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Meeting: Regulatory Committee  
Time: 10.00 am  
Date: 4 January 2018  
Venue: Committee Room 1 - County Hall, County Hall, Colliton Park, Dorchester,  
DT1 1XJ

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David Jones (Chairman)  
Kevin Brookes  
Jean Dunseith  
Nick Ireland  
Margaret Phipps

Jon Andrews  
Ray Bryan  
Beryl Ezzard  
Jon Orrell  
David Shortell

Shane Bartlett  
Keith Day  
Katharine Garcia  
Mary Penfold

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## Notes:

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- **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 29 December 2017, and statements by midday the day before the meeting.

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**Debbie Ward**  
Chief Executive

Contact: David Northover  
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Date of Publication:  
Wednesday, 19 December 2017

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## 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 - 12

To confirm and sign the minutes of the meeting held on 7 December 2017.

## 4. **Public Participation**

- (a) Public Speaking
- (b) Petitions

## 5. **Delegation of Powers: A338 Wessex Way to provide a link to the Wessex Fields Business Park and the Royal Bournemouth Hospital**

13 - 18

To consider a report by the Service Director – Economy.

## 6. **Proposed Introduction of a 20mph Zone in Iwerne Minster**

19 - 26

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

## 7. **Questions from County Councillors**

To answer any questions received in writing by the Chief Executive by not later than 10.00am on 29 December 2017.



### Regulatory Committee

Minutes of the meeting held at County Hall, Colliton Park,  
Dorchester, DT1 1XJ on Thursday, 7 December 2017

**Present:**

David Jones (Chairman)

Jon Andrews, Shane Bartlett, Kevin Brookes, Ray Bryan, Beryl Ezzard, Katharine Garcia,  
Nick Ireland, Jon Orrell, Margaret Phipps and David Shortell.

Officer Attending: Maxine Bodell (Economy, Planning and Transport Services Manager), Anne Brown (Definitive Map Technical Officer (DMMO)), Vanessa Penny (Regulation Team Leader), David Northover (Senior Democratic Services Officer), Anne Brown (Rights of way officer) and Phil Crowther (Solicitor) Carol Mckay (Definitive Map Technical Officer), Neil Turner (Development Team Leader) and Huw Williams (Principal Planning Officer) .

Public speakers

Damian Haynus, Network Rail - minute 6-8.

Alan Hannify, agent, WYG – minute 11.

Mike Thompson, applicant – minute 11.

(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, 4 January 2018.**)

**Apologies for Absence**

1 Apologies for absence were received from Councillors Jean Dunseith, Keith Day and Mary Penfold.

**Appointment of Vice-Chairman**

2 **Resolved**

That Councillor Margaret Phipps be appointed as Vice-Chairman for the year 2017/18, to be ratified by County Council, as necessary.

The Committee asked that the previous Vice-Chairman, Councillor Byron Quayle, be thanked for his contribution to the work of the Committee since June.

**Code of Conduct**

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

With reference to minutes 6,7 and 8, a general interest was declared by Cllr Beryl Ezzard in being the ward member for Purbeck District Council's Wareham St. Martin ward in which the applications were located, but she had not formed a view.

With reference to minute 11, a general interest was declared by Cllr Margaret Phipps in being a member of Hurn Parish Council that had considered this application, but on which she had not expressed or come to a view.

With reference to minute 11, a general interest was declared by Cllr David Jones in being a member of Christchurch Borough Council's Planning Committee that had considered this application, but on which he had not expressed or come to a view.

**Minutes**

4 The minutes of the meeting held on 19 October 2017 were confirmed and signed.

**Public Participation****5 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).

**Petitions**

There were no petitions received at the meeting in accordance with the County Council's Petition Scheme.

**Application to extinguish Footpath 14, Wool at East Burton**

6 The Committee were asked to consider an application to extinguish Footpath 14 Wool, at East Burton, - known as "Darkies" - having been assessed by Network Rail as being a significant risk at the point at which it crossed the Weymouth to Waterloo railway track over the level crossing. This assessment was part of a national undertaking by Network Rail of the safety of level crossings in looking at whether they remained necessary, relevant and purposeful or whether an alternative means of crossing the track could be found which would significantly reduce that risk. How the assessment had been made was explained, with cameras surveys determining the level of use. The risk assessment carried out in October 2015 rated "Darkies" as C6, indicating a high individual risk. Public meetings on the issue had been previously well attended when held locally at Wool.

A visual presentation showed the basis for the application – this being on safety grounds to minimise the risk of crossing the rail track and so as to avoid any direct conflict with oncoming trains – and what the practicalities of doing this entailed. The Update Sheet, provided to members prior to the meeting, set out a series of four questions from Mr Robin Caudell about Footpath 14, together with responses by officers. Photographs and plans showed the characteristics of the footpath proposed to be extinguished, its relationship with the rail track, particularly at the point at which the two met, its setting within the landscape and the points between which it ran. Usage of the route was drawn to the attention of the Committee in terms of numbers and frequency and how this had been assessed. This showed a low use of the crossing which could not justify any alternative means of crossing at that point, either by the provision of a footbridge, tunnel or illuminated warning lights, these being impractical and cost prohibitive. The current route had impediments for those with limited mobility and did not comply with accessibility requirements. What maintenance arrangements would be put in place to ensure the proposal did the job it was designed to do was described, as well as Network Rail's responsibility for ensuring this was done.

What alternative routes there were available to gain access from one side of the railway line to the other – from A-D, via East Burton Road/Bailey's Drove/Footpath 13/Frome Avenue - and how these could be achieved was explained. It was impractical to make the crossing safe as it was, with all other alternative options for doing this having been considered and seen to be impractical or unviable.

A judgement had been made that given the current, unsatisfactory visual inadequacies - including sun glare, the configuration of the track and short response times - the frequency and speed of trains and that the means of indicating trains were approaching was limited during the night time - the continued use of the level crossing as it was posed a significant risk and it was necessary to address this. As the application met the tests of the Highways Act 1980, the Committee were asked to

accept it and an Order made on that basis.

What consultation had been undertaken and the responses received was explained. Objectors were concerned that they were being inconvenienced by not being able to still use the "Darkies" crossing and that the alternative routes being proposed were excessive in length, that use of the unpaved East Burton Road brought its own risks and that the usage surveys were inadequate. The officers report provided responses to all the issues raised by objectors. The alternative means of crossing the line suggested by the objectors had all been assessed but considered to be impractical and unviable. It was confirmed that concerns raised over drainage, landownership and any future housing development were not consideration for the Committee in their determination of the application.

The application was being made on safety grounds as the crossing had been identified as high risk and it was considered that the proposed alternative means for crossing the track were both reasonable and acceptable.

Damian Haynus, Network Rail explained that what was being proposed was based on safety grounds and designed to make accessibility significantly safer and crossing the line more convenient. The speed and frequency of the trains together with what was seen to be insufficient opportunity to have clear sight of oncoming trains meant that crossing the track was a considerable risk, especially as it was in an isolated location. The level crossing was on a double track section of line with a maximum speed of 85 mph in both directions. The sighting of approaching trains at there was insufficient from the crossing point due to track curvature. Given all this he felt that the proposals were justified.

As Wool Parish Council had raised no objection to the application, the County Council member for Purbeck South supported the proposals.

Whilst some members considered that in the absence of any reported accidents what was being proposed could be seen as being unnecessary in the circumstances, on being put to the vote, the Committee considered that the extinguishment was necessary and should be implemented on safety grounds with an Order being made to that effect and that the proposed means of gaining access from one side of the rail track to the other was acceptable and reasonable in the circumstances.

### **Resolved**

1. That the application to extinguish Footpath 14, Wool as shown A – B – C – D on Drawing 16/10 be accepted and an order made;
2. That the Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the extinguishment; and
3. If the Order is unopposed, or if any objections are withdrawn, it be confirmed by the County Council without further reference to the Committee.

### **Reasons for Decisions**

1. The proposed extinguishment meets the legal criteria set out in the Highways Act 1980.
2. The inclusion of these provisions in a public path order means that there is no need for a separate legal event order to modify the definitive map and statement as a result of the extinguishment.
3. The proposed extinguishment also meets the criteria for confirmation as required by the Highways Act 1980.

Decisions on applications for public path orders ensure that changes to the network of public rights of way comply with the legal requirements and supports the Corporate Plan 2017-18 Outcomes Framework:

People in Dorset are **Healthy**:

- To help and encourage people to adopt healthy lifestyles and lead active lives

-We will work hard to ensure our natural assets are well managed, accessible and promoted.

Dorset's economy is **Prosperous**:

- To support productivity we want to plan communities well, reducing the need to travel while 'keeping Dorset moving', enabling people and goods to move about the county safely and efficiently

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.

### **Application to divert Footpath 15, Wool**

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The Committee were asked to consider an application to divert Footpath 15 at Wool having been assessed by Network Rail as being a significant risk at the point at which it crossed the Weymouth to Waterloo railway track over the level crossing known as 'Wool Footpath'. This assessment was part of a national undertaking by Network Rail of the safety of level crossings in looking at whether they remained necessary, relevant and purposeful or whether an alternative means of crossing the track could be found which would significantly reduce that risk. How the assessment had been made was explained with camera surveys determining the level of use. Network Rail had carried out a risk assessment in 2014 with a rating of C6 being given to this crossing, indicating a high individual risk.

A visual presentation showed the basis for the application - this being on safety grounds to minimise the risk of crossing the rail track and to avoid any direct conflict with oncoming trains – and what the practicalities of doing this entailed. Photographs and plans showed the characteristics of the footpath proposed to be diverted, its relationship with the rail track, particularly at the point at which the two met, its setting within the landscape and the points between which it ran, including what impediments prevented it being currently used by those with mobility issues. Explanation of this allayed members concerns over the route being DDA compliant - either as it stood or by what was being proposed. Usage of the route was drawn to the attention of the Committee in terms of numbers and frequency and how this had been assessed. What maintenance arrangements would be put in place to ensure the proposal did the job it was designed to do was described, as well as Network Rail's responsibility for ensuring this was done.

An alternative route proposed to gain access from one side of the railway line to the other and how this would be achieved was explained. The high level of use of Footpath 15 justified the provision of a footbridge – already installed - as the alternative means of crossing the railway. It was impractical to make the crossing safe as it was, with all other alternative options for doing this having been considered and seen to be impractical or unviable. Moreover Wool level crossing (Wool MCB-CCTV) on the A352 lay a relatively short distance eastwards and served as an adequate crossing point for those who would be unable to access the footbridge.

A judgement had been made that given the current, unsatisfactory visual inadequacies – including sun glare and short response times – the frequency and speed of trains and crossing misuse - the continued use of the level crossing as it was posed a significant risk and it was necessary to address this. As the application met the tests of the Highways Act 1980 the Committee were asked to accept it and an Order made on that basis.

What consultation had been undertaken and the responses received was explained. Objectors were concerned at the inconvenience of the alternative route being proposed for those using the amenities on the caravan site and for those with mobility issues having to use a footbridge. Concern was also raised that as this was a

retrospective application the footbridge itself was visually unacceptable. Whilst responses to these objections were set out in the Director's report, concerns over the siting of the footbridge were not consideration for the committee.

Damian Haynus, Network Rail explained that what was being proposed was based on safety grounds and designed to make accessibility significantly safer and crossing the line more convenient. Users of the caravan site might well be unfamiliar with the conditions of the crossing as it stood and be unprepared for the speed or frequency of trains at that point. Moreover, owing to the proximity of Wool station, there could well be a misconception that all trains would stop there, when this was not the case. This was another consideration behind what was being proposed.

As Wool Parish Council had raised no objection to the application, the County Council member for Purbeck South supported the proposals.

### **Resolved**

1. That the application to divert Footpath 15, Wool from A – B to C – D – E – F – G as shown on Drawing 16/11/1 be accepted and an Order made;
2. The Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion; and
3. If the Order is unopposed, or if any objections are withdrawn, it be confirmed by the County Council without further reference to the Committee.

### **Reasons for Decisions**

1. The proposed diversion met the legal criteria set out in the Highways Act 1980.
2. 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.
3. Accordingly, the absence of objections may be taken as acceptance that the proposal was 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 comply with the legal requirements and supported the Corporate Plan 2017-18 Outcomes Framework of People in Dorset are Healthy and Dorset's economy was Prosperous.

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.

### **Application to extinguish Footpath 18, Wool at Hyford**

- 8 The Committee were asked to consider an application to extinguish Footpath 18 Wool, at Hyford having been assessed by Network Rail as being a significant risk at the point at which it crossed the Weymouth to Waterloo railway track over the level crossing. This assessment was part of a national undertaking by Network Rail of the safety of level crossings in looking at whether they remained necessary, relevant and purposeful or whether an alternative means of crossing the track could be found which would significantly reduce that risk. How the assessment had been made was explained, with cameras surveys determining the level of use. The risk assessment carried out in March 2015 rated the level crossing at Hyford as C8, indicating a high individual risk.

A visual presentation showed the basis for the application - this being on safety grounds to minimise the risk of crossing the rail track and so as to avoid any direct conflict with oncoming trains – and what the practicalities of doing this entailed. Photographs and plans showed the characteristics of the footpath proposed to be extinguished, its relationship with the rail track, particularly at the point at which the

two met, its setting within the landscape and the points between which it ran, including what impediments preventing it being currently used by those with mobility issues or accessibility requirements. Usage of the route was drawn to the attention of the Committee in terms of numbers and frequency and how this had been assessed. This showed a low use of the crossing which could not justify any alternative means of crossing at that point, either by the provision of a footbridge, tunnel or illuminated warning lights, these being impractical and cost prohibitive. The current route had impediments for those with limited mobility and did not comply with accessibility requirements. What maintenance arrangements would be put in place to ensure the proposal did the job it was designed to do was described, as well as Network Rail's responsibility for ensuring this was done.

What alternative routes there were available to gain access from one side of the railway line to the other – by use of the nearby underpass at Soldier's Bridge - and the means by which this could be achieved was explained. It was impractical to make the crossing safe as it was, with all other alternative options for doing this having been considered and seen to be impractical or unviable.

A judgement had been made that given the current, unsatisfactory visual inadequacies - including sun glare, the configuration of the track and short response times - the frequency and speed of trains and that the means of indicating trains were approaching was limited during the night time - the continued use of the level crossing as it was posed a significant risk and it was necessary to address this. As the application met the tests of the Highways Act 1980, the Committee were asked to accept it and an Order made on that basis.

What consultation had been undertaken and the responses received was explained. The officers report provided responses to all the issues raised by objectors. In particular the alternative means of crossing the line suggested by the objectors had all been assessed but considered to be impractical and unviable. The application was being made on safety grounds as the crossing had been identified as high risk and it was considered that the proposed alternative means for crossing the track were both reasonable and acceptable.

Damian Haynus, Network Rail explained that what was being proposed was based on safety grounds and designed to make accessibility significantly safer and crossing the line more convenient. Network Rail had assessed the crossing as high risk due to the sightlines and speed and frequency of trains, not all of which stopped at Wool station. As alternative options for crossing the line were either impractical, unsuitable or unviable, he felt that the proposals were justified.

As Wool Parish Council had raised no objection to the application, the County Council member for Purbeck South supported the proposals.

### **Resolved**

1. That the application to extinguish Footpath 18, Wool from A – B – C as shown on Drawing 17/11 (Appendix 1) be accepted and an Order made;
2. That the Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the extinguishment; and
3. If the Order is unopposed, or if any objections are withdrawn, it be confirmed by the County Council without further reference to the Committee.

### **Reasons for Decisions**

1. The proposed extinguishment met the legal criteria set out in the Highways Act 1980.
2. 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 extinguishment.



3. The proposed extinguishment also meets the criteria for confirmation as required by the Highways Act 1980.

Decisions on applications for public path orders ensured that changes to the network of public rights of way comply with the legal requirements and supported the Corporate Plan 2017-18 Outcomes Framework that People in Dorset are Healthy and Dorset's economy was Prosperous.

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.

### **Application for a Definitive Map and Statement Modification Order to add a footpath from Poole Road to Bridleway 6, Lytchett Minster and Upton along the route of the old railway**

9 The Committee considered an application for a Definitive Map and Statement Modification Order to add a footpath from Poole Road to Bridleway 6, Lytchett Minster and Upton along the route of the old railway line. Furthermore, during the course of the officer's investigation into the application, documentary evidence was discovered which suggested that the route as shown as X-A1-A2-B and B-C-Y-Z on Drawing 14/25/3 should be considered for addition to the definitive map and statement.

With the aid of a visual presentation, the basis for the application was explained and what it entailed. Photographs and plans were displayed to illustrate this showing the claimed route, its characteristics and setting within the townscape and estates in that part of Lytchett Minster, 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.

Officers had concluded that the user evidence was weak given that there had been two occasions where use of the route had been challenged, and was therefore insufficient to fulfil the requirement of 20 or more years uninterrupted use by the public to demonstrate a deemed dedication under Section 31 of the Highways Act 1980. Furthermore, there was insufficient evidence to infer dedication under common law given the urban location. There was no documentary evidence to support the application either.

#### **Resolved**

1. That the application be refused.
2. That the route as shown X – A1 – A2 – B – C – Y – Z on Drawing 14/25/3 be added to the definitive map and statement as a public footpath.

#### **Reasons for Decisions**

1. The available evidence does not, on balance, show that claimed right of way subsists nor can be reasonably alleged to subsist.
2. The route as shown between points X – A1 – A2 – B – C – Y – Z on Drawing 14/25/3 is part of the adopted highway, with a right for the public to use it on foot. All public paths recorded on the List of Streets should be recorded on the definitive map and statement.

Decisions on applications for definitive map modification orders ensure that changes to the network of public rights of way comply with the legal requirements and supports the Corporate Plan 2017-18 Outcomes Framework that People in Dorset are Healthy and that Dorset's economy is Prosperous.

- To support productivity we want to plan communities well, reducing the

need to travel while ‘keeping Dorset moving’, enabling people and goods to move about the County safely and efficiently.

**Approval to advertise a proposed puffin crossing in accordance with S23 of the Road Traffic Regulation Act (1984) associated with the Meteor Retail Park, Somerford Road, Christchurch**

- 10 The Committee were being asked to approve the advertisement of a proposed puffin pedestrian crossing at Somerford Road, Christchurch in fulfilling a planning obligation to provide such a facility as a condition of the granting of planning permission by Christchurch Borough Council to the Meteor Retail Park development.

With the aid of a visual presentation officers showed where the crossing was to be sited, the characteristics and configuration of Somerford Road and the surrounding road network, the setting with the townscape and what amenities and facilities would be served by the facility. Officers considered the crossing to be necessary on road safety grounds as the retail park would invariably attract a significant number of customers from the housing estates and residential areas situated on the northern side of the road.

The Chairman confirmed that as the local County Councillor for Burton Grange he supported the proposals and what they were designed to achieve, as did the local Borough Ward Councillors, Denise Jones and Janet Abbott.

**Resolved**

That public notice of the proposed puffin crossing be advertised as required by the Road Traffic Regulation Act (1984).

**Reason for Decision**

The construction of the proposed puffin crossing was an express condition of a full planning permission granted by Christchurch Borough Council for the delivery of a retail development. This was designed to improve road safety and promote independent living and healthy lifestyles.

**8/17/2282/DCC: Eco Sustainable Solutions, Chapel Lane, Hurn: Variation of Conditions 2 (Development to Be in Accordance with Approved Plans) and 3 (Operation in Accordance with Application Documents) of planning permission 8/16/2910/DCC (retrospective).**

- 11 The Committee considered a report by the Head of Planning/Service Director – Economy on planning application 8/17/2282/DCC for a variation of Conditions 2 (Development to Be in Accordance with Approved Plans) and 3 (Operation in Accordance with Application Documents) of planning permission 8/16/2910/DCC (retrospective) at ECO Sustainable Solutions, Chapel Lane, Hurn, Christchurch.

With the aid of a visual presentation, 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 illustrating the characteristics of the site, its form and its context within the surrounding landscape. What activities were being undertaken and where these were taking place were explained. Officers considered this to be a relatively minor variations to regularise the relocation and extension of the waste wood storage and processing yard and that this modification meant that the site could be managed more effectively and efficiently going forward so as to accommodate an increase in throughput for the from 43,000 tonnes to 70,000 tonnes each year of this waste stream. Officer confirmed that this increase did not change the overall permitted throughput.

Given the environmental sensitivities of the site, the operations being undertaken and the provisions of the permission accompanying Environmental Statement and the Environmental Impact Assessment, there would be a requirement for the application

to be referred for consultation with the Secretary of State in the first instance.

Alan Hannify, agent, explained that the application was designed to improve the efficient operations at the facility and benefit how the site could be best managed.

Mike Thompson, applicant, explained that these variations had been necessitated by a change in circumstances to how their product was managed in terms of the export markets and the ports from where they were operating. This change would give them more flexibility in how their product was managed and be beneficial overall.

The County Councillor for Commons, Margaret Phipps, supported the proposals for the variation of conditions.

**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 officer's report
- planning permission be granted.

**Reason for Decision**

The reasons for granting planning permission were summarised in paragraphs 6.16 – 6.17 and in the Informative of the Head of Planning's report.

**Questions from County Councillors**

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

Meeting Duration: 10.00 am - 12.30 pm

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# Regulatory Committee

**Dorset County Council**



Date of Meeting	4 January 2018
Officer	Service Director - Economy
Subject of Report	<b>Delegation of powers to Bournemouth Borough Council to enable them to decide a planning application for the development of a new road junction and associated works on the A338 Wessex Way to provide a link to the Wessex Fields Business Park and the Royal Bournemouth Hospital.</b>
Executive Summary	Bournemouth Borough Council and Dorset County Council as joint planning applicants have submitted proposals to both Bournemouth Borough Council and Dorset County Council to seek permission for a new road junction on the A338. This is part of a package of proposals funded by the Dorset LEP and partners to promote economic growth along the Airport Corridor. The substantive part of the application lies within the administrative area of Bournemouth Borough Council. To avoid duplication of work and to reduce the potential risk of a challenge arising from two different planning authorities interpreting and carrying out planning procedures in a slightly different way it is proposed that County Council delegate the powers to determine the application to Bournemouth Borough Council. Since in normal circumstances the Regulatory Committee would determine the application under powers delegated from County Council the Regulatory Committee is being asked for its views on this matter.
Impact Assessment:  <i>Please refer to the <a href="#">protocol</a> for writing reports.</i>	Equalities Impact Assessment: The report concerns the determination of an application for planning permission and not any changes to any new or existing policy with equality implications.
	Use of Evidence: The statutory and constitutional provisions to transfer planning powers has been fully examined.
	Budget: The County Council does not receive a fee for this application, the fee being made to Bournemouth Borough Council, in whose jurisdiction the substantive part of the application lies. Delegating the powers to determine the application to Bournemouth Borough Council therefore reduces the financial burden on the County Council who would otherwise have to bear all the costs of work itself.

	<p>Risk Assessment: As the subject matter of this report is the determination of a planning application the County Council's approved Risk Assessment methodology has not been applied. However, as set out in the main body of the report the principle reason for seeking the delegation of powers to determine the planning application is to remove the potential risk of challenge that could arise from two planning authorities interpreting and carrying out planning procedures in a slightly different way.</p>
	<p>Other Implications: None</p>
Recommendation	<p>That Regulatory Committee advises the County Council that it supports the proposal to delegate the planning application for a new road junction on the A338 at Wessex Field to Bournemouth Borough Council to determine.</p>
Reason for Recommendation	<p>To avoid duplication of work and to reduce the potential risk of a legal challenge arising from two different planning authorities interpreting and carrying out planning procedures in a slightly different way.</p>
Appendices	<p>None</p>
Background Papers	<p>None</p>
Officer Contact	<p>Name: Maxine Bodell Tel: 01305 224228 Email: m.bodell@dorsetcc.gov.uk</p>

## 1. Background

- 1.1 The Bournemouth International Growth (BIG) Programme is a major economic growth plan focused on improving connectivity, easing congestion, protecting existing jobs and creating new ones in and around Bournemouth Airport and Wessex Fields.
- 1.2 A key part of the programme is major investment in road improvements at Blackwater, Hurn, Chapel Gate and Wessex Fields. Work is already nearing completion at Chapel Gate and is underway at Blackwater. An application for a new roundabout at Hurn was approved by Regulatory Committee on the 18 August 2016. To date this has not been implemented due to issues of land assembly and consideration is being given to a smaller scheme with reduced land take that could be constructed under Permitted Development Rights within the existing highway corridor.
- 1.3 An application has now been made for a new road junction and associated works on the A338 Wessex Way at Wessex Fields. This will open employment land at the Wessex Fields Business Park and provide better access to the Royal Bournemouth Hospital.
- 1.4 The site of the application covers land in the administrative areas of both Bournemouth Borough Council and Dorset County Council. The application has therefore been

made jointly by Bournemouth Borough Council and Dorset County Council to each of the two planning authorities in respect of the land in each authority's area. The substantive part of the application lies within Bournemouth Borough Council. Only a very small area amounting to approximately 10,000 square meters lies within Dorset. A plan at Appendix 1 shows the relative amounts.

- 1.5 Applications associated with growth are inevitably and rightly subject to scrutiny by interested parties. Having two authorities dealing with the proposal does, however, run the risk that procedures may be carried out slightly differently by each authority. For instance, each Authority will have its own Statement of Community Involvement which sets out the procedures for engaging with stakeholders and local people. These may require different people to be consulted and in different ways. A more consistent approach is best delivered by a single authority. This would significantly reduce the potential that a legal challenge could be made that local people were not being given the same opportunities to influence the process.
- 1.6 As the Authority considering the substantive part of the proposed junction improvement the planning fee is paid to Bournemouth Borough Council. No fee is paid to the County Council. It therefore makes sense that if delegation is being considered from one authority to another that it is Bournemouth Borough Council who take responsibility for processing and deciding the application.

## **2. Delegation**

- 2.1 Section 101 of the Local Government Act 1972 makes provision to enable one local authority to delegate the discharge of its functions to another local authority.
- 2.2 The Regulatory Committee determines planning applications and other roads and rights of way matters under powers delegated to it from the County Council. A decision to delegate the authority for determining application to Bournemouth Borough Council must therefore be made by the County Council. It is thought proper that the Regulatory Committee makes its views known to County Council.
- 2.3 In circumstances such as this it is also essential that the receiving authority are happy to take the delegation. Officers have been in discussion with officers at Bournemouth Borough Council. In view of the local interest being shown in this proposal Bournemouth Borough Council would welcome the ability to determine the application in order to avoid any duplication of processes or decision making.

## **3. Implications for the County Council**

- 3.1 The County Council sits on the LEP Board and has supported proposals for improving the airport corridor. The BIG programme represents a major government investment in road infrastructure funded through the Growth Deal which is locally administered through the LEP. It is sensible that the County Council takes what steps it can to reduce any risks associated with the delivery of the programme as unspent money would be returned to central government.
- 3.2 Whilst responsibility for determining the application would rest with Bournemouth Borough Council the considerations that apply would be identical. Any decision should therefore be the same. Clearly the County Council local members would still be consulted as part of the process and would have the same opportunity to make their views known.

#### **4. Conclusion**

- 4.1 Officers at both authorities have been working closely together to assess the risks associated with dealing with a split planning application. On balance, it is considered that delegating authority from Dorset County Council to Bournemouth Council to determine the application would carry less risk than should each authority deal with the applications separately in the normal way. Furthermore, there would be the added benefit that there would be less duplication in work and less of a financial burden on the County Council.

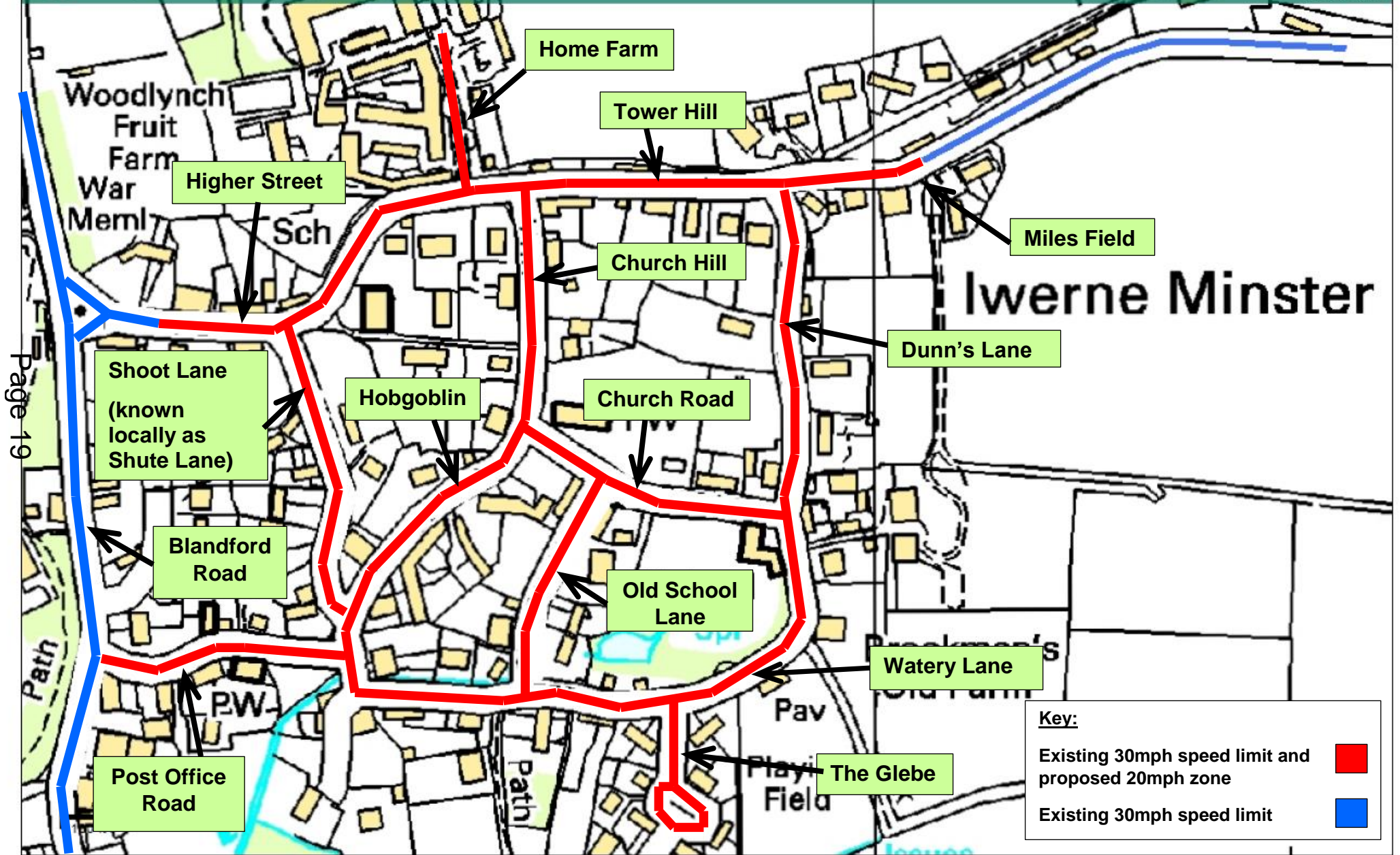
**Matthew Piles**  
**Service Director for the Economy**  
January 2018





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**Key:**

- Existing 30mph speed limit and proposed 20mph zone █
- Existing 30mph speed limit █

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Agenda Item:

# Regulatory Committee



**Dorset County Council**



Date of Meeting	4 January 2018
<p><u>Local Member</u> Cllr Deborah Croney Member for Hambledon</p> <p><u>Lead Officer</u> Michael Potter, Collision Reduction Team Manager, Dorset Highways</p>	
<b>Subject of Report</b>	<b>Proposed introduction of a 20mph zone in Iwerne Minster</b>
Executive Summary	<p>A petition asking for the speed limit to be reduced to 20mph in Iwerne Minster was submitted by Iwerne Minster Parish Council. This was discussed at Regulatory Committee on 12 March 2015.</p> <p>Regulatory Committee agreed that further investigation should be undertaken between Officers and the Parish Council.</p> <p>These investigations revealed that basic criteria for a 20mph zone were met but that County Council funding of such a scheme would not be justifiable against other priority schemes.</p> <p>Iwerne Minster Parish Council agreed to raise funds to cover the cost of a 20mph zone and it was agreed to proceed with the proposal. The necessary consultation on the proposed Traffic Regulation Order was done. There were no objections received at the Primary Consultation stage so it was advertised in the local press and four objections and four letters of support were received.</p> <p>This report considers the objections and whether the proposed speed limit change should be implemented.</p>
Impact Assessment:	Equalities Impact Assessment:

	<p>Use of Evidence:</p> <p>Site investigations, traffic and collision data, primary consultation and support of Local Members, Parish Council and the Police.</p> <hr/> <p>Budget:</p> <p>The cost of making the Order is estimated at £6600 inclusive of advertising charges. Iwerne Minster Parish Council have committed and secured the required funds for this Traffic Regulation Order.</p> <hr/> <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: LOW          Residual Risk: LOW</p>
Other Implications	None
Recommendation	That having considered the objections received, Cabinet be recommended to approve the proposed community funded 20mph zone for Iwerne Minster.
Reason for Recommendation	<p>The proposals will regulate or reduce the speed of vehicles to a level which drivers can readily meet the general hazards which may be expected on this road. Also, to fulfil our obligation to review speed limits in light of changes in DFT (Department for Transport) guidance “Setting local speed limits”.</p> <p>The Dorset 20mph Speed Limit Policy was approved by the Environment Overview Committee in January 2014. This allows Parish Councils to fund 20mph speed limits and 20mph zones subject to meeting the criteria laid out in the County Council’s speed limit policy.</p>
Appendices	Appendix 1 – Location plan of the proposed speed 20mph zone in Iwerne Minster.
Background Papers	<p>The letters of response are available in the Members Room prior to the meeting.</p> <p>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.</p>

Report Originator and Contact	Name: Michael Potter Collision Reduction Team Manager, Dorset Highways Tel: 01305 221767 Email: <a href="mailto:m.potter@dorsetcc.gov.uk">m.potter@dorsetcc.gov.uk</a>
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## **1 Background**

- 1.1 Iwerne Minster Parish Council have campaigned for 20mph speed limit in Iwerne Minster for a number of years. Tower Hill and Higher Street areas were of particular concern as to the safety of both residents and also pupils of Clayesmore School walking to and from their accommodation in the village, the Clayesmore Arts Centre and the main school premises to the west of the A350.

Higher Street does not have a pavement and Tower Hill only has a short pavement. A map showing the extent of the 20mph zone can be found at Appendix 1.

Iwerne Minster Parish Council have established a Community Speed Watch Team which have monitored 460 hours, seeing 43878 vehicles of which 1231 had been reported for speeds in excess of 36mph.

- 1.2 A petition requesting that the speed limit be reduced to 20mph in Iwerne Minster was submitted to the County Council by Iwerne Minster Parish Council. This was discussed at Regulatory Committee on 12 March 2015.

Regulatory Committee agreed that further investigation should be undertaken between Officers and the Parish Council. These investigations revealed that basic criteria for a 20mph zone were met but that County Council funding of such a scheme would not be justifiable against other priority schemes.

Investigations included site visits, traffic flow and speed surveys.

Iwerne Minster Parish Council agreed to raise funds to cover the cost of a 20mph zone and it was agreed by officers to proceed with the proposal as a community funded scheme.

The Dorset 20mph Speed Limit Policy was approved by the Environment Overview Committee on 23 January 2014. This allows Parish Councils to fund such speed limits and zones subject to meeting the criteria laid out in the policy.

Iwerne Minster Parish Council have committed funding for this proposed 20mph zone and have secured a financial commitment from Clayesmore School to contribute to the costs.

- 1.3 When the proposals were advertised four letters of support and four objections were received.

## **2 Information**

- 2.1 The existing speed limit for the stretch of road in question is 30mph. County Council officers propose that a 20mph speed limit should be applied to the roads in Iwerne Minster, as shown in drawing in Appendix 1.

- 2.2 Officers have concluded that the use, length and layout of the roads meets with Department for Transport guidance adopted by the County Council as Policy for a 20mph zone.

## **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 After conducting further investigation at the request of Regulatory Committee, Officers were satisfied that the basic criteria for a 20mph zone were met. However, the proposal did not rank highly against other priorities and therefore County Council funding could not be justified.
- 4.2 Iwerne Minster Parish Council subsequently agreed and committed to raise the required funds for a 20mph zone to be installed.
- 4.3 Under Dorset County Council's procedure, primary consultation was carried out on the proposed scheme and support was received from the Local Member, the District Council, Iwerne Minster Parish Council and Dorset Police. The proposal was then advertised and four letters of support and four objections were received.

#### **5 Objections received**

- 5.1 The main points of the objections received were as follows – “money would be better spent on priority signage, speed bumps or double yellow lines. Speed is not the main issue; lack of anticipation and courtesy are the main problems so it would be cheaper and more effective if priority signs were installed at appropriate places in the village and ultimately Parish council funds should not have to be used to pay for this”.
- 5.2 The main points of the letters of support were as follows – “The proposal is sensible with such narrow roads and very limited footways and will provide a safer environment for the community to walk about within the village”.
- 5.3 It is important to note that members of Regulatory Committee are to make a decision on whether this community funded scheme should proceed. Regulatory Committee are not to decide on how Iwerne Minster Parish Council spends its funds; this decision has already been made by Iwerne Minster Parish Council.

#### **6 Conclusion**

- 6.1 The Department for Transport stated in their circular 01/2013 “Setting local speed limits”, 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”.
- 6.2 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 could be if a 20mph zone were introduced. Within the roads in question there are multiple accesses and school sites which officers feel would benefit from a reduced speed limit.
- 6.3 Having considered the objections, officers propose that the Regulatory Committee recommend that Cabinet approve the proposal for a community funded 20mph zone in Iwerne Minster.

**Andrew Martin**

Service Director Highways January 2018

