

Planning Committee

Minutes of meeting held at County Hall,
Colliton Park, Dorchester on 10 October 2013.

Present:

Mike Lovell (Chairman)
Steve Butler, Barrie Cooper, Lesley Dedman, David Jones, David Mannings and
Mark Tewkesbury.

Officers attending

Sam Fox-Adams (Team Leader – Development Management), Don Gobbett (Head of Planning), Tony Harris (Senior Landscape Officer), Andy Helmore, (Senior Planning Officer), Phil Crowther (Solicitor) and Liz Eaton (Democratic Services Officer).

The following members attended by invitation:

Paul Kimber, County Council Member for Portland Tophill (minutes 95 – 98).
Bill Trite, County Council Member for Swanage (minutes 95 – 98).

Public Speakers

Attending for minutes 95 - 98

Hilarie Lewis, Friends of Durlston
Andrew Langley, Challenge Navitus
Bruce Longstaff, Honorary Secretary and Vice-chairman, Wessex Astronomical Society.

(Note: These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Planning Committee to be held on **29 November 2013**).

Apologies for Absence

89. Apologies for absence were received from Peter Hall, Mervyn Jeffery and David Walsh.

Code of Conduct

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

Minutes

91. The minutes of the meeting held on 6 September 2013 were confirmed and signed.

Povington Modification Order Report

92.1 The Committee considered a report by the Head of Planning which sought authority to proceed to the next stage of the Povington Pit Conservation Review by making a Modification Order that would prevent work within a Ramsar designated area. It also proposed conditions restricting works within the area of the site immediately adjacent to the Ramsar area at Povington Ball Clay Works, Steeple, Wareham, Dorset operated by Imerys Minerals Ltd.

92.2 Officers gave a visual presentation, including photographs and a site plan to explain in detail the areas which would be subject to the Modification Order,

the areas with planning permission and the areas designated as SPA, SAC and under the Ramsar Convention.

92.3 The review had been considered twice before by members in July 2012 and March 2013. The Cabinet had considered this item on 2 October 2013 the minutes of which were made available to the Committee in the Update Sheet. The site was within MOD ranges and was owned by the MOD Estates although the mineral rights were owned by Imerys Ltd. The consequence of the modification order would be to prevent the areas in question being worked.

92.4 Central government had indicated that it would reimburse any compensation claims, but the authority would have to meet the cost of defending any compensation claims. The costs which the authority would have to meet were not considered to outweigh the consequences of acting against local and national policies or against one of the authority's corporate aims.

92.5 In response to a question officers explained the term Ramsar site.

92.6 The Committee agreed that the County Council should make the Modification Order.

Resolved

93. That a Modification Order be made to permission 6/1997/0390 that imposed the following restrictions to remove the adverse effects on the Ramsar designated area, in accordance with Regulation 63 of the Conservation Regulations (areas referred to were shown on Plan 1 Povington Pit):

- (i) Within Area A1:
The prevention of any further disturbance from mineral working.
- (ii) Within Area C:
 - 1) the prevention of any further excavations within a 3 metre standoff to the adjacent Ramsar grassland in Area A1, and
 - 2) the restriction of further excavation so as to ensure that the angle of the final excavated faces adjacent to the standoff was not steeper than 26.5 degrees to the horizontal (1:2).

Reason for Decisions

94. The reasons for making the Modification Order were set out in full in paragraph 7 of the report.

Navitus Bay Wind Park Consultation

95.1 The Committee considered a report by the Head of Planning on the proposed response to a consultation received by the County Council for the development of a wind park to the south of the Dorset coast and west of the Isle of Wight. The consultation sought feedback on the environmental information available to date and suggestions on the potential mitigation measures proposed during construction, operation and decommissioning of both the onshore and offshore elements of the proposal. The consultation ended on 11 October 2013. Officers had examined the information provided and advised on the technical aspects of the consultation. This was the last opportunity for the County Council to comment on the proposal before the final scheme was submitted to the Planning Inspectorate for a decision.

95.2 Officers gave a visual presentation which showed photographs of the area and a plan with the optimum location which had been produced on behalf of the

authority for turbines within the development site boundary. The Head of Planning emphasised that this was a proposal from NBDL and the County Council were commenting on the evidence put forward and not whether or not to support the proposal. He said that it was not possible to properly advise the Committee on the merits of the proposal as not all of the necessary evidence had been provided by NBDL. The County Council would be able to comment again on the proposal once the Development Consent Order had been submitted and accepted, probably in mid-April 2014, when more evidence would be available.

95.3 Attention was drawn to Appendix 1 which set out the timescales for the wind park and the 6 different steps to the process. The analysis of the 33 chapters had been shared with other local authorities. There were 5 areas of significant concern set out in paragraph 6.1 of the report. There was nothing to substantiate the statement that the geology of the rock was not suitable. The red hatched area on Page 9 of the report showed where the wind park would have the least visual impact. Bournemouth had led on Tourism which was covered in Sections 7 and 8 of the report.

95.4 Hilarie Lewis spoke on behalf of The Friends of Durlston and confirmed Durlston was one of the top European areas for migrating birds, and a special place for visitors and walkers. Friends of Durlston had had 2 consultation meetings with NBDL but their comments did not appear in NBDL's consultation document. They were happy to help the County Council with their consultation.

95.5 Andrew Langley spoke on behalf of Challenge Navitus. He felt the vista montage showed the turbines to be very small but in fact they were very large. All NBDL could do was to show the public what the wind park might look like, the visualisations contained in PEI3 conformed to industry standards but did not give a lay person a proper impression of scale. He felt the proposal was in the wrong place and the views from Studland would be greatly impaired, and the impact on the World Heritage Site had been underestimated. The visual impact for ferry passengers was also misleading as there were deficiencies in the PEI3. Challenge Navitus welcomed the opportunity to work with officers and would like to be able to contribute to the process over the next 6 months.

95.6 Bruce Longstaff, Honorary Secretary of the Wessex Astronomical Society, which is a registered charity, gave an outline of where the observatory was situated on the cliffs adjacent to Durlston Castle overlooking the sea, bounded by the Solent, the western part of the Isle of Wight and the Isle of Portland. The Society was concerned about lighting on the towers which would have a red steady light on top and white marine lights further down. All lights would eventually become flashing. Durlston was the only large-scale public access observatory in Dorset and was chosen because of the naturally dark skies. If the NBDL scheme went ahead the light pollution would make it impossible to use the observatory and they would have to relocate somewhere else within Dorset. NBDL had not addressed the issue of flashing lights.

95.7 The County Council Member for Portland Tophill felt the County Council should be cautious of dismissing the whole project. The national grid system was high risk – there was only 5% reserve this winter and power cuts were inevitable. There could be potential benefit to the local economy with more jobs available at Poole and Portland Harbours. He understood concerns about the visual impacts especially for the Swanage/Purbeck area. The wind park could also be of educational benefit.

95.8 The County Council Member for Swanage endorsed the County Council's identification of the many shortcomings. NBDL stated that a high percentage of businesses in Swanage were connected to tourism but every business in Swanage was connected to tourism. If the wind park went ahead there would be an estimated 14% reduction in tourism which would be enough to drive many businesses under. There were no details of the impact on the diving business in Swanage and thousands of people would be affected. No assessment had been made relating to Swanage as a retirement area and people would not want to retire to an area with an adverse vista. NBDL had ignored the visual effects the wind farm would have on Swanage Bay. The County Council Member for Swanage highlighted paragraph 8.4 "critique of the industry standard guidance" set out in the report. NBDL had also ignored the niche position of Swanage as a Victorian seaside resort with Victorian Pier, Bandstand and Railway. He asked whether the County Council had received Purbeck District Council's response. Officers explained that it had not been received before the start of the Committee meeting.

95.9 Members raised concerns about whether the 900MW rated value was realistic, environmental damage, the fog banks and condensation caused by the turbines. They felt the response should include reference to the proposed area affecting Dorset's AONB, Jurassic Coast, World Heritage Site. There was no evidence of the effect on angling and fishing and there was no real evidence to show what the wind park would look like. The turbines would be 3 times the height of the cliffs on the Isle of Wight and there was real concern that the lights on the turbines would make it look like a large town in the bay. With regard to birds and bats, there were rare species that flew across from the Isle of Wight to the mainland and which might get caught in the wind turbines and blades.

95.10 Members thanked officers for their work but felt the negatives should have been emphasised more strongly. All were in favour of the County Council recommendation.

Resolved

96. That a holding response, subject to Cabinet endorsement, be sent to Navitus Bay Development Limited by the 11 October 2013 deadline as set out in Appendices 2, 3 and 4 of the Head of Planning's report.

Recommendation

97. That the Cabinet be asked to endorse the response to the Navitus Bay Wind Park consultation as set out in Appendices 2, 3 and 4 of the Head of Planning's report.

Reason for Decisions

98. In order to provide Dorset County Council's response to the consultation within the consultation time period.

Review of Development Management Activities – Second Quarter 2013/14

99.1 The Committee considered a report by the Head of Planning which updated members on the activities of the Development Management Team for the second quarter of the year 2013-14.

99.2 The Head of Planning explained that the government wished to speed up decision making on planning applications. Designation criteria were laid before Parliament on 3 June 2013. They are the average percentage of decisions on applications for major development made: (a) within the statutory determination period; or (b) within such extended period as had been agreed in writing between the

applicant and the local planning authority. The assessment period for this measure would be the two years up to and including the most recent quarter for which data on planning application decisions was available at the time of designation. The threshold for designation would be 30% or fewer of an authority's decisions made within the statutory determination period or such extended period as had been agreed in writing with the applicant.

99.3 Due to the methodology for calculating the 30% target changing during the lead in to the process, it was now feared that the Authority may become designated. The effect of designation would be to give applicants the option of having their applications determined by government. However, the County Council would be required to do all the pre-application work, but would not receive the planning application fee.

99.4 The County Council had responded that the data in the tables was not correct, but even so the County Council were still under the threshold. Also, special circumstances existed in relation to the 30 Wytch Farm applications and had the major applications for Wytch Farm been included, the County Council would not have been at risk of designation. Nevertheless, Perenco had submitted a letter supporting the County Council.

99.5 This was now a national issue which the LGA, CCN, ADEPT and POS were pursuing. The key concern was the definition of major and minor development:

- Only major development was considered with regard to meeting the threshold timescale.
- Within the national planning system, all minerals and waste development was defined as major – this was set out in a statutory instrument.
- The November 2012 consultation included all minerals and waste development as major. The government response (June 2013) gave no hint of sub-division. The Criteria for Designation document first introduced the distinction in relation to minerals and waste. Now the Department for Communities and Local Government quarterly returns distinguished major and minor development for minerals and waste applications.

99.6 If the County Council were being assessed against the definition of all minerals and waste development, they would be well above the threshold. The application of the threshold was applied retrospectively for the last two years. Consequently, and given the understanding of the definition of minerals and waste applications as major, there had been no time to respond.

99.7 Members asked why the County Council had not signed a Planning Performance Agreement with Perenco and who had made the decision. Officers responded that it had not been necessary at the time to sign an agreement as it was a voluntary agreement and officers had done everything that an agreement would have contained. The Department for Communities and Local Government had been shown that the County Council had regular project planning meetings with Perenco every month and met all milestones.

Noted

Questions

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

Meeting Duration
2.00 pm – 3.35 pm