

## More Local History - Gravel Extraction

Your opening slide of your recent talk showed, I think, gravel extraction from the beach at BB. I came to Dorset in 1989. Two years earlier, Dorset County Council had obtained, ex parte I think, an injunction against a Mr Richards, seeking to prohibit him from extracting gravel from Cogden Beach, on the ground that he had no planning permission to do so. Mr Richards sought to have the injunction set aside, on the grounds, I think, that he had an established right to extract the gravel.

There was a hearing before a High Court judge on 4th February 1987. (I have checked with the County Council solicitor who handled the case, David Harper, - now well into his eighties. Remarkably, David still has his work diaries from that period, and has retrieved them from his attic to check the dates.)

The County Council were to have been represented by Mr Duncan Ousley - now a retired high court judge with a home in Beach Road, BB. In the event, Mr Ousley (now Sir Duncan) was unable to cover the date for which the hearing was listed, and DCC were represented instead by Peter Village, now a leading planning KC, who must by now be approaching retirement. David says that Mr Village did a superb job, at very short notice.

At the beginning of the hearing, Peter Village sought to introduce the background by describing the local area. The judge interrupted to say that that was quite unnecessary as he had been here for his honeymoon. From that point, the DCC team knew that they were unlikely to lose. They didn't.

The case was instrumental in establishing the legal principle that one cannot gain "established use" rights for mineral extraction operations, as each new shovelful is to be regarded as a new operation, for which substantive planning permission is required.

The County Council refused any subsequent applications for planning extraction from the Chesil Beach. Although he doesn't remember it, David's diary shows that there was a planning inquiry held in Bridport Town Hall in July 1987 into a planning appeal by Mr Richards. He must have been unsuccessful.

The County Council thereafter were successful in prohibiting mineral extraction from the Chesil Beach, including Burton Bradstock, on conservation grounds. Their case has, of course been strengthened, since the Chesil Beach became part of the Jurassic Coast World Heritage Site.

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