



Regulatory Committee

Minutes of the meeting held at County Hall, Colliton Park,
Dorchester, DT1 1XJ on Thursday, 5 January 2017

Present:

David Jones (Chairman)
Daryl Turner (Vice Chairman – for the meeting)
Beryl Ezzard, Ian Gardner, Paul Kimber, David Mannings and Margaret Phipps.

Hilary Cox, County Councillor for Winterborne attended for minute 8.

Officers attending:

Phil Crowther (Solicitor), Martin Farnham (Senior Technical Officer), Mike Garrity (Team Leader), Carol Mckay (Definitive Map Technical Officer (Public Path Orders)), Sarah Meggs (Senior Solicitor), Vanessa Penny (Regulation Team Leader), Steve Savage (Highway Liaison Officer) and David Northover (Senior Democratic Services Officer).

(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 Regulatory Committee to be held on **2 February 2017**).

Public Speakers

Nigel Hill, local resident - Crossways, minute 5.
Tim Arnold, local resident - Post Office Cottage, minute 6.
Diane Jones, proprietor - Tea and Supper Room, minute 6.
Colin Hampton, Parish Clerk, Milborne St. Andrew Parish Council, minute 8.
Alan Hannify, WYG Planning, minute 8.

Introductions, Announcements and Arrangements

1 In the absence of the Vice-Chairman, Pauline Batstone, it was

Resolved

That Daryl Tuner be appointed as Vice-Chairman for the meeting.

The Chairman, on behalf of the Committee, took the opportunity to thank Steve Butler for his contribution to the work of the Committee during his time serving on it. The Committee Clerk was asked to write to Councillor Butler accordingly.

The Chairman took the opportunity to welcome Steven Lugg, in his absence, to the Committee and following his successful completion of the mandatory training, looked forward to him joining members at their next meeting.

Apologies for Absence

2

Apologies for absence were received from Pauline Batstone, Barrie Cooper, Mervyn Jeffery, Mike Lovell, Peter Richardson, Mark Tewkesbury and David Walsh.

Code of Conduct

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

Minutes

- 4 The minutes of the meeting held on 27 October 2016 were confirmed and signed.

Mike Garrity took the opportunity to update members on developments relating to the deferred planning application for Woodsford Quarry. Further information was awaited from the applicants before consideration of the applications could progress further. Consideration was given as to whether members required a site visit in connection with the application, officers being of the view that there would be little to be gained from this in terms of members' better understanding of the issues at hand. It was felt that photographs, plans and, if necessary, video footage would be sufficient. The Chairman, in conjunction with the Vice-Chairman, undertook to make an assessment outside the meeting of whether a site visit was necessary after having canvassed members on this.

Public Participation

5 Public Speaking

There were no public questions received at the meeting in accordance with Standing Order 21(2).

Public Statements

There was one public statement received at the meeting, from Nigel Hill, in accordance with Standing Order 21(2).

In addressing the Committee, the content of Mr Hill's statement related to the 2015 Redbridge Quarry approval. He had observed that little extraction had taken place; the entrance to the site was unclean; noise levels were unacceptable; restoration had stopped; inert material recycling was unbunded close to the entrance; the number of fires and how long they burned was far in excess of what had been agreed; and there were non-quarry vehicles parked on site, drawing him to the conclusion that the operators adherence to their Approved Restoration Plan and Periodic Review was weak.

The Chairman thanked Mr Hill for his statement and asked officers to respond. Mr Garrity informed the Committee that the statement from Mr Hill was received only the day before the meeting and so officers had not had an opportunity to investigate the issues raised. Mr Garrity stated that Mr Hill had not raised these matters with the Monitoring and Enforcement Team who would be in a position to investigate compliance matters associated with planning conditions. He provided the Committee with an assurance that he would refer Mr Hill's concerns to the Monitoring and Enforcement Team and offered to report back to the Committee. The Chairman confirmed that he would welcome this and that he wished to be kept informed of officers' findings, with a subsequent update on the situation at Redbridge Quarry being submitted to a future meeting for consideration.

Proposed Waiting Restrictions - Various Roads, Worth Matravers

- 6 The Committee considered a report by the Service Director - Highways which explained that, following the advertising of proposed changes to parking restrictions in various roads in Worth Matravers, objections had been received to the proposals for the D53204 unnamed road on the north side of the Village Pond. Consequently, the Committee was now being asked to give consideration to those objections and decide whether the proposals should be implemented as advertised.

With the aid of a visual presentation, and having regard to the Update Sheet provided for members information prior to the meeting and appended to these minutes, officers explained the reasoning behind the need to impose the waiting restrictions and the basis on which the objections received had been made. Photographs and plans were shown to the Committee by way of illustration. These showed where the proposals would be situated, the character of the roads and their setting within the village. The

proposals were designed to improve the unimpeded flow of traffic through the village as it was considered that parking in the centre of the village was causing restricted access for some larger vehicles. It was considered that for these to be enforced effectively, the existing restrictions would require amendment to provide sufficient opportunity for this to take place. Such was the reasoning for the changes, that a year round implementation was also warranted.

The County Councillor for Purbeck Hills, Purbeck District Council, Dorset Police and Worth Matravers Parish Council all supported the proposals, with the views of the Parish Council being set out in the Update Sheet. Officers emphasised that it had taken much negotiation over a number of years to reach the point whereby proposals could be advertised.

Objections received considered that the new proposals would be of little benefit to the village and not noticeably improve the traffic situation. Moreover, it was considered that these would adversely affect the trade of local businesses, given the way in which the restrictions were designed. It was also considered that the consultation exercise undertaken, particularly by the Parish Council, was inadequate in being able to satisfactorily gauge the views of those most affected by the measures. Officers considered that the consultation undertaken in advertising the proposals had proven to be satisfactory in providing a sufficient opportunity for any observations to be made.

Officers acknowledged that whilst the changes would not necessarily be universally welcomed, on balance, they were considered to be beneficial and, on that basis, were now being recommended for approval as advertised.

The Committee heard from Tim Arnold, resident of Post Office Cottage, who in the first instance, expressed concern that the consultation exercise undertaken by the Parish Council had been inadequate and had not taken into account the views of those most affected on the difference the proposals would make. From his own observations, the changes proposed would be of little benefit to the majority of those living and working in the village and were unnecessary. He felt that any removal of parking would only serve to potentially increase the speed of traffic travelling through the village. Should changes be progressed, then waiting should be allowed for up to 2 hours to allow sufficient time for visits to the amenities in the village to be worthwhile. How the nearby car park might be better utilised was also mentioned.

Diane Jones, proprietor of the Tea and Supper Room, was of a similar view that, should there be a need for change, then 2 hour waiting would benefit customers. However she felt that the proposals were unnecessary as any parking problems were largely seasonal. She suggested that the erection of bollards would adequately regulate traffic at that point in the village.

In response to the points raised, officers were under the impression that the Parish Council's consultation process had been thorough in helping to shape those proposals which they submitted. Notwithstanding the two objections received, the wider community had seemingly accepted the proposals so they were now being recommended to be implemented on that basis.

In hearing what the speakers had to say, in consideration of the representations received and in light of the absence of any evidence from the emergency services that the current waiting restrictions were causing undue concern, the Committee was minded to accept that there was little benefit to be gained from amending the restrictions as proposed. They considered that the impact that parked vehicles had on regulating traffic speeds had to be given consideration and that the new proposal would potentially be detrimental to how village businesses were able to trade. There was a concern that the feel of the village would be more urbanised with the imposition

of more prohibitive measures. Members considered that the Parish Council managed car park could be better utilised with improved signage and that the prospect of providing some form of physical imposition at the 'pinch point' in the road should be actively pursued, if considered practicable, appropriate and necessary.

Given this, on being put to the vote, the Committee decided

Recommendation

That the proposed waiting restrictions for Worth Matravers, as advertised, should not be proceeded with.

Reason for Recommendation

In the public interest, in enabling economic growth and in maintaining road safety.

Application to divert parts of Footpaths 11 and 29, Mappowder at Lower Thurnwood Farm

7 The Committee considered a report by the Service Director – Highways which set out details of an application to divert parts of Footpaths 11 and 29, Mappowder at Lower Thurnwood Farm, as shown on Drawing 16/04 accompanying the report. As Lower Thurnwood Farm was part of the County Farms Estate there was an obligation for Public Path Order applications affecting Dorset County Council owned land to be considered by the Committee as a matter of practice.

With the aid of a visual presentation, and having regard to the Update Sheet appended to these minutes, the basis for the application and what it entailed was explained. Photographs and plans were shown to the Committee by way of illustration showing the footpaths proposed to be diverted, their character and setting within the landscape and the points between which they ran.

The reasoning for the application was to regulate the practicalities of accessing and traversing the land in and around the farm, given that farm buildings and facilities obstructed the routes, as they stood. The proposed diversion was therefore beneficial to the landowner in how the farm was able to be managed and operated.

Clarification was provided by the Solicitor that rights of way and access considerations were the determining factors on which the Committee should base their decision, with economic considerations playing no part in any decision.

The support for the proposals from the County Councillor for Blackmore Vale, Pauline Batstone, was drawn to the attention of the committee.

Having taken into account the details contained in the Director's Report, the points made by officers and the practical reasons for submission of the application, on being put to the vote, the Committee considered that the application should be accepted and an Order made accordingly.

Resolved

- (a) That the application to divert part of Footpath 11, Mappowder from A – B – C to A – E – F – G – H – C and part of Footpath 29, Mappowder from B – D to C – I – J – K – D as shown on Drawing 16/04 be accepted and an order made;
- (b) That the Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversions; and
- (c) If the Order was unopposed, or if any objections were withdrawn, it be confirmed by the County Council without further reference to the Committee.

Reasons for Decisions

- (a) The proposed diversions met the legal criteria set out in the Highways Act 1980.

- (b) The inclusion of these provisions in a public path order meant that there was no need for a separate legal event order to modify the definitive map and statement as a result of the diversion.
- (c) Accordingly, the absence of objections might be taken as acceptance that the proposed new routes were expedient and therefore the County Council could itself confirm the order.

Decisions on applications for public path orders ensured that changes to the network of public rights of way complied with the legal requirements and achieved the corporate plan objectives of:

Enabling Economic Growth

- Work in partnership to ensure the good management of our natural and historic environment
- Work with partners and communities to maintain cycle paths, rights of way and disabled access
- Encourage tourism to our unique county
- Support community transport schemes

Promoting Health, Wellbeing and Safeguarding

- Actively promote physical activity and sport Develop and maintain safe, convenient, efficient and attractive transport and green infrastructure that was conducive to cycling and walking
- Improve the provision of, and access to, green, open spaces close to where people live
- Before confirming a public path creation, diversion or extinguishment order a council or the Secretary of State must have regard to any material provision of a rights of way improvement plan prepared by the local highway authority. Dorset's Rights of Way Improvement Plan sets out a strategy for improving its network of Public Rights of Way, wider access and outdoor public space.

Planning Application No.2/2016/1127/DCC - Variation and removal of conditions for the development of a storage lagoon on land to the south of A354 at Milborne St. Andrew

8 Of The Committee considered a report by the Service Director - Economy on planning application No. 2/2016/1127/DCC under Schedule 1 Paragraph 1 of the Town and Country Planning Act 1990 for the variation of a condition and the removal of a condition of planning permission 2/2014/0529/PLNG for a storage lagoon to handle digestate from the anaerobic digestion (AD) plant at Piddlehinton. The proposal sought to vary condition 2 - development in accordance with the approved plans - and remove condition 10 - provision of wheel washing facilities. Officers recommended approval of the development subject to conditions being imposed.

With the aid of a visual presentation, officers explained the background to the development and why it was needed. The context of the development within the character of the site, the surrounding landscape and other neighbouring agricultural development were all described.

The Committee were reminded that planning permission was originally granted subject to a number pre-commencement conditions being complied with. However it had transpired that works had commenced on site prior to a number of those conditions being discharged. Subsequently it had come to light that the lagoon had not been sited in accordance with the approved plan, having been constructed some 20 metres westwards of where permission had been granted, with its use having already begun. Following officers' requests, use of the site had been suspended pending determination of the application.

Photographs and plans were shown to the Committee which provided a sense of what

the proposals were designed to do, where these were situated on the ground, the access arrangements being implemented and the relationship of the development with other neighbouring facilities and dwellings in and around Milborne St. Andrew.

Officers also reported that the applicant did not now consider that it would be appropriate, or necessary, to provide wheel washing facilities on site, in accordance with condition 10 of the permission. The applicant's reasoning for this were numerous, but essentially cited that as the site entrance was shared with agricultural use, by what means any mud was carried onto the road could not be readily determined; the site had no access to power or water; any rumble track within the wheel wash could result in noise disturbance; stagnant water in the trough would give rise to odour; and exiting the wheel wash could result in residual water being deposited onto the A354 causing a hazard, particularly in freezing conditions. As an alternative to a wheel wash, the applicant proposed to provide a suitably surfaced track sufficient for mud to be discarded prior to vehicles joining the carriageway.

In taking into account the issues at hand, officers considered that the error in the siting of the lagoon relative to the permitted location did not cause any adverse visual impact or compromise the developments setting in the landscape. Accordingly the location of the lagoon was considered to be satisfactory. With regard to the applicant's case for not now requiring a wheel wash facility, officers confirmed that at the time of the original application, the understanding was that the access would not be shared with other farm traffic. Now this had come to light, the case made by the applicant as to why a wheel wash was inappropriate and unnecessary was reasonable in the circumstances and their alternative proposal for a bound surface to ensure excess debris was discarded whilst still within the confines of the site was a satisfactory and practical solution and that a wheel wash could in fact introduce additional hazards.

No objection has been received from the Highway Liaison Engineer as to the practicalities of dealing with mud in this manner nor to the reasoning for not now proceeding with the wheel wash.

Consequently the officer's recommended the revisions to the conditions as set out in the report as, in their opinion, there was no reason for their refusal.

The opportunity was given to hear from speakers. Colin Hampton, Parish Clerk, expressed severe misgivings over the way in which the development of the site had progressed and was being managed, considering that the applicant had flagrantly disregarded what the approved conditions were designed to achieve by their cavalier approach and the actions which had been demonstrated. The Parish Council's main concern was over road safety with the site accessed from a busy 60mph "A" road with sharp bends on the approach in both directions. Furthermore the Parish Council raised concern over the ability of the Waste Planning Authority to monitor and regulate this development to ensure that the applicant adhered to the planning conditions imposed. He suggested the Committee might wish to visit the site to see for themselves what the issue entailed.

Alan Hannify, the applicant's agent, explained the reasoning for why the variation of the two conditions were needed. He mentioned that in order to compensate for the error in siting the lagoon where it had been when this came to light, its size had been reduced somewhat to reflect this. The provision of a wheel wash facility was considered to be impractical and unviable for the reasons expressed. The alternative solution proposed was designed to mitigate this, whilst achieving an acceptable outcome.

The County Councillor for Winterborne, Hilary Cox, expressed her concern that the approved conditions were not being adhered to and that the attitude displayed by the

applicant to the manner in which the development was being managed was unbecoming. In particular she was aggrieved that works had begun without the necessary arrangements in place for the discharge of conditions or measures in place to properly manage the development. In siting the lagoon where it was had now compromised the opportunity for mud to be left on site. Her view was that the wheel wash condition was imposed for sound reasons and nothing had changed especially given what she felt was low level agricultural use of the access. Her view was that not complying with these conditions could undermine faith in the planning process.

In attempting to determine whether the siting of the lagoon was acceptable, the Committee were advised that, in officers' opinion, its positioning could not be regarded as having any adverse visual impact or compromise the landscape. In explaining why enforcement action had not been invoked by the Authority, it was noted by members that officers had sought to rectify the situation and the developer had proposed to address this by way of a planning application. When taking account of the visual impact of the lagoon as constructed, it was not considered to be expedient to pursue enforcement action in these particular circumstances.

The Solicitor clarified that whilst siting the lagoon in a different position was in itself a material consideration, the recommendation from the planning officer was that there was no fundamental visual change or impact from this. On this basis it was considered that the difference in location was of little consequence and not necessarily significant. Asked by members if, in principle, an appeal against refusal might succeed on this point, officers were of the view that this might well be the case, with the possibility of costs being awarded against the Authority.

Whilst the Committee were somewhat averse to the consideration of retrospective planning permissions in principle, they understood that there were circumstances whereby this was necessary. Furthermore they recognised the applicant's right to apply for the variation and removal of conditions which were being sought under Section 73 of the Town and Country Planning Act 1990.

On that basis they asked questions of the officer's presentation about the lagoon siting; development signage; shared access arrangements; compliance with conditions and, particularly, what the considered impact of withdrawing the necessity for the wheel wash facility would be. Officers considered that the provision of a bound concrete surface for the first 15 metres of the site entrance with an unbound, but specified, surfacing for the remainder of the access road would be satisfactory in the circumstances for addressing the issue of mud removal. Given the fact that farm vehicles would continue to use the field entrance, officers considered this to be a more effective measure than a wheel wash, in this particular case.

The opportunity was provided for Steve Savage, the Highway Liaison Engineer, to address the Committee with his professional assessment of the circumstances. He explained that the proposed surfacing would be sufficient to remove loose mud from vehicles within the site and would also be appropriate given the reasoning documented.

On a point of process, the Committee's attention was drawn to the reference of the wheel wash in Condition 11 of the revised conditions, which had inadvertently been retained. Officers acknowledged this and would ensure that this reference would be removed.

The Committee expressed concern that the way in which this particular planning process was progressing could be seen as bringing the process into disrepute.

The Committee was conscious that they did not condone the manner in which this development had proceeded and expressed their concern over the circumstances in this regard. Nevertheless they were conscious there was a need to find a practical solution to address what had materialised on the ground and to identify the best

means of doing this.

In making an assessment about whether the advantages of retaining the wheel wash outweighed the prospect of mud on the road, and by what means this was deposited given the dual use of the site, the Committee considered that they were unable to come to a decision on that basis, as it stood. They asked officers if there was scope to introduce a condition requiring a wheel wash at a future date, if this proved necessary. Officers considered it may be possible to do this, but wished to be given the opportunity to give some thought as to the wording and enforceability of such a condition.

Given this, the Committee agreed that further consideration of this application should be deferred pending the working up of a suitable condition to address this issue, to be developed following discussion between the applicant and planning officers. The Chairman asked that he, the Vice Chairman of the Committee and the local County Council member be kept informed of developments in this regard.

Resolved

That consideration of planning application no. 2/2016/1127/DCC be deferred pending consideration being given to adding a suitable condition requiring a wheel wash in the event that monitoring indicated the need for one, following discussion between officers and the applicant.

Reason for Decision

To ensure that a practical, reasonable and appropriate solution is found.

Questions from County Councillors

9 No questions were received from Members under Standing Order 20 (2).

Update Sheet

10

Traffic Matter

Minute 6

Proposed waiting Restrictions , Various Roads, Worth Matravers

Summary of letter dated 16 December 2016 from Mr Khanna, Parish Clerk of Worth Matravers

“A proposal was made by the Parish Council to amend the existing restrictions following meetings with Officers of the County Council and are similar to the restrictions that exist in East Purbeck.

The requirement for all year restrictions will allow the existing limited parking bay to be regulated all year round and would help with prevent the increasing problem of parking by camper vans around the Worth pond area in early spring and autumn when the existing restrictions do not apply.

The all year “no waiting at any time” would help to deal with the problems of parking obstructions in relation to the large farm associated vehicles that require access all year round.”

Rights of Way Matter

Minute 7

Application to divert parts of Footpaths 11 and 29, Mappowder at Lower Thurnwood Farm

Correction to paragraph 3.7 of the report:

Para. 3.7 currently reads:

3.7 *The proposed diversion affects only the applicant's land and therefore no compensation is payable under Section 28 of the Highways Act 1980.*

This should read:

3.7 *The proposed diversion affects the land of Mr and Mrs Nieboer of Thurnwood Dairy Farm, in addition to the applicant's land. However, as Mr and Mrs Nieboer have agreed to the diversion, and the proposed route follows an existing used route, it is not anticipated that any compensation would be payable under Section 28 of the Highways Act 1980.*

Planning Matter

Minute 8

Planning application 2/2016/1127/DCC

Variation of condition no.2 and the removal of condition no.10 of Planning Permission 2/2014/0529/PLNG associated with the development of a storage lagoon on land to the South of the A354, Milborne St Andrew, Dorset.

Correction:

Note that the date of the meeting on the report cover sheet should read 5 January 2017

Further Representation:

A further representation has been received from a local resident who states –

"I am pleased to see most of the conditions are maintained in the final recommendation however, it would have been nice see the final permanent signage arrangements but at least the requirement is in the report.

Having recently witnessed 2 HGV's overtake a tractor/tanker on the down slope of the A354 Basen Hill I am somewhat surprised that a some form of assessment of the likely effects of these slow moving vehicles will have on inappropriate overtaking manoeuvres has not been included in the report compiled by the applicant, but I am sure we may have to revisit this issue in the future, subject, of course, to the plan being approved."

Officer comment:

A condition is included within paragraph 9 of the report which requires the submission and approval of permanent advance warning signage prior to any further works being undertaken.

The highways impact of the proposed development was fully considered in paragraph 6.6 – 6.10 of the previous Regulatory Committee report (see Appendix 3).

Update:

The applicants have submitted information to discharge the conditions detailed in paragraph 9 of the report.

Officer comment:

Officers are in the process of the considering the information submitted.
