councillor leading the project in 2005 the scheme did not progress, but the legal agreement guaranteeing access to the rock face for those authorised by the Town Council was completed.

I distinctly remember the Council and Suttles working on plans to open an exhibition centre displaying the Jurassic Coast from the land and the Council giving permission for this. The Gas Rig is a definite change of use and I think the Council should have been approached for change of use.

Whilst the 2007 deed was negotiated in the context of the Jurassic Coast Project it does not contain any reference to that wider purpose. The Deed gives the quarry operator and 'all persons authorised by him' the right to use the road 'for all purposes in connection with access to and egress from' his property. There is therefore no question of the quarry operator being required to seek a 'change of use'.

Agreements that have been made between STC and Suttles – the original deed of rights dated 2007 and the subsequent deed of variation in 2013 - both of which involve land owned by STC (which is therefore held in trust for the benefit of the people of Swanage) - were not publicised to or consulted with the people of the town. Is this reasonable and should this process be looked at to ensure that a proper open process is made to happen in the future?

Suttles and STC have a reciprocal deed of rights dated 7th November 2007 providing for Suttles to utilise the STC land which forms part of the access road in return for Suttles providing access to the land close to the geological face. What action would STC take if Suttles were to breach terms in that contract? What timescales? Would the public be informed?

The deed of variation dated 8th April 2013 removes absolute rights for the people of Swanage to roam land adjoining the geological face but requires Suttles to notify the council for variation of access routes. What is the process of this notification? What are the timescales involved? So the public do not inadvertently contravene access, how are they to be informed? Will there be any public consultation on this?

The Deed of Grant between STC and Turner and Wright 8th November 1994 required that company to pay a fee of £24,000 to utilise a short portion of the Council Land (road) to access the properties they were building. This seems a much better deal for the people of Swanage than the unlimited access that Suttles enjoy over a much longer piece of council land for no fee at all. How can this disparity be justified?

If a lorry damages the road - are the council and residents really liable for the repair?

Can the road legally be closed?

It is not standard practice for any local authority to consult electors regarding the principle of entering into an access agreement along a roadway. Town Councillors are local residents elected by the people of Swanage to represent their views and manage the Council's affairs on their behalf. The access agreements were discussed by the Town Council and included on the agenda for Council Meetings, which are publicly available documents. Councillors can recommend that any of their decisions are subject to wider public consultation where they believe that to be appropriate.

Were a significant breach of that agreement to occur (i.e. were the quarry operator to refuse access for the purpose of viewing the rock face) then this would be reported to a Council meeting. The Council would then decide what action to take, such as seeking legal advice to determine the options available to it to remedy that breach. The timescales would be determined by the options available at the time.

The 2007 deed did not provide 'absolute rights for the people of Swanage to roam land adjoining the geological face'. It provided for any member of the public, so authorised by the Town Council, to have access on foot to the former quarry site for the sole purpose of 'viewing and enjoying' it. The 2013 amendment enables the quarry operator to vary the route to access the site and clarifies that the access is for the purpose of 'visiting the Regionally Interesting Geological Site'. The original intention of the 2007 deed therefore remains in tact. No process has been established for notification of varying the access arrangements and this would be dealt with at the time that any such alteration became necessary. Further information on visiting the site can be found here: <http://www.dorsetrigrs.org.uk/southeastrigrs/californiafarm>

The likely reason for this apparent disparity is that the quarry operators have exercised access rights over the road for many years, dating back over many decades. In contrast the developers of Plantation Close were seeking a new access for a new development.

No. The 2007 deed is clear that if a vehicle is being driven on behalf of the quarry operator or his agent (such as the gas exploration company) then he has an obligation to make good the damage.

The road, as with all public highways, can be temporarily closed, in accordance with relevant legislation.