



## Regulatory Committee

Minutes of the meeting held at County Hall, Colliton Park,  
Dorchester, DT1 1XJ on Thursday, 16 August 2018

### Present:

David Jones (Chairman)

Margaret Phipps, Jon Andrews, Shane Bartlett, Ray Bryan, Keith Day, Jean Dunseith, Jon Orrell  
and David Shortell.

Officers Attending: Maxine Bodell (Head of Planning), Mike Garrity (County Planning, Minerals and Waste Team Leader), Vanessa Penny (Regulation Team Leader), David Northover (Senior Democratic Services Officer) and Phil Crowther (Senior Solicitor), Andy Helmore (Principal Planning Officer – Development Management), Carol Mckay (Senior Definitive Map Officer), Charlotte Rushmere (Minerals and Waste Planning Officer).

### Public Speakers

Sheila Holmes, on behalf of Ralph Holmes, Open Spaces Society – minute 42.

Madeleine Hemsley, Purbeck Footpath Secretary for Dorset Ramblers Association – minute 42.

Damian Hajnus, Liability Negotiations Manager, Network Rail – minute 42.

Robbie Flower, Managing Director of the operator New Milton Sand & Ballast Co – minute 45.

Steve Haughton, employee at Hurn Court Quarry – minute 45.

Nick Dunn, Planning Advisor for New Milton Sand & Ballast Co – minute 45.

(Notes: These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Committee to be held on **Thursday, 6 September 2018**.)

### **Apologies for Absence**

37 An apology for absence was received from Councillor Katharine Garcia.

### **Code of Conduct**

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

With reference to minute 45, a general interest was declared by Councillor Margaret Phipps as, in being a Christchurch Borough Council member, the Minerals and Waste Local Plan had been considered and debated by that Council and that she had played a part in that debate. Given this, she would take no part in the debate or vote on the application, but would speak in her capacity as County Councillor for Commons.

### **Minutes**

39 The minutes of the meeting held on 19 July 2018 were confirmed and signed.

### **Public Participation**

#### 40 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.

**Dorset County Council (Footpath 18, Wool at Hyford) Rail Crossing Extinguishment Order 2018**

- 41 The item due to be considered by Committee regarding an objection to the Rail Crossing Extinguishment Order 2018 on Footpath 18, Wool at Hyford was withdrawn from consideration prior to the meeting as the objection had since been withdrawn.

As the Order was now unopposed, it could be confirmed by Dorset County Council without further consideration by the Regulatory Committee.

**Dorset County Council (Footpath 14, Wool at East Burton) Rail Crossing Extinguishment Order 2018.**

- 42 The Committee considered a report by the Senior Definitive Map Officer regarding objections to the Rail Crossing Extinguishment Order 2018 for Footpath 14, Wool at East Burton. Consideration was given to this application at Committee on 7 December 2017 and subsequently an Order made and published to that effect.

The Committee was now being asked to consider how to proceed in respect of the made Order 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.

A visual presentation showed the basis on which the Order had been made – 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 comments from the County Council member for South Purbeck and the status of land registered between points A and B on 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.

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.

In agreeing that an Order should be made, the Committee had made a judgement 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.

What responses had been received in respect of the Order being made were

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 officer's report provided responses to all the issues raised by objectors. There was no reason to believe that the surveys undertaken by Network Rail were not a true reflection of activities taking place. Concerns over maintenance issues relating to drainage along the section of Footpath between points A and B also now had been resolved, as it had since been established that the Weld Estate was responsible in that regard. All alternative means of crossing the line suggested by the objectors had been assessed but considered to be impractical and unviable.

On that basis, the Order had been 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 and the Order had been made on that basis. Officer's recommendation was now that the Order should be sent to the Secretary of state for confirmation with the County Council taking a supportive stance in those proceedings.

The views of the County Council member for South Purbeck were reported to Committee. Whilst she understood the reasons for the proposals as they stood, she raised a concern that these should not have any adverse effect on access to the nearby Dorset Innovation Park by enacting them. Officers were confident this would not be the case.

Public speakers then addressed the Committee with Sheila Holmes claiming that Footpath 14 was well used and was an important part of the rights of way network in the area and that the alternative route proposed would be inconvenient. She considered that there was more of a risk by using East Burton Road than at the level crossing, where no accidents had been reported.

Similarly Madeline Hemsley made the point that Footpath 14 was a well used route with no reported accidents and expressed concern at the perceived dangers of using the largely unpaved road as the alternative means of accessing a crossing point. Should the Secretary of State be asked to confirm the Order, she asked that a neutral stance be taken by the County Council.

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. Whistle boards could be used but this would cause unnecessary nuisance to local residents. The section of line at the point it crossed the level crossing had a maximum speed of 85 mph in both directions. The sighting of approaching trains there was insufficient from the crossing point due to track curvature, providing only some 5 seconds to respond. Given all this, he felt that the proposals were justified.

The opportunity was given to the Committee to ask questions about what they had heard and took this opportunity. How the stance taken by the County Council in this matter could be applied was debated and the circumstances around either taking a neutral or supportive stance were explained and understood.

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 provisions of the Order made were acceptable on safety grounds and that the proposed means of gaining

access from one side of the rail track to the other was seemingly reasonable in the circumstances. The Committee considered that the Secretary of State should be asked to determine the Order and that the County Council should be taking a neutral stance, rather than a supportive one, in those proceedings. That was due to there being a balance between the safety of the crossing and the safety of the alternative route which members felt was difficult to determine and the relatively finely balanced decision when the Committee previously considered the matter.

### **Resolved**

1. That the Order be submitted to the Secretary of State for determination; and
2. That the County Council takes a neutral stance in the proceedings.

### **Reasons for Decision**

1. As there had been an objection to the Order the County Council could not confirm it itself but may submit it to the Secretary of State for an Inspector to be appointed to consider confirmation; and
2. The County Council had accepted the application and agreed with the proposed extinguishment.

Decisions on applications for public path orders ensured that changes to the network of public rights of way complied with the legal requirements and supported the Corporate Plan 2017-19 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.

### **Proposed Waiting Restrictions, Dorchester Hill/New Road, Blandford**

43 Following the advertising of proposed changes to parking restrictions in various roads in Blandford, the Committee considered a report by the Head of Highways on the receipt of an objection to the proposals for no waiting at any time restrictions on Dorchester Hill and New Road and for no waiting between 8.00 am and 6.00 pm restrictions on Dorchester Hill.

The Committee was now being asked to consider the objection received and whether the proposals should be implemented as advertised.

With the aid of a visual presentation, officers explained the reasoning behind the need to impose the waiting restrictions and the basis of the objections received.

Photographs and plans were shown to the Committee by way of illustration. This showed where the proposals would be situated, the character, configuration and topography of the roads and their setting within the townscape. It also showed the relationship between the roads and residential properties.

The Committee noted that the proposals were designed to provide for unimpeded access around the junction of New Road and into Dorchester Hill which had not always been able to be the case owing to parked vehicles along that length. Larger vehicles had particularly been affected by such parking.

The proposals had been supported by the County Council member for Winterborne; North Dorset District Council Blandford Town Council, Bryanston Parish Council and Dorset Police.

Following the proposals being advertised, the objection received raised concerns that

the proposals would have the effect of increasing the speed of traffic over that length. However officers considered that the proposals were, on balance, the best achievable in meeting competing needs and addressed the issues being experienced.

Members were provided with the opportunity to ask questions of the officer's presentation and took this opportunity to have their understanding of what the proposals entailed clarified. One member asked if more stringent waiting restrictions could be applied to ensure disabled parking did not compromise the effectiveness of the proposals. Officers responded that they considered the current proposal sufficient to deal with the current issues and that further measures could be considered in the future if the problems persist after the Order came into force.

Having considered the objection received, the Committee considered that the proposed waiting restrictions were necessary to address the issues being experienced and were both reasonable and proportionate in achieving this. Given this, and taking into account the support of the local county councillor and other primary consultees, on being put to the vote, the Committee considered that the proposals should be implemented as advertised.

### **Recommended**

That having considered the objection received, the Cabinet be recommended to approve the proposed waiting restrictions on Dorchester Hill and New Road as originally advertised.

### **Reason for Recommendation**

Dorchester Hill and New Road, Blandford have a tight bend which was frequently obstructed by parked cars. The proposals would improve the movement of larger vehicles that uses the road regularly and improve visibility for pedestrians and all vehicles.

The proposals would contribute to the Corporate Policy outcomes enabling people to be safe and prosperous.

### **Planning application 3/17/0967/DCC for the extraction of sand, the backfilling of the void with inert waste and the restoration of the site to low grade agricultural land at Redman's Quarry, Horton Road, Three Legged Cross.**

44 The Committee considered a report by the Head of Planning regarding a planning application at Redman's Quarry, Horton Road, Three Legged Cross for the extraction of sand, the backfilling of the void with inert waste and the restoration of the site to low grade agricultural land.

With the aid of a visual presentation, officers described the proposals and planning issues in detail, what these entailed and what they were designed to achieve. The Committee were being asked to grant permission of this application with the development proposed to take place over a short time frame of 3.5 years, involving the extraction of a relatively modest amount of sand - around 100,000 tonnes – and backfilling with a similar amount of inert waste. Permission was also being sought for the use of a 1.3 km length of existing track to haul the material to and from the public highway. As part of this access track was a bridleway, to avoid some of the conflict a 500m length of permissive bridleway, that would run parallel to the access track, was being proposed. To further mitigate the potential conflict between users of the bridleway and lorries on the haul road it was proposed to restrict the use of the access road to between 8.00 am and 1.00 pm, Monday to Friday.

Plans and photographs were used to show the characteristics of the site, its location and to describe how the quarrying operations would be progressed. The site's land form and its context within the surrounding landscape were shown, with views from

within and around the site. The activities and operations proposed to be undertaken and what processing would take place were described in detail by officers. Arrangements for the way in which the quarrying was to be phased and managed, its progression and the relationship between each phase were also described. How the eastern face of the quarry would be retained in order to provide habitat for an existing colony of sand martins was also explained.

Officers described how the permissive path would be used for the haulage operations, when this would be and what bearing this would have on those wishing to use it. How the backfilling of the void with inert waste was to take place and the future restoration proposals were also described.

Officers described the type of activities which were to take place on site; their relationship with the sand quarrying operations which had previously taken place; the site's setting within the landscape; the local highway and rights of way network and access arrangements; and the topography and geology of the area. The relationship between the site, neighbouring properties; the solar farm; the Horton Common SSSI and SNCI and Homers Wood SNCI were all detailed. Access arrangements were explained in detail, with the C2 Horton Road being used to transport material off the site. The Highways Liaison Engineer was satisfied by those arrangements.

Officers explained the need for aggregate to be won and worked and the quantities in which this would be excavated. This would help to ensure that a sufficient supply of sand, to help meet the 7 year landbank as required by the National Planning Policy Framework (NPPF), could be maintained and the site would assist in providing aggregate for the construction industry, particularly locally.

Objections had been received from East Dorset District Council on the basis that the proposal would have a negative environmental impact and that access arrangements were unsatisfactory. Similarly, Knowlton Parish Council had objected on the basis of the adverse impact the operations would have on the transport network in excess traffic generation and on the perceived damage caused by vehicles to the rights of way network.

Comments had been received from one of the County Council members for Verwood - Councillor Spencer Flower - supporting what was being proposed.

The opportunity was then provided for members to ask a series of questions about what they had heard and read and officers duly responded.

Concern was raised regarding how the C2 Horton Road would be used as part of the operations. It was suggested that this route was already heavily trafficked so any additional HGV movements generated would only exacerbate the situation. It was suggested that the daily timings could be changed so that there was not a conflict with peak time morning traffic using the C2.

However, officers confirmed that the 14 daily movements to and from the site (7 trips) were considered to be very modest and would not necessarily add to any congestion issues, especially as the operations would more than likely mean these journeys were evenly spaced over the 5 hour period. However, concern was expressed that this scenario could not be guaranteed and that movements could be compressed. Officers were confident however that the way in which the quarry was designed to operate would not see such concerns realised. In any event any change in the hours of operation to avoid peak time would then conflict with use of the bridleway and walkers during the afternoon.

Having had an opportunity to discuss the merits of the application and what it was designed to achieve, the Committee recognised the need for the aggregate, the

importance of its use and the obligation of the County Council to ensure a readily available supply was satisfactorily maintained. The Committee considered that the operations would bring benefits for economic growth and local employment opportunities and security and provided for environmental enhancements to be made.

On being put to the vote, the Committee agreed the following resolution,

**Resolved**

That planning permission be granted subject to the conditions set out in paragraph 9.1 of the Head of Planning's report.

**Reasons for Decision**

***The NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development and that to achieve this, economic, social and environmental gains should be sought jointly and simultaneously (paragraphs 6 and 8). Planning authorities are advised to approach decision taking in a positive way to foster the delivery of sustainable development (paragraph 186), looking for solutions rather than problems and to approve applications for sustainable development where possible (paragraph 187). Development proposals that accord with the development plan should be approved without delay (paragraph 14).***

***For the reasons set out above, the proposed development is considered to be in general accordance with the development plan. There are no material considerations indicating that the application should be determined other than in accordance with the development plan. Accordingly, planning permission can and should be granted.***

The public, employment and economic benefits to be gained from this mineral extraction in providing a sustainable, viable and reliable supply of sand met the objectives of the Corporate Plan in enabling economic growth and investment.

**Application 8/16/2011 for the extension of sand and gravel extraction at Hurn Quarry, followed by filing with imported materials and restoration, at Hurn Quarry, Parley Lane, Hurn, Dorset, BH23 6AX; and Application 8/16/2010 to vary conditions 3 and 6 of planning application 8/2001/0192 to enable the processing and dispatching of minerals, from the proposed extension of Hurn Quarry, for a further 12 years.**

45

The Committee considered a report by the Head of Planning in relation to two linked applications in respect of Hurn Quarry, Christchurch:

- 8/16/2011 - for the extension of sand and gravel extraction, followed by filing with imported materials and restoration - subject to consultation with the Civil Aviation Authority – and;
- 8/16/2010 - to vary conditions 3 and 6 of planning application 8/2001/0192, to enable the processing and dispatching of minerals for a further 12 years.

With the aid of a visual presentation, officers described the proposals and planning issues in detail, what these entailed and what they were designed to achieve. The application sought to continue the excavation of the established sand and gravel quarry, extending it westwards by some 15.7 hectares, with approximately 700,000 tonnes of mineral being produced.

Plans and photographs were used to show the characteristics of the site, its location and to describe how the quarrying operations would be progressed. The site's land form and its context within the surrounding landscape were shown, with views from within and around the site. The activities and operations proposed to be undertaken and how the mineral processing facility was to be retained were described in detail by officers. Arrangements for the way in which the quarrying was to be phased and managed, its progression and the relationship between each phase were also described.

Similarly the restoration process was described, in that imported inert waste would be used to restore the land back to original ground levels and its current agricultural use.

Officers described the type of activities which were to take place on site; their relationship with the current quarrying operations; the site's setting within the landscape, and in particular the River Stour; the local highway and rights of way network and access arrangements; and the topography and geology of the area. The relationship between the site, neighbouring properties - particularly Dales House (a Grade II Listed Building, comprising 2 residential dwellings) in Dales Lane - and commercial amenities, including Adventure Wonderland and the proximity to Bournemouth International Airport were described.

Officers explained the need for aggregate to be won and worked and the quantities in which this would be excavated. This would help to ensure that a sufficient supply of sand and gravel was available to maintain the 7 year landbank for the Plan period, as required under the National Planning Policy Framework (NPPF), and to assist in providing aggregate for the construction industry, particularly locally, to deliver planned housing and infrastructure development. Accordingly, the Committee acknowledged that such aggregate could only be quarried where it was found.

Objections had been received from a local resident, Hurn Parish Council and, initially, Christchurch Borough Council Planning Team in relation to the development having an adverse effect on local amenity and visual impact and particularly in respect of the proximity of the quarrying to residential dwellings - Dales House in particular - and to the effect this would have on the structural integrity of this Grade 2 listed building. The application for the proposed extension was subsequently amended and was the subject of further consultation, but objections still remained. The Borough Council's Conservation Officer and Pollution Control officer did not object to the revised scheme and the objection of the Planning Team was reduced to concerns raised about the economic and visual impact of the proposed extension to Adventure Wonderland.

How the bund would be constructed, its appearance and distance from Dales House were all described in detail and the attention of the Committee was drawn to the efforts made to accommodate the issues raised by the objectors and the due weight given by officers to the preservation of the setting of Dales House. Officers considered that alternatives had been considered and mitigation had been robustly demonstrated. To this end, any further mitigation would have a significant adverse effect on the commercial viability of quarrying the site and the public benefits of continued aggregate extraction and the economic contribution of the business to



the local economy outweighed any harmful impacts.

The Committee heard from Robbie Flower, Managing Director of New Milton Sand & Ballast Co, on the background and credentials of the company, what they produced and their importance to the local area; and the social, employment and economic benefits the quarry provided.

Steve Haughton who was employed by the company explained that there was a need for the quarry extension to maintain employment and skills for the local area and to boost the economy.

Nick Dunn, Planning Advisor to the company summarised the objections made and what changes had been made to address them; provided a justification for the buffer zones; summarised the consultee responses and planning considerations.

The County Council member for Commons, whilst agreeing in principle with the application and the need for the mineral, asked that the request for a 100 metre buffer zone be acceded to, as had been the case previously in respect of other listed buildings adjacent to the existing quarry. She considered that Dales House potentially could be isolated in an elevated position by the workings without such a provision. She was also concerned that the proximity of the workings to Dales Lane could have an adverse effect on its character and asked if there was flexibility in the length of time the working had to take place and that a more intensive quarry operation could reduce this overall timescale needed.

Officers explained that the 10 year timescale proposed for mineral extraction allowed for flexibility in the vagaries of the construction market due to the influences of the previous recession and forthcoming Brexit, but that also allowed for an increased throughput likely as a result of the national need for more housing and infrastructure being reflected in local plans. The way in which the bund was to be constructed would mean that it was gradually sloping away from the affected properties, further reducing its visual impact and was at the optimum location for noise attenuation to allow for the workings to be satisfactorily undertaken in accordance with policy. Vibration threshold levels were not even close to been exceeded and therefore the effect of the quarrying operation on the structural integrity of Dales House was not considered to be a material issue.

The opportunity was provided for the Committee to ask questions of the officer's presentation and this opportunity was taken. Members asked whether the buffer between Dales house and the workings could be extended to 100 metres to minimise disturbance at Dales House. Officers explained that the bund was to be located in the optimum position and did not believe that relocating the bund to an arbitrary distance of 100m would reduce impacts

The Committee noted that the quarrying company had previously been exemplary in how they conducted their operations and there was every reason to believe this would be maintained should this permission be granted. Having had an opportunity to discuss the merits of the application and what it was designed to achieve, the Committee recognised the need for the aggregate, the importance of its use and the obligation of the County Council to ensure a readily available supply was satisfactorily maintained. Whilst some members shared the views of the local member, on behalf of the local resident, that there might well be a case for the buffer zone to be increased, the Committee acknowledged the efforts made to address and resolve the concerns objectors had raised and that all these had been achieved, as far as practicable. They considered that the operations would bring

benefits for economic growth and local employment opportunities and security and provided for environmental enhancements to be made.

On being put to the vote, the Committee agreed the following resolution,

**Resolved**

1. That planning permission be granted for the development proposed in application 8/16/2011 subject to consultation with the Civil Aviation Authority and the conditions set out in paragraph 9.2 of the Head of Planning's report.
2. That planning permission be granted for the development proposed in application 8/16/2010 subject to the conditions set out in paragraph 9.3 of the Head of Planning's report.

**Reasons for Decision**

***The NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development and that to achieve this, economic, social and environmental gains should be sought jointly and simultaneously (paragraphs 6 and 8). Planning authorities are advised to approach decision taking in a positive way to foster the delivery of sustainable development (paragraph 186), looking for solutions rather than problems and to approve applications for sustainable development where possible (paragraph 187). Development proposals that accord with the development plan should be approved without delay (paragraph 14).***

***For the reasons set out above, the proposed development is considered to be in general accordance with the development plan. There are no material considerations indicating that the application should be determined other than in accordance with the development plan. Accordingly, planning permission can and should be granted.***

The public benefits of continued mineral extraction and mineral processing to economic growth and quality of life have been demonstrated to outweigh any identified harm. The extension and continued operation of the mineral processing facility would deliver a sustainable and reliable supply of sand and gravel that would ensure that Hurn Quarry continued to make a significant contribution to the local economy and to the construction of planned new housing and infrastructure, which would meet the objectives of the County Council's Corporate Plan focus to enable economic growth and quality of life.

**Questions from County Councillors**

46 There were no questions raised by members under Standing Order 20(2).

**Update Sheet**

47

**Dorset County Council (Footpath 18, Wool at Hyford) Rail Crossing Extinguishment Order 2018.**

**Update:**

The objection to the Order has been retracted therefore this item has been withdrawn from the Agenda.

Officer comment:

As the Order is now unopposed it can be confirmed by Dorset County Council without further consideration by the Regulatory Committee.

### **Dorset County Council (Footpath 14, Wool at East Burton) Rail Crossing Extinguishment Order 2018**

Update 1:

Councillor Cherry Brooks (Member for South Purbeck) has submitted the following statement regarding Agenda Items 5 and 6;

We are landowners of the Dorset Innovation Park and there are suggestions/plans to enable cycling and access to the site from residents of Moreton, who we expect may choose to live there (and other places) if they move into the area.

I understand that there is an underpass below one of the crossings, but we are unable to locate it.

We need to make sure that by closing the footpaths, we inadvertently cause problems for the future plans to enable people to enter the Innovation Park at the far side.

Officer comment:

The attached plan (18/15) shows the site of Dorset Innovation Park and its proximity to public rights of way, level crossings and underpasses in the area. The entrance to Dorset Innovation Park is located at the southeast of the site. There is a public footpath (Footpath 12, Wool) running from the site entrance to the nearest pedestrian level crossing, Burton Common, which links with the C33 road leading to Moreton. Officers at Purbeck District Council have confirmed that the site is securely fenced and no new access points are proposed. Cyclists can access the underpass (Soldiers Bridge) on a permissive basis via Footpath 12 and an existing permissive footpath that runs between Footpath 12 and Bridleway 24, Wool along the southern side of side of the railway. This facilitates access for cyclists travelling between Moreton and Dorset Innovation Park. This route could be upgraded to public bridleway in future, formalising the access arrangement for cyclists.

The closure of Footpath 18, Wool (withdrawn from the agenda) and Footpath 14, Wool has no negative impact on access between Dorset Innovation Park and Moreton.

Update 2:

Land now registered between points A and B on Footpath 14

Officer comment:

Paragraphs 4.37 – 4.43 of the report refer to an objection to the Order by the owners of Southbrook who are concerned with future access rights to the section of Footpath A – B for maintenance purposes.

Since the report was written, it has been brought to the attention of officers that the strip of land from A to B between the properties Southbrook and Marbrouk was registered to the Weld Estate in January 2018. Dorset County Council made the Order in March 2018 but because previous land registry searches revealed that the land was unregistered, dispensation was obtained from the Secretary of State (allowing the owner notices to be posted on site rather than sent to the owner directly).

The Weld Estate have indicated informally that they have no objection to the closure

of the footpath. However they will be given 28 days to formally make any representations to the Order. Dorset County Council will not submit the Order to the Planning Inspectorate until after the 28 days has elapsed.

The Weld Estate has riparian responsibility for up keep of the ditch and so is under a duty to maintain it. The Estate has confirmed that it will maintaining the ditch.

Any right of access along the section of Footpath A – B for the adjacent landowners to maintain their property is a private matter. The Weld Estates have indicated that they are happy to discuss this issue with the adjacent landowners.

With regards to paragraphs 4.20 - 4.21 of the Report to the Regulatory Committee December 2017 (Appendix 2) the potential maintenance of the ditch by Wool Parish Council is discussed. This is no longer relevant as the land is now registered.

**Planning application 3/17/0967/DCC for the extraction of sand, the backfilling of the void with inert waste and the restoration of the site to low grade agricultural land at Redman's Quarry, Horton Road, Three Legged Cross**

**Update 1:**

Further response in relation to the Objection received by EDDC. The Objection received by EDDC appears to be related to a larger proposal, in the same land holding, which was nominated for inclusion in the emerging Mineral Sites Plan (and previously consulted on as part of the emerging plan) but is not proposed for allocation in the plan. It will be considered as an "omission site" at the forthcoming Mineral sites examination hearings. The application before you is a relatively small proposal adjacent to the solar farm and is over 1km away from the location of "Monmouth's Ash" to which EDDC's objection relates. This is a tree under which the Duke of Monmouth was found after his failed invasion against King James II – the tree no longer survives. Neither Historic England nor DCC's Senior Archaeologist have concerns about this proposal.

**Update 2:**

A response has been received from Councillor Spencer Flower in his capacity as a local member:

*'As one of the two Local Members I am supportive of the recommendation to grant permission for Planning Application 3/17/0967/DCC Redman's Quarry, Horton Road.'*

**Officer comment:**

The further responses are noted.

**Application 8/16/2011 for the extension of sand and gravel extraction at Hurn Quarry, followed by filing with imported materials and restoration, at Hurn Quarry, Parley Lane, Hurn, Dorset, BH23 6AX**

**Update:**

Correction: Amend Condition 3 on page 257 of the report to read: '....extraction is limited to 7m ~~below~~ above AOD'.

Officer comment:

Factual correction.

Meeting Duration: 10.00 am - 12.30 pm