

# Planning Committee

Minutes of meeting held at County Hall  
Colliton Park, Dorchester on 22 March 2013.

## **Present:**

Mike Lovell (Vice-Chairman)  
Les Ames, Alex Brenton and Ian Gardner

## Officers attending

Sam Fox-Adams (Team Leader – Development Management), Stephen Cornwell (Principal Planning Officer), Andy Helmore (Senior Planning Officer), Phil Crowther (Solicitor), David Northover (Senior Democratic Services Officer) and Liz Eaton (Democratic Services Officer)

## Public Speakers

### Attending for minutes 17.1 to 19

Paul Dance, Paul Dance Ltd for applicant

### Attending for minutes 23.1 to 25

John Vine, Mineral Planning manager, Imerys Minerals Ltd for applicant

## **Apology for Absence**

14. Apologies for absence were received from Derek Burt (Chairman), Peter Hall, Jill Haynes, Mervyn Jeffery, David Jones and David Milsted.

## **Code of Conduct**

15. There were no declarations by members of any disclosable pecuniary interests under the Code of Conduct.

## **Minutes**

16. The minutes of the meeting held on 15 February 2013 were confirmed and signed subject to the replacement of the word “RSRL” with “INUTEC” under the heading Public Speakers and in the heading **Application for the early restoration of Knoll Manor Clay Pit to agriculture and species rich grassland using imported inert waste at Knoll Manor Clay Pit, Red Lane, Corfe Mullen** replacement of the word “risk” with “rich”.

## **Use of land for the siting and use of a mobile crushing machine together with the storage of materials to be crushed and crushed materials at Kings Stag Mill, King Stag, Lydlinch, Sturminster Newton**

17.1 The Committee considered a report by the Head of Planning on application 2/2012/1464 for the use of land for the siting and use of a mobile crushing machine, together with the storage of materials to be crushed and the resultant crushed materials at Kings Stag Mill, King Stag, Lydlinch, Sturminster Newton. The application sought planning permission to operate a concrete/rubble crushing activity in part of an open yard at the rear of the applicant’s depot which was in the open countryside. The site was a former grain feedstock mill and was situated off the B3143 Dorchester to Sturminster Newton Road.

17.2 Officers drew members’ attention to the Update Sheet provided prior to the meeting setting out amendments to some of the conditions.

17.3 Officers used a visual presentation to show the plans proposed layout of the site including access to and egress from the site and photographs of the machine. Officers confirmed that this was already an existing operating business and if rubble was not processed on site, it would have to be sent to landfill.

17.4 Officers set out the planning issues identified in the report. The proposal was supported by the development plan. As this was an existing site, would reduce the material going to landfill and the importation of new material to the applicant's development site, the proposal was considered sustainable. The District Council had objected on landscape grounds but officers had not considered the proposal to have an unnatural character given the surrounding development and the provision of the bund.

17.5 A noise assessment had been undertaken and had identified the requirement for 2 bunds as mitigation to ensure the reduction of noise to an acceptable level. The Environmental Health Officer at the District Council accepted the mitigation would, in theory, reduce noise to an acceptable level at nearby residential properties. Thus, a condition was proposed requiring a further noise assessment to be undertaken within 2 months of the commencement of crushing operations and if this exceeded the level set by condition BS4142 (1997), on site crushing operations would cease until further remedial measures had been submitted and agreed in writing with the Waste Planning Authority to negate this.

17.6 Officers reported that a significant number of comments received were concerned with dust being blown across the nearby nature reserve, Alners Gorse a SSSI, and getting into the water system. Objectors were also concerned that, the tranquillity of the area, and in particular the reserve, would be affected. Natural England and the Natural Environment Manager were satisfied that dust would not affect the reserve and given that existing road noise was audible and given the limited running of the machine the proposal was considered to not have an impact on the tranquillity of the reserve. There would be approximately 8 deliveries per day to the site.

17.7 The Chairman provided Paul Dance of Paul Dance Ltd with the opportunity to address the Committee. Mr Dance said the proposal had been modified following discussions with officers. He commented that the crushing machine was mobile and would still go to larger sites elsewhere but would be used on the application site to process material from smaller sites. This would he felt give the best of both worlds and maximise the opportunity to recycle material.

17.8 Members asked what controls were required for the mobile crusher to be used outside of the site and who would be responsible for monitoring the noise levels at the application site. It was confirmed that the regulations covering the temporary siting of a crusher away from the application site were limited. At the application site, the proposed condition required a further noise assessment after 2 months. After that if there were no complaints it would be reasonable to assume that the crusher was operating within the noise levels allowed.

17.9 One member queried the hours of operation and asked whether the crushing operation could cease at 4.00 pm instead of 5.00 pm. Officers responded that the operation times were reasonable and that any further restrictions would thus be unreasonable and not in accordance with the circular on imposing conditions.

17.10 A query was raised as to how the rubble was transported around the site and officers confirmed that excavation belts and a 360 slew machine would be used for this.

**Resolved**

18. That planning permission be granted subject to the conditions set out in the Head of Planning's report and the amendments to Conditions 2, 6, and 13 in the Update Sheet and further revision to Conditions 3 and 14 included in the Action Sheet, these both being attached as an Annexure to these minutes.

**Reason for Decision**

19. The decision to grant planning permission has been made having regard to the reasons set out in paragraph 6.9 of the Head of Planning's report.

**Application for the completion of the restoration of Admiralty Quarry, Easton, Portland**

20.1 The Committee considered an update report by the Head of Planning on planning application No. 12/00114/WASTE for the completion of the restoration of Admiralty Quarry, Easton, Portland.

20.2 At the meeting on 30 November 2012 the Committee resolved to grant permission for this planning application. The resolution was subject to the conditions set out in the report and Update Sheet and to the applicant entering into a unilateral undertaking, made under Section 106 of the Town and Country Planning Act, to secure a £15,000 financial contribution towards the Portland Nature Conservation Project. The Committee had agreed to grant permission subject to the Section 106 agreement being signed within three months of the date of the resolution (i.e. by 28 February 2013).

20.3 However officers reported that, unfortunately, it had not proved possible to sign the Section 106 obligation within the timescale. So an extension of six weeks was now being sought, to expire on 11 April 2013, which would enable the legal agreement to be signed. The County Council Member for Tophill was in agreement with this course of action and raised no objections to the extension of time.

**Resolved**

21. That a six week extension of time for the signing of the Section 106 agreement from 28 February which would expire on 11 April 2013 as set out in the report be agreed.

**Reason for Decision**

22. The reason to grant a six week extension of time for the granting of planning permission was made having regard to the saved policies in the Regional Planning Guidance for the South West (RPG10), Draft Regional Spatial Strategy (RSS) and to saved policies in the adopted Bournemouth, Dorset and Poole Structure Plan, the adopted Bournemouth, Dorset and Poole Waste Local Plan (WLP) and the Dorset Minerals and West Local Plan (MLP). Consideration was also given to those relevant national policies and to all appropriate material consideration, including supplementary planning guidance and emerging policy.

### **Conservation of Habitats Review and Proposed Modification Order for Povington Ball Clay Works, Steeple, Wareham**

23.1 The Committee considered a report by the Head of Planning on the review of planning permission 6/1997/0390 for the winning and working of Ball Clay at Povington Pit, West Creech near Wareham.

23.2 The report set out the implications of a review using the Conservation of Habitats and Species Regulations 2010 (Conservation Regulations). Members were reminded that the first stage of the review had taken place in July 2012 and the Committee considered how they wished to proceed at the meeting on 25 July. This had led to the adoption of an “Appropriate Assessment” which concluded that the development would adversely affect the integrity of the Dorset Heathlands Ramsar site. The “Appropriate Assessment” concluded that, in order to prevent adverse effects on the integrity of the Ramsar, ball clay extraction under the planning permission would need to be restricted so as to:

- prevent all direct disturbance to the Ramsar designated area;
- prevent further excavations within a 3 metres standoff to the adjacent Ramsar grassland;
- restrict further excavations so as to ensure that the angle of the final excavated faces adjacent to the standoff is no steeper than 26.5 degrees to the horizontal (1:2).

This second stage involved:

- undertaking an assessment of alternative solutions to the extraction of clay within the Ramsar protected area. This concluded that there were alternatives;
- reporting on negotiations to obtain a voluntary agreement not to work the affected area;
- updating Members on the next steps.

23.3 Officers presented the report and gave a visual presentation indicating the area which was subject to the “Appropriate Assessment” and the working of Area A1 which would have a detrimental affect on the Ramsar area and the adverse affect this would have on Area C. It was stated that a Ramsar Site did not have the same legal status as European Sites such as SAC or SPA. Ramsar was an international agreement on the management of wetlands and national policy (National Planning Policy Framework) is that Ramsar sites should be treated in the same way as European Sites.

23.4 Officers explained that the operator’s main reserve which was given planning permission last year would last for 6-7 years. The permitted area included the lagoon area, but the operator did not consider working this a viable option not least due to the area being the habitat of Great Crested Newts.

23.5 As officers had been unable to negotiate a voluntary agreement with the operator to relinquish permission over the Ramsar site, a further report outlining the Modification Order process would be discussed at a future meeting of the Committee. First though further advice would be required.

23.6 Officers explained that this was perhaps a unique situation because the Ramsar site was not also designated as a European Site. Therefore, the

requirement to review the consent was a policy and not a legal requirement. This policy requirement was a material consideration but so was the cost to the Authority of the process and any compensation due as the result of a modification order.

23.7 The Assessment of Alternatives considered any alternative solutions to bring the particular clays to market. It did not consider the alternatives available to any individual company. As such, some of the alternatives identified are not available to the operator. Nevertheless, the Assessment found that the operator's reserves in Dorset are sufficient to be considered an alternative.

23.8 Since the issue had not been resolved by negotiation a series of measures were now being planned as set out in the recommendation.

23.9 The Chairman provided the opportunity for John Vine, Mineral Planning Manager, Imerys Minerals Ltd to address the Committee. He reaffirmed that the operators would like to take every opportunity to access all the Ball Clay that was available in the permitted area and this was a vital element of Imerys' business in Dorset.

#### **Resolved**

24.1 That, for the reasons set out in the Assessment of Alternatives appended to this report, the authority determines that there are, in the terms of Regulation 62 of the 2010 Conservation Regulations, 'alternative solutions' to the quarrying of Ball Clay within planning permission 6/1997/0390 where that development would affect the integrity of the Dorset Heathland Ramsar site.

24.2 That the authority seek an assurance from DEFRA that, if the County Council modifies the Povington planning permission to safeguard the integrity of the Ramsar site, central government would reimburse the authority for both any compensation that may become payable and the County Council's legal and professional fees associated with handling any such compensation claim.

24.3 That the authority seek advice regarding what sanctions, if any, could be placed on the authority should it decide not to make a Modification Order to safeguard the Ramsar site.

#### **Reason for Decision**

25. The reason for recommendation was to progress the conservation review of Povington Pit in accordance with government policy whilst ensuring that there was not an unreasonable financial impact on Dorset County Council.

#### **Questions**

26. No questions were asked by members under Standing Order 20(2).

Meeting Duration  
10:05 am – 10:40 am

## Annexure

### Amendments to Recommendations

**2/2012/1464 – The use of land for the siting and use of a mobile crushing machine together with the storage of materials to be crushed and crushed materials. Kings Stag Mill, King Stag, Lydlinch, Sturminster Newton.**

**Agreed as set out in the report, Update Sheet (revised Conditions 2, 6 & 13) and further revisions to Conditions 3 and 14 (all set out below).**

#### Condition 2

Approved Plans: The development hereby permitted shall not be carried out except in complete accordance with the details shown on the revised Site Plan drawing number 29/2290/04E dated October 2011 and the undated plan entitled Section A-A.

#### Reason

For the avoidance of any doubt and to comply with policy 1 (Guiding Principles) of the Bournemouth, Dorset and Poole Waste Local Plan.

#### Condition 3

Restriction of Operation to Designated Areas: The areas to be used for the storage of unprocessed and processed inert waste shall be confined to the respective areas identified on the revised Site Plan drawing number 29/2290/04E dated October 2011. The crusher machine shall not be operated on the site in any location other than that identified on revised drawing number 29/2290/04E dated October 2011. The overall siting of the crusher shall ensure that a minimum vertical distance of 5 metres is maintained between the ground the crusher sits on and the top of the central bund. This dimension shall be achieved before the crusher is first brought into use on the site.

#### Reason.

To contain the impact of the proposed activity on the character of the surrounding area and to comply with the intentions of policy 4 (Landscape Character) of the Bournemouth, Dorset and Poole Waste Local Plan.

#### Condition 6

##### Formation of Earth Bunds

The crusher machine shall not be brought into use to process any materials on this site until the two earth bunds identified on the revised Site Plan drawing number 29/2290/04E dated October 2011, are constructed in accordance with specifications regarding their position, length and height. For the avoidance of any doubt the height of the bund on the western boundary shall be 4 metres and 5 meters for the central bund. The bunds shall be retained and maintained at these heights and positions as long as the use hereby permitted is undertaken.

#### Reason.

To ensure that the amenity of the nearby residential properties is protected and to ensure that the proposal complies with the intentions of policy 1 (Guiding Principles) of the Bournemouth, Dorset and Poole Waste Local Plan.

**Condition 13**

Noise Levels: The development hereby permitted shall not result in any noise rating level exceeding the background noise level as measured in accordance with BS 4142 (1997) in relation to Mill House.

Reason

To ensure that the amenity of the nearby residential properties is protected and to ensure that the proposal complies with the intentions of policy 1 (Guiding Principles) of the Bournemouth, Dorset and Poole Waste Local Plan.

**Condition 14**

Affirmation of Noise Levels: Within 2 months of the commencement of crushing activities on site, a further noise survey report conducted in accordance with BS4142 (1997), repeating the methodology as set out in the noise survey report submitted as part of the planning application, shall be submitted to the Waste Planning Authority. This report shall record the use of the machinery in the context of the presence of the two earth bunds. In the event that the survey results exceed the level set by condition 13 (Noise Levels) then on site crushing of material shall cease until such time as further remedial measures have been submitted to and agreed in writing with the Waste Planning Authority. The agreed measures shall be implemented before crushing recommences and retained throughout the continued use of the crushing operations on site.

Reason

To ensure that the amenity of the nearby residential properties is protected and to ensure that the proposal complies with the intentions of policy 1 (Guiding Principles) of the Bournemouth, Dorset and Poole Waste Local Plan.