



Meeting: Regulatory Committee

Time: 10.00 am

Date: 6 April 2017

Venue: Committee Room 1 - County Hall, County Hall, Colliton Park, Dorchester, DT1 1XJ

Steven Lugg	David Jones (Chairman)	Pauline Batstone (Vice-Chairman)
Barrie Cooper	Fred Drane	Beryl Ezzard
Ian Gardner	Mervyn Jeffery	Paul Kimber
Mike Lovell	David Mannings	Margaret Phipps
Peter Richardson	Daryl Turner	David Walsh

Notes:

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- We can provide this agenda and the reports as audio tape, CD, large print, Braille, or alternative languages on request.
- **Public Participation**
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Public Speaking

Members of the public can ask questions and make statements at the meeting. The closing date for us to receive questions is 10.00am on 3 April 2017, and statements by midday the day before the meeting.

Debbie Ward
Chief Executive

Contact: David Northover
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Date of Publication:
Wednesday 29 March 2017

1. Apologies for Absence

To receive any apologies for absence.

2. Code of Conduct

Councillors are required to comply with the requirements of the Localism Act 2011 regarding disclosable pecuniary interests.

- Check if there is an item of business on this agenda in which the member or other relevant person has a disclosable pecuniary interest.
- Check that the interest has been notified to the Monitoring Officer (in writing) and entered in the Register (if not this must be done on the form available from the clerk within 28 days).
- Disclose the interest at the meeting (in accordance with the County Council's Code of Conduct) and in the absence of a dispensation to speak and/or vote, withdraw from any consideration of the item.

The Register of Interests is available on Dorsetforyou.com and the list of disclosable pecuniary interests is set out on the reverse of the form.

3. **Minutes**

3 - 14

To confirm and sign the minutes of the meeting held on 16 March 2017 (attached).

4. **Public Participation**

To receive any public questions and/or public statements and request to speak in accordance with Standing order 21(2).

Traffic Matters

5. **Proposed speed limit reduction - A353, White Horse Hill, Osmington**

15 - 20

To consider a report by the Service Director - Highways and Emergency Planning (attached).

6. **Dorchester Transport and Environment Plan (DTEP) - Proposed Access Only Order in Victoria Road, Dorchester**

21 - 28

To consider a report by the Service Director – Highways and Emergency Planning (attached).

7. **Questions from County Councillors**

To answer any questions received in writing by the Chief Executive by not later than 10.00am on Monday 3 April 2017.



Regulatory Committee

Minutes of the meeting held at County Hall, Colliton Park,
Dorchester, DT1 1XJ on Thursday, 16 March 2017

Present:

David Jones (Chairman)

Steven Lugg, Pauline Batstone, Ian Gardner, Paul Kimber, David Mannings, Margaret Phipps,
Daryl Turner and David Walsh.

Officers Attending:

Emma Baker (Project Engineer), Maxine Bodell (Economy, Planning and Transport Service Manager), Anne Brown (Definitive Map Technical Officer), Phil Crowther (Solicitor), Mike Garrity (Team Leader), Phil Hobson (Senior Definitive Map Officer), Sarah Meggs (Senior Solicitor), Vanessa Penny (Team Manager – Definitive Map), Charlotte Rushmere (Senior Planning Officer), Huw Williams (Principal Planning Officer) and David Northover (Senior Democratic Services Officer).

Public Speakers

Simon Mazzei-Scaglione – local resident, minute 14.

Alan Hannify, agent – minute 18.

(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 Cabinet to be held on **Thursday, 6 April 2017.**)

Acknowledgements

9 The Chairman welcomed Steven Lugg to the Committee and, in his absence, Fred Drane, whom it was hoped would be able to participate at some future meeting.

As Mark Tewkesbury has now been replaced on the Committee, the Chairman, on behalf of the Committee thanked him for the contribution he had made to the work of the committee in the past and asked that he be written to that vein. Similarly Peter Richardson had indicated that in recovering from a bout of poor health he would no longer be attending any further council meetings up till the elections and a similar letter of appreciation should be sent on behalf of the Committee to him for his services in the past.

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.

Apologies for Absence

10 Apologies for absence were received from Barrie Cooper, Fred Drane, Beryl Ezzard, Mervyn Jeffery, Mike Lovell and Peter Richardson.

Code of Conduct

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

Whilst he confirmed that he had no disclosable pecuniary interests under the Code of Conduct, David Jones, being a member of Christchurch Borough Council had taken no part in any debate on this matter so did not consider that this would preclude him

taking part in the debate of minute 18 below, as he had not prejudged the matter.

Whilst she confirmed that she had no disclosable pecuniary interests under the Code of Conduct, Margaret Phipps, being a member of Christchurch Borough Council and Hurn Parish Council, where the matter had been discussed, had taken no part in any debate on this so did not consider that this would preclude her taking part in the debate of minute 18 below, as she had not prejudged the matter.

Minutes

12 The minutes of the meeting held on 2 February 2017 were confirmed and signed.

Public Participation

13

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).

Rights of Way Matter

Application for a definitive map and statement modification order to add a footpath/bridleway from Footpath 3, Allington along the route of 'Donkey Lane', to Court Orchard Road, Bridport.

14 The Committee considered a report by the Service Director – Highways and Emergency planning which detailed an application for a Definitive Map and Statement Modification Order to add a footpath/ bridleway from Footpath 3, Allington along the Route of Donkey Lane to Court Orchard Road, Bridport.

Officers confirmed that in response to an application by Allington Parish Council for a footpath/bridleway to be added to the Definitive Map and Statement, the Committee were being asked to consider the evidence relating to the status of the claimed route. It was similarly confirmed that during the investigation process, evidence was discovered relating to the public status of the whole of Donkey Lane and consequently it was now being recommended to add Donkey Lane - between points C-H - to the definitive map and statement. An objection to the application had been received from an adjacent landowner of "Meadowside" who had applied to register part of Donkey Lane with the Land Registry.

With the aid of a visual presentation, and in taking into account the provisions of the Update Sheet made available to members prior to the meeting and appended to these minutes, the basis for the application was explained and what it entailed. Photographs and plans were shown to the Committee by way of illustration. This showed the claimed route, its character and setting within the landscape, its relationship with neighbouring properties and the points between which it ran. Signage and gating were also shown. The documentary and user evidence contained in the report was referred to in detail and how this was applied in the officer's reasoning for coming to the recommendation they had. The weight to be given to the user and documentary evidence was explained. The Committee's attention was drawn to what they were being asked to take into consideration in coming to their decision.

In particular, the documentary evidence was considered to be strong and was supported by the user evidence, although the user evidence alone was considered to be insufficient to fulfil the requirement of 20 or more years use by the public to demonstrate a deemed dedication under Section 31 of the Highways Act 1980.

Officers reported that the available evidence showed that, on balance, a right of way

subsisted or was reasonably alleged to subsist. Consequently they were satisfied that the route of Donkey Lane, as shown, should be recorded as footpath as a restricted byway, as described in the report.

The Committee were reminded that what they were being asked to decide was whether rights existed or whether it could reasonably be alleged that the rights existed and, if it could be agreed that it was reasonable to argue that rights existed, given the documentary and user evidence submitted, then the Director's recommendations should be accepted.

The Committee heard from Simon Mazzei-Scaglione who supported the application being made by the Parish Council but agreed that it should extend further, to point H, as evidenced in the officer's investigations. He described what usage of Donkey Lane he had experienced, considering that this fully justified the lane being classed as a public right of way.

The attention of the Committee was drawn to the update sheet and the submission received from Ros Kayes, County Councillor for Bridport who supported wholeheartedly the application and the route being recognised as a public right of way.

In assessing the evidence presented by officers, taking into account the detail of the application in the report and hearing what those making submissions had said, the Committee concluded that the documentary evidence, together with the evidence of use was considered to be, on balance, sufficient to raise an inference of a carriageway under Common Law. As no exceptions to the provisions of Section 67 of the Natural Environment and Rural Communities Act 2006 appeared to apply, the unrecorded public mechanically propelled vehicular rights had been extinguished. On that basis, and in being put to the vote, the Committee agreed that an Order should be made to record the route C-H, as set out in the recommendations in the Service Director's report.

Resolved

1. That an Order be made to modify the definitive map and statement of rights of way to record Donkey Lane, Bridport as a restricted byway from Dottery Road (B3162) to the field boundary behind 79/81 Court Orchard Crescent, as shown C – H on Drawing 16/17/4.
2. That if the Order is unopposed, or if any objections are withdrawn, it be confirmed by the County Council without further reference to this Committee.

Reasons for Decisions

The available evidence shows, on balance, that public vehicular rights subsist or are reasonably alleged to subsist along the whole of Donkey Lane. As the application was submitted after 20 January 2005, and there is no evidence that exceptions apply, the provisions of the Natural Environment and Rural Communities Act 2006 extinguished the public rights for mechanically propelled vehicles and therefore an order should be made to add a restricted byway. (Restricted byway status includes public rights to use the application route on foot, on horseback or leading a horse, and therefore incorporates footpath and bridleway rights).

The evidence shows, on balance, that Donkey Lane should be recorded as a Restricted Byway as described. Accordingly, in the absence of objections the County Council can itself confirm the Order without submission to the Planning Inspectorate.

Maintaining the Definitive Map and Statement of public rights of way is a duty of the County Council and supports 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 is conducive to cycling and walking
- Improve the provision of, and access to, green, open spaces closer to where people live

Traffic Matter

Dorchester Transport and Environment Plan (DTEP) - Proposed Turning Movement Bans at South Gate Junction, Dorchester

15 The Committee considered a report by the Service Director - Highways and Emergency Planning which proposed prohibiting certain turning movements at South Gate Junction, Dorchester as part of the traffic management improvements scheme being progressed from the Dorchester Transport and Environment Plan (DTEP). Whilst this was originally an overarching principle to successfully manage traffic improvements throughout Dorchester, this had since been scaled down to now meet specific needs on a piece meal basis, which could still deliver improvements in their own right and integrate with each other .

Consequently, in September 2014, Cabinet resolved that elements of DTEP should still be progressed which included the replacement and improvement of the existing pedestrian crossing signal equipment around South Gate Junction, linking of the individual crossings to reduce traffic delays. It also included relocating the pedestrian crossing on South Walks Road to provide a more direct link between Brewery Square and South Street. In order to relocate the pedestrian crossing on South Walks Road it was necessary to prohibit right-turns out of Prince of Wales Road and left-turns into it.

With the aid of a visual presentation officers described the detail of the proposal, what it was designed to achieve and set out the practicalities of delivering this, including providing an understanding of those traffic flows and manoeuvres being undertaken. From this it could be determined which manoeuvres were undertaken most frequently, and those which were less well used. Photographs and plans illustrated the scheme's setting within the character of the townscape and the local road network, the junction's and the roads' configuration and the junction's relationship with the amenities in the area, including the relationship between Brewery Square and the town centre. Officers were satisfied that an acceptable, alternative diversionary route – via Culliford Road - was available to motorists wishing to gain access.

Advertisement of the proposals had resulted in an objection and two representations being received and the Committee was now being asked to give these due consideration and whether the proposed package of measures should be recommended for implementation as advertised. It was confirmed that both County Councillors for Dorchester, Trevor Jones and Richard Biggs supported the proposals, as did West Dorset District Council, Dorchester Town Council and Dorset Police.

Officers confirmed that the proposed measures were necessary in order to realise the scheme's objective of improving access for pedestrians, cyclists, the elderly and the disabled. The scheme would achieve this by providing controlled pedestrian crossing facilities for improved access as consequently recommendation was that the Cabinet be asked to approve implementation of the Order, as advertised.

The Committee heard from Andy Canning, County Councillor for Linden Lea, in his capacity as the Chairman of the DTEP Project Working Group, who wholly supported the proposals being made to improve accessibility around the junction and between Brewery Square and the town.

The Committee understood the need for, and the reasoning behind, the proposals, what benefits they would bring to vulnerable road users at the junction and the improved access between the town centre and the Brewery Square complex and on being put to the vote agreed to recommend this to Cabinet for approval.

Recommended

That having considered the objection and representations received, Cabinet be recommended to approve the proposed prohibition of turning movements as advertised.

Reason for Recommendation

The proposals will allow relocation of the controlled pedestrian crossing on South Walks Road considerably nearer to the desired route for most pedestrians and contribute towards the overall DTEP scheme objectives of increasing pedestrian priority and freedom, and improving access for the elderly and disabled.

Planning Matters

Planning application 6/2016/0587- For the proposed continued use of land and buildings for radioactive waste management and operational development, to include the modification to the B4 complex and associated infrastructure for waste storage/treatment, rain and foul water drainage and extension to building B48, at Tradebe Inutec B4 Complex, Monterey Avenue, Winfrith,

16 The Committee considered a report by the Service Director – Economy on planning application 6/2016/0587 for the proposed continued use of land and buildings for radioactive waste management and operational development, to include the modification to the B4 complex and associated infrastructure for waste storage/treatment, rain and foul water drainage and extension to building B48, at Tradebe Inutec B4 Complex at Winfrith Newburgh.

With the aid of a visual presentation, and taking into account the provisions of the Update Sheet circulated to members prior to the meeting and appended to these minutes, officers described the proposals and planning issues in detail, what these entailed and what they were designed to achieve. The application sought permission for the continued use of a radioactive waste management facility located within an existing licensed nuclear site that was currently being decommissioned and the means for the disposal of waste material.

The Committee was informed that the Tradebe Inutec waste management facility had been operational for some 30 years but, in 2013, the applicant was notified by the County Council that the existing planning consents for the site and licensed nuclear facility did not permit the commercial management of radioactive waste, from off-site sources, at the scale that was being undertaken. Clarification was provided by the County Council to the applicant why this application was necessary and, subsequently, the applicant agreed to submit a planning application to regularise the continued use of the waste management facility. Also included in that application was a new operational development that would enable the waste management facility to manage radioactive waste independently of the wider licensed nuclear site.

It was explained to members that the need for new operational development was linked to the continued use of the facility and was driven primarily by the decommissioning of the Magnox site at Winfrith. The application fully accorded with national policy for radioactive waste management and with national and local planning

policy and there had been no objections received to it. Furthermore, members were informed that the County Councillor for Egdon Heath, Peter Wharf, had indicated that he was fully supportive of the proposals.

Plans and photographs were used to show the characteristics of the site, its location and to describe the means by the facility would operate. The site's land form, the buildings and facilities proposed to be used for the operations and their context within the surrounding landscape were shown, with views taken from within and around the site. The activities and operations proposed to be undertaken were described in detail by officers, how the treatment of the waste material would be managed and the drainage systems associated with this. How the waste material would be transported, by vehicle, off site was described and the current arrangements this would replace. Access and security arrangements were also drawn to the Committee's attention. Officers described what relationship the activities which were to take place on site had with the current operations; the site's setting within the landscape; and the relationship of the application with other facilities in the larger context of the site. Officers confirmed that there was to be no change to existing activities on the site, only to the way in which they were managed.

Critically, the way in which the waste was to be discharged and managed was at the core of the application, with the pipelines for active foul waste water which ran underground and took waste off site now being decommissioned so that an alternative, and replacement, means of treating the waste on site and transporting it away, by vehicle, was now necessary and had to be found.

Members asked questions and received answers from officers on the handling of radioactive waste water and traffic generation.

The Committee recognised the complexities associated with this application, which was borne out by the protracted negotiations between the applicant and officers in coming to an acceptable agreement on how this should be best managed. It was also appreciated what efforts had been made in identifying a sustainable and manageable solution for dealing with this issue.

From the report by the Service Director and the presentation by officers, the Committee were satisfied that the application would achieve what it was designed to do, in dealing with the radioactive waste management process in a controlled, secure and practical way. Accordingly, on being put to the vote, the Committee agreed

Resolved

That planning permission be granted subject to the conditions set out in paragraph 8.2 of the Service Director's report.

Reason for Decision

To ensure that the operations were managed in a safe, responsible and practical way and by the appropriate means necessary.

Redbridge Road Quarry, Crossways - Response and Update

- 17 The Committee considered a report by the Service Director – Economy in response to a statement submitted by Mr Nigel Hill to the Committee at its meeting on 5 January 2017 on a range of issues of concern to him in respect of the management of the restoration operations taking place at Redbridge Road Quarry, Crossways. Members were informed that subsequent to this, officers had since visited the quarry to assess progress being made and planning compliance.

With the aid of a visual presentation, plans and photographs were used to show the characteristics of the site, and what the operations entailed and how they were progressing. The site's land form, and its context within the surrounding landscape

were shown, with views taken from within and around the site. The activities and operations being undertaken were described in detail by officers. The storage of vehicles that were unrelated to the operations of the site were one particular issue which was being addressed and officers considered that this could be resolved satisfactorily in time.

Each of the points Mr Hill had raised in his statement were investigated and addressed in their own right. Whilst some breaches of condition were evident, operations at the quarry were considered to be progressing generally in accordance with extant planning permissions. Critically no identified breaches were considered to have resulted in an unacceptable loss of amenity or environmental harm and therefore it was not considered expedient to take formal enforcement action at this time. Assurance was given that this was still an option that could be enacted though, if considered necessary and expedient. For now, this was not the case.

The Committee considered that the points raised in Mr Hill's statement had been addressed satisfactorily by officers in their investigations and subsequent assessments, and the detail in the Service Director's report confirmed this. Members thanked Mr Hill for drawing these to their attention. Members were confident however, that the issue was being taken seriously and were satisfied that arrangements were in hand to monitor the situation as practicable and address any significant issues which arose, as necessary.

Resolved

That the findings from the investigations made at Redbridge Road Quarry, Crossways in response to the statement by Mr Nigel Hill be noted, together with the options for enforcement action, if necessary.

Reason for Decision

Ongoing operations were generally in accordance with extant planning permissions and it was not considered expedient to take enforcement action against any identified breaches of planning control at this time.

Variation of Conditions 2 (development to be in accordance with Approved Plans) and 3 (Operation with application documents) of 8/14/0515 - ECO Sustainability Solutions, Chapel Lane, Christchurch

- 18 The Committee considered a report by the Service Director – Economy on planning application 8/16/2910/DCC for the Variation of Conditions 2 and 3 of planning permission 8/14/0515 at ECO Sustainable Solutions, Chapel Lane, Hurn, Christchurch.

With the aid of a visual presentation, and having regard to the provisions of the Update Sheet appended to these minutes, officers explained in detail what the variation of conditions 2 and 3 were designed to achieve and how these revisions would be applied. Photographs and plans were shown to the Committee by way of illustration showing the characteristics of the site, its form and its context within the surrounding landscape. Views from within and around the site, what activities were being undertaken and would take place and what materials were being used were all described in detail by officers. The relationship between the site and other development in the vicinity was highlighted, including Bournemouth International Airport and the business park.

Officers explained that planning permission 8/14/0515 provided for the extension, reconfiguration and intensification of a pre-existing waste management and recycling facility at the site operated by ECO Solutions, including material changes to both operational and consented development and the introduction of new waste management processes, infrastructure and buildings. The relatively minor variations

now being proposed allowed for the reconfiguration of an approved biomass boiler and drying plant, including design amendments and process modifications. Whilst no objections to the proposals had been received as a result of the consultation exercise, the application was being presented to Committee for its approval because the proposed development, in its entirety, constituted EIA development and the application was accompanied by an Environmental Statement.

As part of the application the opportunity was being taken to amend Condition 7, relating to the Environmental Management Plan so that there was provision to apply the best available techniques available in the process, as necessary.

Councillors were informed that the proposed variations were designed to make best use of the infrastructure currently in place to enable the efficient and effective running of the operation. The buildings to be used and their dimensions were described so that members had a meaningful understanding of what this entailed.

Alan Hannify, agent, explained that the application was designed to improve the efficient operations at the facility and provided for environmental improvements being made, which would be achieved by modern solutions. He advised that in reviewing how operations might be best managed, the bagging barn was seen to be a more suitable location for the equipment to be situated. In time it was anticipated that the operation would become self sufficient in energy consumption - which would be generated by the processes used on site - rendering the diesel plant redundant.

In answering satisfactorily questions raised, the County Councillor for Commons, Margaret Phipps, supported the proposals for the variation of conditions.

On the basis of the officer's report and presentation, the Committee agreed that the application should be granted planning permission on the grounds described in the Service Director's report.

Resolved

That subject to:

- (i) the application being referred for consultation with the Secretary of State for Communities and Local Government, in accordance with the requirements of the Town and Country Planning (Consultation) (England) Direction 2009; and
- (ii) the conditions set out in paragraph 8.2 of the Service Director's report, planning permission be granted.

Reason for Decision

The reasons for granting planning permission were summarised in paragraphs, 6.17, 6.20 and 8.3 of the report.

Questions from County Councillors

19 No questions were received from members under Standing Order 20(2).

Update Sheet

20

Rights of Way matter

Minute 14

Application for a Definitive Map and Statement modification order to add a footpath / bridleway from Footpath 3, Allington along the route of 'Donkey Lane' to Court Orchard Road, Bridport

Update:

- a) A submission has been received from Councillor Ros Kayes, ward member for Bridport:

I have a very strong concern about land grabbing of public footpaths and it is becoming a growing practice [...] I believe that we as a council should be very strong in policing the issue and I therefore fully support the application to reinstate Donkey Lane (the entire length that has been used by the public) and a covenant being placed upon it to prevent further encroachment.

Route C to H on Map 16/17/4 is therefore as important as Grey Area route A to B Map 16/06.

This footpath (Donkey Lane) has been in use for over 60 years. When my brother in law (who is an ecologist) lived in North Allington in the 1980s he used it regularly. It is used by children, walkers and naturalists alike on a regular basis. The disputed section in particular has been used for dog walking by residents from Court orchard Road/ North Allington and Allington Mead on a daily basis.

One of the problems appears to have been that there has been a misunderstanding among local people about whether Highways or Footpaths were responsible for it and therefore residents did not raise questions about what at first appeared to be a dutiful resident [...] caring for a neglected path, when the annexation of the footpath began. This was first brought to my attention only last year by Cllr Phil Lathey of Allington PC who was born and bred on the estate next to the footpath and has lived a stone's throw away from it all his life.

The OS pathfinder map (attached) clearly shows this path as understood to exist by local people.

Apart from [the dutiful resident mentioned above], residents of 224 North Allington also made minor repairs to Donkey Lane and the bank when flood damaged. These residents actually paid their gardener to make repairs to it and to cut the hedge. It's therefore clear that both in terms of use by a wide range of people as a footpath and the role of members of the public in looking after it that the piece of land IS regarded as a footpath and I strongly urge the committee to re-establish it as a public right of way.

Officer comment:

Support is noted.

- b) Submissions have been received from two nearby residents since the publication of the meeting agenda:

Mr and Mrs Mazzei-Scaglione forwarded a copy of an Email they had sent to Mr Gillis, Allington Parish Council, Cllr Kayes, and J Budden on 24/04/2016. This can be summarised:

- In 1990, Donkey Lane extended at full width past the end of Court Orchard Rd.
- Mr Raymond later fenced the land restricting access to the lane to a narrow pathway.

- An Ordnance Survey Pathfinder map shows a public footpath along part of the length of Donkey Lane.
- In 1997 Mr Raymond widened Donkey Lane outside 'Meadowside' and erected a gate on the lane.
- They believed the lane was either public land or belonged to the owner of adjacent fields, they do not believe it is an 'unmade highway'.
- Donkey Lane is well used by people walking dogs and is important as a traffic free route to Washingpool Farm [farm shop].

They also confirmed that they have received notification from Land Registry that Mr Raymond's claim for title has been limited to just the area termed 'grey land' [between points G and B on Drawing 16/17/4 in the report].

Mr Budden raised a question of why aerial photographs had not been given more weight in the report. He also asked why the application title was, in his opinion, not sufficiently clear to alert residents, and why the conclusion seemed open-ended. Having discussed these points he feels it is not necessary to speak at the committee meeting, but is still worried that the report conclusion runs the risk of not convincing the committee of the importance of the route to residents.

Officer comment:

These points have been considered and, with the exception of the date when Mr Raymond is alleged to have first enclosed part of the lane (which is disputed by Mr Raymond), they have no bearing on the conclusion.

If the date when use of the route was brought into question were considered to be 1990, rather than 1983 (as claimed by Mr Raymond), then the user evidence would carry a little more weight. However, as there would still only be five users of the route at the beginning of the relevant period of use to establish a presumed dedication, this is still considered to be insufficient to establish rights based only on user evidence.

Therefore the additional evidence does not alter the conclusion or the recommendation of the report.

Planning Matters

Minute 16

Planning application 6/2016/0587

For the proposed continued use of land and buildings for radioactive waste management and operational development, to include the modification to the B4 complex and associated infrastructure for waste storage/treatment, rain and foul water drainage and extension to building B48, at Tradebe Inutec B4 Complex, Monterey Avenue, Winfrith

Update:

Councillor Peter Wharf, ward member for Egdon Heath, has expressed support for the Tradebe application.

Officer comment:

The support is noted.

Minute 18

Planning application 8/16/2910/DCC for the variation of Conditions 2 (Development to Be in Accordance with Approved Plans) and 3 (Operations in Accordance with Application Documents) of 8/14/0515 at Eco Sustainable Solutions Ltd, Chapel Lane, Hurn, Christchurch, Dorset BH23 6BG.

Update:

Following receipt of an updated Appendix to the Environmental Management Plan, the following change is recommended to proposed Condition 7.

Environmental Management Plan

7. Unless otherwise approved in writing by the local planning authority, operation of the waste management facility shall be in accordance with the Environmental Management Plan (Document Ref: 416.03407.00024 Version No: 1 as amended by submission of the Best Available Techniques and Operating Techniques Report – version 2.1 as amended for appendix EMP4 on 14 March 2017) submitted pursuant to Condition 7 of planning permission 8/14/0515). The Environment Management Plan shall be reviewed annually and the approval of the local planning authority sought for any changes to the Plan. Operation of the facility shall thereafter be in accordance with the latest approved Plan.

Reason:

To protect amenity and the receiving environment having regard to: saved Policies 1, 2, 4, 6, 7, 8, 13, 15, 20, 21, 25, 32, 34, 36, 37, 38 and 47 of the Bournemouth, Dorset and Poole Waste Local Plan; Policy RE1 of the Bournemouth, Dorset and Poole Minerals Strategy; Policies KS3, KS11, BA1, ME1, ME2, ME3, ME4, ME5, ME6, HE2 and HE3 of the Christchurch and East Dorset Local Plan: Part 1 – Core Strategy; and saved Policies ENV 3, ENV 4, ENV 5, ENV 18 and ENV 21 of the Borough of Christchurch Local Plan.

Meeting Duration: 10.00 am - 12.30 pm

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Agenda Item:



Regulatory Committee

Dorset County Council



Date of Meeting	6 April 2017
<p><u>Local Members:</u> Cllr David Mannings Member for Lodmoor Cllr Andrew Canning Member for Linden Lea</p> <p><u>Lead Officer</u> Jon Lake, Senior Technical Officer, Collision Reduction Team, Dorset Highways</p>	
Subject of Report	Proposed Speed Limit Reduction A353 White Horse Hill
Executive Summary	Following the primary consultation to proceed to the advert stage for the proposed change to the speed limit on the A353 at White Horse Hill support was received from the Local County Councillors, The Local Parish Council and The Police. An objection was received from The District Council. This report considers the objection, and whether the proposed change should be advertised.
Impact Assessment:	Equalities Impact Assessment:
	Use of Evidence: Site investigations, primary consultation and support of Local Members, Parish Council and the Police.
	Budget: The cost of making the Order is estimated at £2,750 inclusive of advertising charges.
	Risk Assessment: Having considered the risks associated with this decision using the

	County Council's approved risk management methodology, the level of risk has been identified as: Current Risk: LOW Residual Risk: LOW
Other Implications	None
Recommendation	That having considered the objection received, Cabinet be recommended to approve the proposed new speed limit for the A352 to proceed to the public consultation advert stage.
Reason for Recommendation	The proposals will regulate or reduce the speed of vehicles to a level which drivers can readily meet the general dangers which may be expected on this road.
Appendices	Appendix 1 – Location plan of the proposed speed reduction from 60mph to 40mph
Background Papers	The letters of response are available in the Members Room prior to the meeting or in the Collision Team Office Consultation responses from the District and Parish Councils, Dorset Police and the local County Councillors are held on file in the Environment and the Economy Directorate.
Report Originator and Contact	Name: Jon Lake Senior Technical Officer, Collision Reduction Team, Dorset Highways Tel: 01305 225120 Email: j.c.lake@dorsetcc.gov.uk

1 Background

- 1.1 The stretch of road at White Horse Hill currently has a speed limit of 60mph between the 30mph speed limits in Preston and Osmington. The section of road has entrances to three farms (Northdown, White Horse and Eweleaze) and three businesses (White Horse Holiday Park, Top Gear Garage and the adjacent car sales operation). In the summer holiday season both Eweleaze and White Horse farms operate successful and very busy camp sites and during this period there is an increase in the traffic accessing these sites. There have been a number of injury collisions on this route.
- 1.2 Proposals were sent to the primary consultees for consultation so that we could proceed to the public advert stage. An objection was received from the District Council. A meeting was set up with Officers, the two local County Councillors and the District Council to discuss the proposal and try and get the objection withdrawn. Following the meeting the District Council did not withdraw their objection.

2 Information

- 2.1 The existing speed limit for the stretch of road in question is 60mph. County Council officers propose that a 40mph speed limit should be applied to the stretch of road, as shown in drawing in Appendix 1. The length of the 40mph limit would be approximately 0.7 of a mile.
- 2.2 It felt that the use, length and layout of this section of the A353 meets with Department for Transport guidance adopted by the County Council as Policy for a 40mph speed limit.
- 2.3 Speed survey data has been reviewed and the mean average and 85th percentile speeds recorded were close to what would be considered reasonable for the speed limit to be reduced to 40mph limit.

3 Law

- 3.1 Section 84 (1) and (2) of the Road Traffic Regulation Act 1984 allow the County Council to make an Order prohibiting the driving of motor vehicles on the road(s) at a speed exceeding that specified in the order.

4 Consultation

- 4.1 Under Dorset County Council's procedure, primary consultation was carried out on the proposed scheme and an objection was received from the District Council.

5 Comments on Objection

- 5.1 The main objection by the District Council is that there seems to be no logic to the proposal and the money would be better used to produce a footpath away from the traffic. However, none of the recorded collisions here have involved pedestrians so a footpath would not help in reducing the speeds of vehicles.
- 5.2 The DFT stated in their circular 01/2013 the following; "There is clear evidence of the effect of reducing traffic speeds on the reduction of collisions and casualties, as collision frequency is lower at lower speeds: and where collisions do occur, there is a lower risk of fatal injury at lower speeds."

- 5.3 Therefore, while we cannot say 100% that the road in question will be safer, it would be reasonable to suggest that there is the evidence to indicate that it will be. Within the stretch of road in question there are farms and businesses which the County Council feel would benefit from a reduced speed limit.

6 Conclusion

- 6.1 Having considered the objection it is proposed that the Regulatory Committee recommend that Cabinet approve the proposal to proceed to the public consultation advert stage.

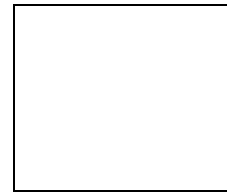
Andrew Martin

Service Director Highways April 2017

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Regulatory Committee

Agenda Item:



Dorset County Council



Date of Meeting	06 April 2017
Officer	Andrew Martin – Head of Highways
Subject of Report	Dorchester Transport and Environment Plan (DTEP) Proposed Access Only Order in Victoria Road
Executive Summary	<p>In 2003 the County Council agreed with Dorchester Town Council and West Dorset District Council to prepare a plan to enhance the public realm and reduce the negative impacts of traffic. As the plan was developed maintenance and improvement works at various locations in Dorchester were put on hold. In late 2013 public consultation was held on a scheme proposal, which would provide one-way traffic flow in the High Street, but this was not found to be publically acceptable.</p> <p>In September 2014, Cabinet resolved that elements of Dorchester Transport and Environment Plan (DTEP) that include deferred maintenance and improvement works, plus some environmental enhancements, but exclude one-way traffic in the High Street, be progressed. This included replacement of the existing obsolete signal equipment at Great Western Cross and improvement of the junction to provide for controlled pedestrian crossing facilities on all major arms. A Local Member Led Project Working Group was set up to oversee development of the project with representation from County, District and Town Councils.</p> <p>In order to provide the pedestrian crossing facilities at Great Western Cross without adversely affecting the traffic capacity of the junction it was necessary to prohibit certain traffic movements, but these could have led to increased traffic in Victoria Road as drivers sought to find an easy alternative to the banned turns. For this reason a ban on right turns from Damers Road into Victoria Road was included. Following advertising of the prohibition of turns, objections and representations were received. Most of the</p>

	<p>objections were from residents of Victoria Road who were concerned at the potential increase in traffic and/or opposed to the right-turn ban as a means of controlling traffic.</p> <p>Given the concerns expressed by residents, it was agreed to progress an access only order for Victoria Road, Westover Road, Albert Road (west of Cornwall Road) and St Helen’s Road and to revoke the ban on right turns into Victoria Road, following which three of the objections were withdrawn.</p> <p>Following advertising of the proposed access only order, one objection and three expressions of support have been received. This report considers that objection and the expressions of support and whether the proposed prohibition of access should be implemented as advertised.</p>
<p>Impact Assessment:</p>	<p>Equalities Impact Assessment:</p> <p>An equalities impact assessment for DTEP was carried out in 2014. This concluded that there will be no discriminatory or negative consequences for any sector of the community on the grounds of race, gender, disability, faith, sexuality or age.</p> <p>The proposals at Great Western Cross seek to introduce new pedestrian crossings which will particularly benefit the young, elderly, infirm and disabled. This order is in support of the works at Great Western Cross.</p> <p>Use of Evidence:</p> <p>Traffic surveys and modelling, public consultation and support of Local Members, Town and District Councils and the Police.</p> <p>Budget:</p> <p>The overall budget for the project is £3.632 million including contributions from West Dorset District Council, Dorchester Town Council and developer payments relating to the Poundbury and Brewery Square developments. The estimated cost of the works is approximately £10,000, including design and preparation costs, which will be met from the budget for the works at Great Western Cross.</p> <p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the County Council’s approved risk management methodology, the level of risk has been identified as: Current Risk: MEDIUM Residual Risk: LOW</p>

Recommendation	That having considered the objections received, Cabinet be recommended to approve the proposed prohibition of access as advertised.
Reason for Recommendation	The proposals should deter inappropriate use of a quiet residential street by unsuitable through traffic.
Appendices	Appendix 1 - Consultation Plan Showing Extent of Proposed Restriction
Background Papers	<ol style="list-style-type: none"> 1. The responses to the Order Public Advertisement as outlined in Para 4.2 are available to view in the Members Room. 2. Primary consultation responses from the District and Town Councils, Dorset Police and the local County Councillors are held on file in the Environment and the Economy Directorate.
Report Originator and Contact	<p>Name: Paul Hannam Tel: 01305 225325 Email: p.l.hannam@dorsetcc.gov.uk</p>

1 Background

- 1.1 In 2003 the County Council agreed with Dorchester Town Council and West Dorset District Council to prepare a plan to enhance the public realm and reduce the negative impacts of traffic. As the plan was developed maintenance and improvement works at various locations in Dorchester were put on hold. In late 2013 public consultation was held on a scheme proposal, which would provide one-way traffic flow in the High Street, but this was not found to be publically acceptable.
- 1.2 In September 2014, Cabinet resolved that elements of DTEP that include deferred maintenance and improvement works, plus some environmental enhancements, but exclude one-way traffic in the High Street be progressed. This included replacement of the existing obsolete signal equipment at Great Western Cross and improvement of the junction to provide for controlled pedestrian crossing facilities on all major arms. The design would also make allowance for the Poundbury link in the Dorchester Local Cycle Network to be easily accommodated when it is completed.
- 1.3 A Local Member Led Project Working Group comprising members and officers of the County, District and Town Councils was set up to oversee development of the project.
- 1.4 Following a decision by West Dorset District Council in December 2015 to defer support for a link road affecting Fairfield car park, in February 2016 Cabinet again resolved to progress design and construction of improvements at the various locations identified in the revised DTEP project.
- 1.5 In order to provide pedestrian crossing facilities at Great Western Cross without adversely affecting the traffic capacity of the junction it was necessary to prohibit certain traffic movements, but these could have led to increased traffic in Victoria Road as drivers sought to find an easy alternative to the banned turns. For this reason a ban on right turns from Damers Road into Victoria Road was included.
- 1.6 Following advertising of the prohibition of turns, objections and representations were received. Most of the objections were from residents of Victoria Road who were concerned at the potential increase in traffic and/or opposed to the right-turn ban as a means of controlling traffic.
- 1.7 Given the concerns expressed by residents, it was agreed to progress an access only order for Victoria Road, Westover Road, Albert Road (west of Cornwall Road) and St Helen's Road and to revoke the ban on right turns into Victoria Road, following which three of the objections were withdrawn.
- 1.8 The proposed prohibition of access was advertised for public consultation on 2 February 2017. The objection period closed on 24 February, during which one objection and three expressions of support were received. This report considers that objection and the expressions of support and whether the proposed prohibition of access should be implemented as advertised.
- 1.9 The Director for Environment and Economy had declared a personal interest in the scheme put to consultation, the subsequent Cabinet decisions and the proposals now being considered, because he lives on a road that could be impacted by the proposals. He has taken no part in the development of the project and the portfolio holder has dealt directly with the design team manager, service manager and head of service. Nevertheless, the Director for Environment and Economy remains the nominal Lead Director.

2 Information

- 2.1 Work to replace the traffic signal equipment at Great Western Cross commenced on 15 January 2017 and the turning ban order was made on 20 January 2017.
- 2.2 A survey was undertaken to record traffic using Victoria Road between 27 October and 9 November 2016 inclusive. This will be repeated in Autumn 2017 for comparison purposes and further monitoring will be undertaken if this shows a significant increase.
- 2.3 Monitoring of any through traffic will be relatively simple as an observer located at the junction of Albert Road and Victoria Road is able to view traffic entering/leaving the route at both the Cornwall Road and Damers Road junctions.
- 2.4 With regard to enforcement of the proposed ban the police response to the primary consultation noted that “police enforcement of the proposal would be as standard and obviously prioritised with general policing duties”.

3 Law

- 3.1 Sections 1 and 2 of the Road Traffic Regulation Act 1984 allow the County Council to make an Order requiring vehicular traffic to proceed in a specified direction or prohibiting its so proceeding. The circumstances where an Order may be made include:

For preventing the use of the roads by vehicular traffic in a manner which is unsuitable having regard to the existing character of the roads or adjoining property;

For preserving or improving the amenities of the area through which the roads run.

4 Consultation

- 4.1 Under Dorset County Council’s procedure, primary consultation was carried out on the proposed scheme and it is supported by the Local Members for Dorchester, by West Dorset District Council, by Dorchester Town Council and by the Police.
- 4.2 There have been four responses to the public consultation process, which are summarised below.

Respondent and Address	Summary of Response
Resident of Albert Road, Dorchester	Objects to order, because she considers it will be “unenforceable” so that traffic now banned from turning right from Great Western Road into Cornwall Road will use Victoria Road instead.
Resident of Victoria Road, Dorchester	Supports the proposal.
Resident of Victoria Road, Dorchester	Supports the proposal.
Resident of Victoria Road, Dorchester	Supports the proposal, as a first step to deterring traffic from ‘rat-running’ through Victoria Road.

- 4.3 The responses consist of 1 objection and 3 expressions of support, all of whom live on the roads affected by the order.
- 4.4 The objector and one of the supporters are concerned that the presence of the order might be insufficient to deter through traffic.

5 DCC Comment on Representations

- 5.1 The objector is opposed to the proposal because she fears that the access only order will not be enforced and therefore prefers the existing right-turn ban as a means of deterring through traffic. However, the access only order, if fully observed, would prevent through traffic in both directions, whilst the right-turn ban can only reduce northbound through traffic. Both the right-turn ban and the access only order would be enforceable by the police and enforcement will therefore depend on prioritisation with other policing duties.
- 5.2 It has already been agreed that when the works at Great Western Cross are complete and traffic has had a period to “normalise”, monitoring will be undertaken to assess whether the residents’ fears of additional traffic in Victoria Road are being realised. If a problem is identified then its nature will be assessed and measures to deal with it put forward.
- 5.3 It should be noted that when the Great Western Cross Traffic Regulation Order (TRO) was advertised in February 2016, the major cause for concern was a potential increase in traffic flow in Victoria Road. At that time, three of the fourteen objections received were conditionally withdrawn when it was agreed that an access only order for Victoria Road would be progressed. One of the people who withdrew their objection now supports this proposal as a first step to deterring through traffic. One of the other supporters of this proposal also objected to the Great Western Cross TRO, but did not withdraw the objection.

6 Conclusion

- 6.1 The DTEP scheme has been developed as a result of the response to public consultation undertaken in Autumn 2013 and subsequent member led community liaison work in 2014.
- 6.2 The current proposal to ban all motor vehicles from Victoria Road, Westover Road, Albert Road (west of Cornwall Road) and St Helen’s Road except for access was introduced to mitigate the main concerns raised to the Great Western Cross TRO.
- 6.3 Having considered the representations submitted, the concerns raised has been responded to as described in section 5.
- 6.4 The Highway Improvements team considers that the proposed measures are necessary in order to deal with concerns raised by residents during consultation regarding Great Western Cross and to meet assurances given to those residents.
- 6.5 It is recommended that the Committee recommend to Cabinet that the order be implemented as advertised.

Andrew Martin
Head of Highways
March 2016

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