



Regulatory Committee

Minutes of the meeting held at County Hall, Colliton Park,
Dorchester, DT1 1XJ on Thursday, 2 February 2017

Present:

David Jones (Chairman)
Pauline Batstone (Vice-Chairman)
Barrie Cooper, Ian Gardner, Paul Kimber, David Mannings, Margaret Phipps, Daryl Turner and
David Walsh

Members Attending

Robin Cook, Cabinet member for Corporate Development and County Council member for Minster attended the meeting by invitation for minute 5.

Officer Attending:

Maxine Bodell (Economy, Planning and Transport Services Manager), Phil Crowther (Solicitor), Phil Hobson (Senior Definitive Map Officer), Vanessa Penny (Regulation Team Leader), Sarah Meggs (Senior Solicitor), Steve Savage (Transport Development Liaison Manager), Rob Jefferies (Principal Planning Officer (Development Manager)) and David Northover (Senior Democratic Services Officer)

Public Speakers

Alan Cosgrove, retired estate agent - on behalf of The Slocock Trust
Ian Speirs, Chartered Surveyor - on behalf of The Slocock Trust
Chris Slocock, landowner - on behalf of the Slocock Trust
Sandie Hopkins, local resident, Mill Lane tenant trader and on behalf of applicant
Carol Grant, local resident and on behalf of applicant

(Notes: 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 Committee to be held on **Thursday, 16 March 2017.**)

Apologies for Absence

1

Apologies for absence were received from Councillors Beryl Ezzard, Mervyn Jeffery, Mike Lovell, Steven Lugg, Mark Tewkesbury and Peter Richardson.

Code of Conduct

2

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

Minutes

3

The minutes of the meeting held on 5 January 2017 were confirmed and signed.

Public Participation

4

Public Speaking

There were no public questions received at the meeting in accordance with Standing Order 21(1).

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

The Dorset County Council (Restricted Byways and Footpaths from Mill Lane to High

Street and Crown Mead, Wimborne Minster) Definitive Map and Statement Modification Order 2016

5 The Committee considered a report by the Head of Highways in respect of a rights of way application to add several footpaths leading from Mill Lane to High Street and Crown Mead, Wimborne Minster. Details of the routes of the footpaths, the points between which they ran and what they connected, their relationship with each other and their character within the townscape were all set out in the report

Consideration of this application had initially taken place on 12 March 2015. At that meeting the Committee determined that, on the basis of the evidence considered, there was a reasonable allegation that the claimed rights subsisted and that, accordingly, an Order should be made. This was consequently made on 22 January 2016 and during the statutory period for receiving representations, a number of submissions both objecting to and supporting the Order were received.

As outstanding objections had been received, the County Council was unable to confirm the Order, with it having to be submitted to the Planning Inspectorate for determination. As the Senior Solicitor clarified, the Committee was now purely being asked whether it considered the Order should be supported, objected to or for a neutral stance to be taken in submitting this application to the Planning Inspectorate for determination.

Having taken into account the additional evidence received following publication of the Order, officers were recommending that the County Council should support confirmation of the Order through either written representations, local hearing or local public inquiry, as necessary.

The Senior Solicitor took the opportunity to set the scene and clarify what members were being asked to do – to decide what stance the County Council should take in proceedings. She explained that this was not an opportunity to give further consideration to the merits of the evidence considered at their meeting in March 2015, but to take into account the additional evidence received following publication of the Order and use this as a basis for their stance.

With the aid of a visual presentation officers explained the background to the application and what it entailed. Officers took the Committee through a summary of the Committee report detailing the routes under consideration and proceedings for making the Order. Officers explained that the report had taken into consideration both documentary evidence and user evidence relating to the status of the claimed routes.

The Committee was informed that there had been a substantial number of submissions, representations and objections in respect of the application, with the vast majority of these being made on behalf of the landowner, the Slocock Trust.

Of the 15 submissions received in support of the Order, two had provided additional evidence which had not previously been considered. A total of 44 objections, from 34 individuals, had been received. What additional evidence had been provided was outlined, with the submissions in support of the Order providing additional evidence which supported the contention that, on balance, public rights existed over the claimed routes. Officers explained that conversely, the letters of objection did not add anything new to those representations previously received and considered.

The Update Sheet provided to members prior to the meeting, and appended to these minutes, set out a summary of late representations received in respect of the application, principally objecting to the Order and, primarily, made on behalf of the Slocock Trust. The Update Sheet also listed a series of questions asked on behalf of the Slocock Trust, all of which had received written responses which officers considered to be satisfactory. An analysis and summary of the submissions, letters of objection and support, received in response to the publication of the Order were set

out in paragraph 4 of the officer's report.

The opportunity was given for those wishing to speak under public participation to address the Committee. Alan Cosgrove considered that it was incorrect to believe that public rights existed along those routes being claimed and wished to take issue with the content of the report. From historic evidence there was no reason to believe that the route was anything but a private road, over private land, leading to private ground at Millbank House, and no further. Any access by the public over this would have been regarded as trespass. He questioned the user evidence of a 20 year period of unchallenged access as unreliable. Accordingly, he considered that, on balance, there was no conclusive evidence that public rights existed.

Ian Speirs drew the attention of members to what he considered to be important omissions and factual errors in the officer's report and set out to correct the misinterpretations made in respect of the new evidence, as well as referring to additional information and observations supplied by him in the recent past. As part of his case he referred to the historic water levels of the River Allen and the bearing these would have had on the claimed access across the river at Point x. He considered that the Finance Act 1910 did not sufficiently support the arguments being made for the claimed route. It was also his opinion that the pre-contract letter between with Mr McCartney and Mr Horace Slocock had no formal legal status; that route a-b was no more than an access to the brewery and Millbank House and that there was no doubt over access to the route being restricted by the locking of the gates. He also considered that the mental capacity of Mr Bushby in submitting his evidence should be borne in mind in the Committee's decision making process.

Chris Slocock wished to clarify points from the Slocock family perspective, including the history in Mill Lane, particularly that his family business – the Minster Press - had been based there since 1936. He asserted that Mill Lane was private, historically leading to a private yard and premises, and that hereditaments supported this. On that basis, he considered that any claim for dedication of the route as a public right of way was weak. He considered that the report omitted evidence about how the private land had been managed in years past. He considered the user evidence, as provided by Mr Bushby, to be unreliable and misguided, and the documentary evidence, by way of the Finance Act 1910, also to be of limited value. Any public perception that the route was 'as of right' was misguided. This impression might well have been given as a result of the pragmatic approach to the way in which access across the land was allowed, showing stewardship provided for this tolerance. However this did not necessarily mean that the route was a public right of way by right. He took the opportunity to make known his dissatisfaction at the way in which the application process had been carried out and made mention of the proceedings when the Committee last met to consider this.

Sandie Hopkins explained that she managed Millbank House and determining that this route was a public right of way was critical in ensuring access to it and across the land around it was guaranteed for the future. On behalf of Ralph Bushby, now deceased, she drew the attention of the Committee to his statement, which she wholly supported. This testimony referred to the unimpeded access along Mill Lane Mr Bushby had experienced from the late 1950's until 2003, when Chris Slocock assumed control of his father's estate. Having been familiar with the route during his lifetime, at no point had any indication been given to Mr Bushby that the route was private or that the public had no right to pass over it. From his experience, the passage had never been blocked or its usage challenged. This timeframe well exceeded the 20 years qualification period which was necessary for it to be classified as a public right of way. He was of the view that those wishing to challenge the stance taken by the Slocock Trust could well have been inhibited by perceived repercussions as a result of this, by way of any review of tenancy agreements. As had been alluded to by Mr Cosgrove in his testimony at the meeting on 12 March 2015, Mr Bushby

considered that it was the owner's long term ambition to redevelop the site and an acceptance of the assertion of public rights would seriously prejudice the viability of any redevelopment and compromise the ability to achieve this. Mr Bushby asserted that his submission was a true and lucid account of events and of his own volition. Mrs Hopkins testified that the account provided by Mr Bushby was an accurate reflection of the situation on the ground and confirmed that his mental capacity when making that statement was assured, so the points he had made should be considered valid. She considered that the opportunity should remain for the public to be able to walk freely and unimpeded over those routes, as had been the case for some considerable time.

The final speaker was Carol Grant who, on behalf of Mrs McCartney, drew the attention of the Committee to her statement, which she wholly supported. This testimony referred to the transfer of ownership of land between Mrs McCartney's late husband and Horace Slocock, asserting that the contract between the two included pre-existing rights of way by the "public at large" over the land. Supporting evidence had previously been submitted by Mrs McCartney in this regard and there was no reason to believe this did not still hold true or stand up to scrutiny. In summary, Mrs McCartney felt her evidence complemented the findings of officers in the documentary and user evidence identified and by those public who had testified similarly.

The Chairman took the opportunity to thank all the speakers for their contribution.

For those who, on behalf of the Slocock Trust, had questioned the processes in the way in which the application had been managed by the County Council, the Chairman clarified that any issue about how the process had been managed should have no bearing on the Committee's consideration of the application and should be taken up in its own right through separate legal means.

The County Councillor for Minster, Robin Cook, was then provided with an opportunity to address the Committee. Whilst he understood this was not an opportunity to revisit previously considered evidence or proceedings, he expressed concern at the way in which the application had been handled and the time taken to get to this stage and its associated costs. From his experience there had never been an issue with access over the land, although signage had been prevalent for as long as he had been aware. Given that the original applicant had long since seemingly abandoned his claim, the dispute over land rights primarily lay between Millbank House and The Slocock Trust. From his point of view, and taking into account the signage with which he was familiar, there seemed to be a case for the Authority objecting to the Order, or at least taking a neutral stance, given the lack of conclusive evidence one way or the other.

The Chairman reminded the meeting that the County Council had an obligation to process a right of way application by the proper legal means and there was no scope to vary how this was done. Accordingly it was confirmed that this particular application had been properly processed and the correct procedures followed given that it could be reasonably alleged that a case could be made for a route to subsist.

The Chairman provided the opportunity for officer's to respond to the points made by the speakers, as necessary. Officer's took the opportunity to clarify what their interpretation of the evidence was, their reasoning for this and how this had been used as a means to come to their conclusion on the status of the routes.

The Committee was then provided with the opportunity to ask questions of what they had heard. Clarification was sought over the whereabouts of signage and when this had been done. However, absolute certainty of when and where these first appeared could not be confirmed, not least that this was a critical part of the claims and counter

claims being made.

The Committee acknowledged the need for access over that length of Mill Lane to gain access to the retail businesses which operated in that vicinity but recognised the principle of ownership and where access rights lay.

Once again the Committee was reminded that it was not being asked to make a judgement on whether rights existed, or even if it was reasonable to allege that rights existed, but to decide whether they considered the Order should be supported, objected to or for a neutral stance to be taken given the evidence they were being asked to consider. Officers considered that whilst there was not conclusive evidence of when signage first appeared or when the route was first gated and locked, the documentary evidence presented within the provisions of the Finance Act 1910 remained strong and held true as an important strand of evidence on which judgements should be based.

To this end the Chairman considered that, in agreement with officers, the Finance Act 1910 was extremely compelling evidence on which to base any judgement. He considered that the weight which should be given to such documentary evidence should be borne in mind in the Committee's decision making process and how that evidence should be applied when coming to their decision.

Critically too was that whilst there remained contention over what access there was to the route from 1979 onwards, user evidence between 1949 and 1969 seemingly appeared to demonstrate that the 20 year qualification period of uncontested continual use had been met for the route to be able to be classified as a public right of way. There was no corroborated evidence to suggest otherwise. Accordingly, user evidence was seen to be a presumed dedication for the purposes of establishing whether a route was a public right of way or not.

On being put to the vote, the Committee agreed that the confirmation of the Order should be supported in submitting the application to the Planning Inspectorate for determination.

Resolved

That confirmation of the Order through written representations or at a local hearing or local public inquiry as required by the Planning Inspectorate be supported by the County Council.

Reason for Decision

Evidence submitted since the publication of the Order together with the evidence previously considered demonstrated, on balance, that the Order routes should be recorded, as provided by the Order.

Taking an active role in relation to the submission of the Order to the Planning inspectorate ensured that the evidence was fully and helpfully presented for consideration by an Inspector.

There was an active objector. Although there was a local contact in support of the Order the original applicant had left the area and was no longer involved.

Maintaining the Definitive Map and Statement of public rights of way was a duty of the County Council and supported 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

Planning Application 2/2016/1127/DCC - Variation of Condition 2 and the removal of Condition 10 of planning ref: 2/2014/0529/PLNG associated with the development of a storage lagoon on land to the South of A354, Milborne St Andrew.

- 6 Further to the meeting held on 5 January 2017 - in having deferred further consideration of planning application 2/2016/1127/DCC8/16/0126 pending consideration being given to adding a suitable condition requiring a wheel wash in the event that monitoring indicated the need for one - the Committee reconvened to consider whether the proposed solution would now be acceptable so that the application for the development of a storage lagoon on land to the South of A354, Milborne St Andrew could be determined.

The Solicitor provided clarification of the procedure governing deferred meetings and, in particular, the position on public speaking regarding the issues which could be addressed and what scope there was for involvement by those members who had not attended the meeting on 5 January 2017. It was confirmed that members who had not been in attendance at that previous meeting should take no part in making a decision on this application. Similarly as public speaking had taken place at the meeting on 5 January no further opportunity was being given for this to happen.

Officers briefly summarised the proposals and what these entailed. In doing this they clarified what proposed solution they had been able to identify following negotiations with the applicant - and in dialogue with the local member - to meet the requirements of Condition 10 of planning application 2/2016/1127/DCC. Given this, an additional Condition 13 would provide for the control of debris on the highway and how this was designed to be monitored for the first 12 months to ensure that this was being complied with. Should monitoring of the situation indicate that control of debris on the highway was not satisfactory, then the installation of a wheel wash would be required for this purpose. If this happened to be necessary, as was the usual practice, officers confirmed that the applicants would be obliged to submit details of the scheme for a wheel wash to the waste planning authority for approval. The condition would also provide officers with the authority to amend the scheme in their own right, if necessary.

The opportunity was also being taken to amend Condition 8 as set out in paragraph 9 of the report to ensure that the entrance gates were constructed in the correct position prior to the lagoon being brought into use.

The Committee's attention was drawn to the receipt of a submission from the County Council Member for Winterborne, Hilary Cox, in respect of the application, as now amended. Whilst she was accepting of the application being granted approval in light of the pragmatic adjustments proposed to be made, she sought an assurance that the provisions of any permission were strictly adhered to and arrangements put in place for these to be stringently monitored. It was essential that all the relevant conditions - particularly those relating to the Traffic Management Plan at Condition 10 – were in

place and ready to be implemented prior to any further operations being able to take place.

Her view was that the applicant's attitude in complying with the conditions was wholly unacceptable. She reminded the Committee that this was the basis of their reasoning for deferring consideration of this application until this was satisfactorily resolved. Her concerns were on behalf of the Milborne St Andrew community to ensure that their interests were safeguarded as far as practicable.

Whilst the Committee saw this as both a practical and pragmatic solution which it hoped would satisfactorily deal with the issue at hand, some concern was expressed that this might not be sufficient time to adjudge whether there was an issue or not and that further monitoring of the situation might be advisable. Whilst understanding members' concerns, officers considered that a 12 month cycle would be sufficient to determine if there was a problem with debris on the road. Given that there was a commitment that intensive monitoring would be undertaken over this period to ensure there was compliance with the condition, officers considered that there was little justification for monitoring over a longer period. Furthermore it was considered unreasonable for the applicant to be subjected to the potential implications of an open ended condition. It was considered that it was in the interests of all for this condition to be complied with for the successful management of the site and that there was no reason to believe that the measures to be put in place would not adequately satisfy this.

The Committee considered that a pragmatic solution had now been found for dealing with the issue of debris on the road and, on that basis, agreed that that permission should now be granted subject to all the relevant conditions being complied with, in line with the views of the local member.

Resolved

That planning permission be granted, subject to the conditions set out in Section 7 of the Service Director – Economy's report and subject to an amended Condition 8 as set out in Paragraph 9 of the officers report regarding the installation of entrance gates prior to any further work taking place - the amended condition to be worded as follows:- "No further operations on the development shall take place until entrance gates have been erected and set back a minimum distance of 15 metres from the edge of the carriageway and hung so the gates can only open inwards".

Reason for Decision

The reasons for granting planning permission are set out in full in paragraphs 4.11 and 4.12 of that report.

Acknowledgement

7 As this would be the final meeting for the Senior Solicitor, Sarah Meggs, before she left the County Council to take up another post, the Chairman took the opportunity, on behalf of the Committee, to thank her for all the valued advice she had provided the Committee with in the past and wished her every success in the future.

Questions from County Councillors

8 No questions were received from members under Standing Orders 20 (2).

Appendix - Update Sheet

Rights of Way Matter

Minute 5

The Dorset County Council (Restricted Byways and Footpaths from Mill Lane to High Street and Crown Mead, Wimborne Minster) Definitive Map and Statement Modification Order.

Update:

Mr Slocock (18 January 2017)

Mr Slocock provided, by email, a submission dated 17 January 2016 that contained several photographs, undated, of gates, barriers and signs in Mill Lane and a letter from East Dorset District Council to Mrs Hopkins dated 5 August 2009, which had been provided to him by Dorset County Council. The letter states that EDDC had been made aware of the gates and barriers by means of a complaint in 2002. The pictures are heavily pixelated and therefore unclear, however, Mr Slocock states that they demonstrate that the signs, including the Ken Bushby sign, were in place and that this therefore contradicts the evidence provided by Mr R Bushby, who had provided a statement and accompanying photograph demonstrating that no sign was in place.

Officers Comments:

The photographs provided by Mr Slocock show gates and barriers in position at point B1. Although they are undated, Mr Slocock appears to cross reference the photographs to the letter from EDDC which refers to them being in place in 2002. One of the photographs shows the eastern end of the building Mr Bushby rented, although blurred, there appears to be a sign affixed to the door that may refer to the proprietor 'Ken Bushby', it also shows a small sign to the top left of the building that may be one of the red 'no public right of way' signs. However, it should be noted that the missing sign to which Mr Bushby refers was not this sign but the sign said to have been affixed to the wall at point A. Mr Bushby does refer to the sign at point B1, stating that it had been put there in the 1980s and that the gates and barriers had been erected by Mr Slocock around 2002.

Mr Waters (Waters Surveyors 24 January 2017)

Mr Waters responded by email on 24 January 2016 attaching a copy of his original submission dated April 2016, in which he stated that although not opposed to the application they would not agree to it unless it was confirmed that the route would be adopted by the County Council. Mr Waters confirmed that their position remains unchanged.

Officer Comment:

As the County Council are not able to confirm that the route, should the Order be confirmed, would be adopted (maintained at the public expense), Mr Waters' submission is taken as an objection to the Order.

Mr Slocock (29 January 2017)

Questions

- 1 Mr Slocock enquired as to why his Statutory Declaration of 9 March 2015 had not been included within the report.
- 2 Refers to paragraph 3.4 (e) and paragraph 4.5 asking why credibility is given to Mr Bushby's statement in respect of signs.
- 3 Enquires as to whether the earlier submission and pictures has been made available to the Committee.

- 4 Refers to a letter of 2009 from Dorset County Council stating that no public right of way existed in Mill Lane, which he claims has since disappeared.
- 5 Refers to paragraph 24.23 of the Minutes of the Committee Meeting held on 12 March 2015 (Appendix 2)
- 6 Refers to page 121, the table of responses, the response and summary for Mr K Short.
- 7 Asks why an offer to Dorset County Council of a permissive path was rejected

Officer comment:

- 1 Mr Slocock's declaration of 9 March 2015 was submitted in respect of the earlier report, which was presented to the Committee on 12 March 2015. As it arrived too late for inclusion within the report itself it was brought to the attention of Committee Members by means of the update sheet.
- 2 There is a conflict between the evidence provided by Mr Bushby and Mr Slocock. This would be matter for an Inspector to resolve.
- 3 It has been brought to the Committee's attention by means of the update sheet.
- 4 This matter has been raised before, there is no record of a letter from Dorset County Council. It was suggested to Mr Slocock that he may be confusing this letter with one from East Dorset District Council of the same date, a copy of which he was provided with.
- 5 This relates to the minutes of the meeting of 12 March 2015, it is not relevant to today's meeting.
- 6 Mr Short made three submissions, he did not provide any 'new' evidence for analysis. All of his submissions are summarised and commented on within the table at appendix 4 of the report.
- 7 The offer of a permissive path was made in respect of the March 2015 meeting. As it arrived too late for inclusion within the report itself it was brought to the attention of Committee Members by means of the update sheet.

Mrs Y R Slocock (29 January 2017)

Questions:

- 1 Asks why there are significant errors in the plan attached to this report.
- 2 Questions the legality of the application.
- 3 Questions the impartiality of the Rights of Way Officers.
- 4 Refers to paragraph 3.3 of current report and asks why so much importance has been placed on Mrs McCartney's comments.
- 5 Refers to recommendation page 3 of the current report, suggests that this is being met through the permissive arrangements.
- 6 Requests costs incurred by Dorset County Council in processing this application.
- 7 Suggest that the current financial challenges to services and the fact that a permissive arrangement is in place that any further action is unjustified.

Officer comment:

- 1 Mrs Slocock provides no evidence of the suggested errors, Dorset County Council is not aware of any errors in the plan.
- 2 This issue was discussed at the March 2015 meeting.
- 3 No evidence provided.
- 4 Mrs McCartney provided new evidence that had not been previously considered, it has been analysed and summarised within the current report.
- 5 Not relevant to today's meeting.
- 6 Not relevant to today's meeting.
- 7 Not relevant to today's meeting.

Mr Cosgrove (29 January 2017)

Questions:

- 1 Asks why Dorset County Council have not commented on the 'legal opinion' provided by BLM solicitors of 15 April 2015.
- 2 Has a copy of this 'opinion' been provided to the Chairman and committee members?

3 Why has Dorset County Council confused evidence provided by Mrs McCartney, reciting text from Mr McCartney's solicitors. Suggests that it implies what was proposed may have been incorporated within the transfer deed.

4 Questions why evidence contained at paragraph 8.38 of previous report remains on file without comment.

Officer comment:

1 The submission from BLM was an objection, it did not include any new evidence for consideration. BLM are included amongst the outstanding objectors to the Order, the issues they raise will be considered by an Inspector in due course.

2 A copy of the objection from BLM has been on file and available to committee members since it was submitted.

3 Section 3.3 of the current report relates to Mrs McCartney's evidence. The quotations are taken directly from the letter provided by Mr McCartney's solicitor. It is made clear that this letter contained a number of 'proposed' terms.

4 There is a conflict of evidence, this would be matter for an Inspector to determine in due course.

Mrs Potts

Questions:

1 Asks when services are being cut, what is the cost of this action?

2 Why is the council trying to grant (permission for) privately owned land that goes back many years?

3 How will shops be affected by this action?

4 Is this action a vendetta on someone's part?

Officer comment:

1 Not relevant

2 Question not clear, but assuming it relates to the processing of the application, this would be because the Council is under a duty to investigate all such applications.

3 Not relevant, but shops would not be affected.

4 Not relevant to today's meeting.

Mr Spiers on behalf of the Sloccock Trust (1 February 2017)

1. Mr Spiers provided by email edited photographs of the application site. Three of which he states are views of the area relating to point F on the Order plan, and covering a period from the 1940s to the 1960s. The fourth is a view of the route from point A towards point B, approximate date 1950s. With respect to the first three photographs (point F) Mr Spiers suggests that they demonstrate 'control' of the route between points E and F and that no route existed beyond point F. With respect to the fourth photograph Mr Spiers suggest that the different surfaces indicate the point at which public highway became private road.

2. He also attached a "statement of truth" provided by Mr M Chappell. Mr Chappell states that he was born in Wimborne in 1935 and he worked in Mill Lane being employed by Mr Wooley who leased two buildings from Mr H Sloccock.

Officer comment:

1. It is not clear what Mr Spiers means when he states 'controlled', however, it is assumed that he is suggesting they demonstrate that public access to point F was not possible. If that is the case then it should be noted that it is not possible to determine from the photographs alone whether access to this point was or was not possible. However, the presence of a trailer in one of the photographs suggests that access to this point may have been possible and the presence of a gate at point F suggests it provided access to the adjoining field and probably has done since the 1940s. The question as to when this part of the route (E – F –G) may have been available to the public was discussed in the 2015 report.

With respect to the fourth photograph, Mr Spiers comments are noted, but in isolation it cannot be determined by this photograph alone as to what the status of the road is.

2. Mr Chappell's statement contains no relevant evidence for consideration.

Planning Matter

Minute 6

Planning application 2/2016/1127/DCC

Section 73 planning application proposing the variation of Condition 2 and the removal of Condition 10 of planning ref: 2/2014/0529/PLNG associated with the development of a storage lagoon on land to the South of A354, Milborne St Andrew, Dorset for Eco Sustainable Solutions Ltd.

Update:

Comments from Local Member

Consultation took place with the Local Member (Councillor Hilary Cox) in respect of proposed condition 13. Councillor Hilary Cox has made the following comments-

"It is now recommended that this Committee accept the variation of the original application as the Lagoon has been constructed in a position 20m from the originally approved site, which in effect brings it 20m closer to the site entrance off the A354, which raises the question of debris getting on the highway and the perceived need in the original application for a wheel washing facility on site.

The new condition 13 may therefore be acceptable. Local residents will have the assurance that if the site operations does bring debris onto the Highway DCC has the power to insist on the instillation of a wheel wash facility. Should action need to be taken the residents and Local Member must be assured this will be implemented and closely monitored.

As local member I am therefore content that you grant planning consent SUBJECT TO ALL THE CONDITIONS SET OUT.

That is that NO OPERATIONS on site is to take place until conditions 5,6,7,8,9,11 12 and in particular 10 **the Traffic Management Plan has been APPROVED.**

I emphasise this as the reason you deferred this matter was that the Applicant has shown a complete disregard for the Conditions previously set ".

Amendment to Condition 8 (Entrance Gates)

It is proposed to amend condition 8 as set out in paragraph 9 of the report to ensure that the entrance gates are constructed in the correct position prior to the lagoon being brought into use. The condition currently states –

"Any entrance gates shall be set back a minimum distance of 15.0 metres from the edge of the carriageway and hung so that the gates can only open inwards."

It is proposed that the condition be amended to read as follows –

"No further operations on the development shall take place until entrance gates have been erected and set back a minimum distance of 15.0 metres from the edge of the carriageway and hung so that the gates can only open inwards."

Appendix Correction

Appendix 5 of the latest Regulatory Committee Report has the incorrect document attached. A revised Appendix 5 is attached to this update sheet.

Meeting Duration: 10.00 am - 12.40 pm