

Regulatory Committee

Minutes of meeting held at County Hall,
Colliton Park, Dorchester on 5 September 2014.

Present:

David Jones (Chairman)

Daryl Turner (Vice-Chairman)

Pauline Batstone, Steve Butler, Barrie Cooper, Beryl Ezzard, Ian Gardner, Mervyn Jeffery, David Mannings, Margaret Phipps, Peter Richardson, Mark Tewkesbury and David Walsh.

Officers attending

Don Gobbett (Head of Planning), Maxine Bodell (Group Manager), Huw Williams (Team Leader, Development Management), Stephen Cornwell (Principal Planning Officer), Phil Crowther (Solicitor), and David Northover (Senior Democratic Services Officer).

Public Speakers

Nick Jackson, local resident, minutes 10 to 12.

James Hill, Quarry Manager, minutes 10 to 12.

(Note: These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Planning Committee to be held on **23 October 2014**).

Apologies for Absence

1. Apologies for absence were received from Mike Lovell and Kate Wheller.

Code of Conduct

2.1 The Solicitor took the opportunity to advise those members who were being asked to consider the application on the Navitus Bay application both at the County Council and that their respective district or borough council, that in order not to prejudge any decision they might make at that other authority, they should be clear, and make clear, that their decision today was made on the basis of the issues affecting the County Council from the proposed development and the material now before them which they were being asked to consider.

2.2 The Solicitor also reminded members that regarding the planning application in respect of Redland's Quarry, Todber, legal advice provided by officers was that only those members who attended the site visit should participate in the discussion and vote on the Redlands Quarry application unless they had a good reason to do so. An example of a reason to enable them to participate would be that they have sufficient personal knowledge of the site to enable them to make an informed decision.

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

Terms of Reference

3. The Terms of Reference were noted by members.

Minutes

4.1. The minutes of the meeting of the Planning Committee held on 20 June 2014 were confirmed and signed.

4.2 The minutes of the meeting of the Roads and Rights of Way Committee held on 18 July 2014 were confirmed and signed.

Public ParticipationPublic Speaking

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

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

Petitions

5.3 There were no petitions received in accordance with the County Council's petition scheme at this meeting.

Navitus Bay Wind Park Local Impact Report

6.1 The Committee considered a report by the Head of Planning on the Navitus Bay Wind Park development proposal. Members were reminded that through the National Infrastructure Planning process, Dorset County Council, as a local authority, was invited to submit a Local Impact Report on the proposed Navitus Bay Wind Park development. The Committee was now being asked to consider the draft Local Impact Report which was based on the 'relevant representation' previously approved by Dorset County Council Planning Committee and Cabinet and sent to the Planning Inspectorate in June 2014. Officers also drew the Committee's attention to the Update Sheet.

6.2 Members were informed that officers had now examined the application and had provided views on the technical aspects of the project. The key issues were described in detail in the draft Local Impact Report, which was to be submitted to the Examining Authority by 6 October for consideration during the six month examination of the Navitus Bay application.

6.3 Officers reminded members that the County Council was a statutory consultee and not the determining authority. Dorset County Council's detailed view on the development was now being sought and the Regulatory Committee's view would play an important part in helping to shape this.

6.4 The report set out the background to the application, the planning process and the key issues, which remained:-

- Seascape and Landscape Visual Impact Assessment (SLVIA)
- Impact on World Heritage Status for the Jurassic Coast
- The historic and cultural heritage of Durlston Castle and landscape
- Environmental impact
- Seabed geology – suitability of chalk
- Highways
- Tourism and other socio economic impacts.

6.5 Members recognised that the submission of a Local Impact Report provided an important opportunity for Dorset County Council to set out its concerns

over the proposed Navitus Bay development. The content of the Local Impact Report will be scrutinised closely by the Examining Authority and the Secretary of State.

6.6 Members were also reminded that Dorset County Council would also be asked to respond in detail to specific questions from the Examining Authority through written representations and at topic specific hearings.

6.7 Members were then provided with an opportunity to express their views on the draft Local Impact Report. All those members who would subsequently consider the proposal at their respective District or Borough council stated that their views were being made on the basis of the information which they were being asked to consider on this occasion as part of the County Council's response to the development.

6.8 Whilst clearly recognising the stance which both the Planning Committee, the Cabinet and the County Council had previously taken to oppose the scheme in principle, and the reasons they had given for doing this, in being asked to consider the detail of the proposed Local Impact Report, the Committee took the opportunity to make a number of observations for clarification purposes, with officers answering questions to this effect, with the following points being made:-

- paragraph 2.1.2 - that confirmation should be provided that all six of the reptiles native to Britain existed within Bournemouth, Poole and Dorset,
- whilst acknowledging that the power generated would benefit Dorset and provide a power source for the conurbation, there also should be recognition that this would not solely be for the benefit of Dorset. Therefore more clarification should be provided as to what energy would be generated and how such an estimation was calculated. Officers confirmed that the data provided in this regard was correct. Concern expressed at how the shortfall in energy capacity would be made up when the wind generated was limited was considered to be unfounded, given that the National Grid managed fluctuations in energy demand.
- the way in which the subsidy was applied was explained, but this did not form a material part of the planning application considerations.
- paragraph 5.1.18 – suggestion that if the route of the cabling over land was redirected to not prove such an adverse impact on Dorset, this could assist in biodiversity gain. Alternative wording was suggested to the effect that insofar as there might be a less damaging route for the cable, the County Council would support such a route.
- paragraph 5.4.9 – suggestion that in the event of the development being implemented, there should be local compensation for the Dorset Local Nature Partnership given the local impact sustained.
- paragraph 5.4.11 – to the end of the first sentence “The offer of an offset fund is noted” the wording “....**however this Council does not believe this makes the scheme acceptable**” should be added so as to emphasise that in no way would the County be adequately compensated for the damage caused. This position was reiterated in paragraph 5.5.2. Prior to the start of the second sentence the wording “**However it is noted that, if necessary**, this fund....” Should be added.
- paragraph 6.1.1 – regarding offshore ornithology – the need to qualify what level of bird strike would be considered to be acceptable.

Members were assured that the RSPB were reasonably satisfied that birds would not be adversely affected. As a means of clarifying this position, agreement was reached to transpose the sentences of paragraph 6.1.1.

- paragraph 7.1.6 - 3 (c) – whilst it was noted that horizontal drilling was being proposed, in the light of new evidence emerging regarding ecological biodiversity, mention should be made, and consideration given to, the protection of another bog system to the west of the A338 and that reference should be made to that SNCI too. For these purposes, there should be the inclusion of an additional paragraph covering the on shore landscape impact, especially across the Avon Valley, being worded “**That named SNCI should be protected by directional drilling, where necessary**”. Suggestion was made that the Christchurch Bay Impact assessment should be appended to the Local Impact Report.

6.9 Some members were of the firm view that no alterations should be made to the wording of the detail of the Local Impact Report as that would detract from, and be seen to somewhat compromise, the position taken to oppose the development or could be seen to be providing mitigation measures on behalf of Navitus Bay. However, whilst wishing to remain flexible to the prospect of the development being granted planning approval and, in ensuring that provision was made so that, in that event, Dorset was best placed to protect its assets, the Committee emphasised that whilst these observations and points were all valid and could be taken into consideration, they should not be seen as the Committee compromising its position that it was opposed to the development as being proposed.

6.10 The Committee were assured that discussions and negotiations would continue to be ongoing with Navitus Bay on how progress was being made in any event to ensure that Dorset’s best interests were satisfactorily protected.

Resolved

7. That, subject to the observations made, and in taking into account the provisions of the Update Sheet, the Cabinet be asked to agree that the Local Impact Report on the Navitus Bay Wind Park Development application, as set out in Appendix 4 of this report, be submitted to the Examining Authority.

Reason for Decision

8. In coming to a decision, the Secretary of State must have regard to any Local Impact Reports that are submitted by the deadline set by the Examining Authority. Local authorities are therefore strongly encouraged to produce Local Impact Reports when invited to do so. Given the strong feeling against this development by Dorset County Council, this will be one of the main avenues by which the Council can present its concerns to the Examining Authority and Secretary of State.

Review of Development Management Activities – First Quarter 2014/15

9.1 The Committee considered a report by the Head of Planning which updated them on the activities of the Development Management Team for the first quarter of the year 2014/15.

9.2 Attention was drawn to the appendices which listed all decisions taken under delegated powers and outstanding applications and to levels of performance.

9.3 Officers explained the position regarding the government's planning guarantee by way of background. If the County Council fell below a particular target for issuing decision it would face special measures. Although the Government has not yet fixed the target, officers were confident that the County Council would be above the target.

Noted

Quarrying Operations - Redlands Quarry, Red Lane, Todber

10.1 Prior to consideration of this item, legal advice provided by officers was that only those members who attended the site visit should participate in the discussion and vote on the Redlands Quarry application. No member who did not attend the site visit took part in the discussion or decision of this item.

10.2 The Committee considered a report by the Head of Planning on planning application 2/2013/0759, for the continued quarrying of building stone, retention of associated buildings, provision of additional structures for storage and working of building stone and ancillary uses together with sale from site of rough stone, worked stone and arisings and restoration of site to wildlife area at Redlands Quarry, Red Lane, Todber, Sturminster Newton.

10.3 Officers outlined the proposals with the aid of a visual presentation and the main planning issues. Members were provided with the opportunity to ask questions of the presentation. Officers drew members' attention to the change in Condition 15, as set out in the Update Sheet relating to operating hours regarding the deletion of Saturday working. Officers also indicated that following discussions with the applicant and his noise consultant, it had been clarified that the noise assessment had been made with the two saws operating in the open. Consequently Condition 33, which would require that no saws operated unless contained within a building, was considered too onerous and it was proposed to change the wording to allow the two existing saws to continue operating, but only in their current position.

10.4 The Committee heard from Nick Jackson who was concerned at the proposal to extend the operations as his experience had been of nuisance over some years from dust and noise generated by the works. He was also concerned over how diligently the operations were being monitored and enforced as he considered that there were not adequate controls in place in this regard. He also raised concern at debris being brought onto the roads by inadequate wheel washing arrangements and of potential contamination of ground water from flooding risk. He considered that how the operations were monitored and managed should be improved and felt that the consultation which had taken place over the proposals was inadequate.

10.5 James Hill then addressed the Committee and explained that the operations provided a reliable source of locally quarried quality, natural stone which was extensively used as the local building material. It was therefore vital that that stone continued to be quarried and utilised as it was essential in continuing to build properties in keeping with their surroundings.

10.6 Members expressed their concern over dust prevention; the wheel washing operation; transport movements; potential flooding; and how noise was assessed and what provision had been made for this.

10.7 Officers explained that monitoring arrangements would be typically put in place to ensure that the noise assessment reviewed by the Environmental Protection and Private Sector Housing Manager at made by the North Dorset District

Council was not contravened and there were a series of measures for doing this. It was established that no stone crushing operation now took place on the site.

10.8 Officers explained that it was difficult to capture dust from such operations other than making provision for damping down this residual waste and lubricating the blades of the cutting tool, both of which had been accounted for by the applicant and included in the conditions of operation. Given this, the assessment made had not considered that dust would be a significant issue.

10.9 Officers explained that the management of traffic movements accessing and egressing the site had been assessed assuming a slightly higher level of movements than set out in the application. Officers' assessment was that there was no detrimental impact on highway safety. Additionally, it was reported that no complaints had been received by the Highways Advisor regarding problems associated with debris on the road.

10.9 Officers considered that the flooding risks raised could not be directly attributable to the operations at the site and that Conditions 13 and 14 adequately provided for mitigation of this. Concerns over groundwater finding its way across the field and flooding farm buildings was essentially unfounded. There was to be a restriction in the conditions that there should be no pumping or use of the blind ditch or pipeline discharge into the field drainage system until a satisfactory resolution to this matter had been found.

10.10 Members considered the conditions relating to wheel washing operations. And resolved to seek the provision of a concrete wash down pad near to the exit and also that officers should be provided with details of the equipment to be used. These were to be achieved through a new planning condition.

Resolved

11. That planning permission be granted, subject to the conditions set out in Paragraph 9 of the report, having regard to the provisions contained in the Update Sheet, the amendment to Condition 33 as set out in minute 10.3 above and with the added requirement for a surfaced, wash down area and the agreement of the equipment to be used, as referred in in minute 10.10 above. The precise wording of any changes was to be delegated to officers

Reason for Decision

12. The reason for imposing each condition was set out in Paragraph 9 of the report.

Installations at proposed Waste Transfer Station, Bailie Gate Industrial Estate, Sturminster Marshall

13.1 The Committee considered a report by the Head of Planning on planning application 3/14/0486/CPO for a proposed change of use from "part parking of vehicles, operating centre and portable office and part general industrial" to "part parking of vehicles, operating centre and various ancillary buildings and part as a waste transfer station" comprising the provision of a concrete pad with 2m walling to two sides on which to operate the proposed transfer station at 9E1 Middle Road, Bailie Gate Industrial Estate, Sturminster Marshall.

13.2 With the aid of a visual presentation, officers explained that the proposal was for the provision of a concrete pad within an industrial compound/yard site that was used, in part, for skip storage. Officers explained the site context and its location within the green belt, albeit in an existing industrial estate. Some waste

handling already occurred on the site, with sorting being undertaken direct from one container to another. The concrete pad would be used for the emptying and sorting of skip contents, enabling the site operator to undertake additional sorting of waste and to batch materials in greater bulk prior to despatch.

13.3 Clarification was provided over the operating hours, in that the hours of operation would be between 7.00 am and 12.30 pm on Saturdays. It was confirmed that there would be no operations on Sundays.

13.4 Confirmation was also provided that the Environment Agency had not raised objections to the proposal and that East Dorset District Council had now withdrawn its objection.

13.5 Members expressed their concern at the implications of dust emanating from the operations on the site especially given its close proximity to Sturminster Minster First School and asked if it was reasonable to require a dust management plan as part of the condition or to require this part of the operation to be enclosed, given that it could not be guaranteed if the waste being transferred was hazardous.

13.6 In the first instance, officers addressed concerns that any hazardous waste was being imported onto the site. They considered that this concern was unfounded as there were limitations on what waste could be accepted at a site operated under licence by the Environment Agency and no hazardous materials could be accepted. If there was seen to be evidence of a contravention of that, then the Environment Agency could take appropriate action.

13.7 The application did not propose the construction of a building and specifically addressed the issue of non-enclosure of the waste handling area. The Committee acknowledged that application should only be determined on the basis of the proposal presented. Members were informed that officers had initially suggested a condition requiring submission of a dust management plan, but the applicant had considered this to be unnecessary given the measures to be put in place for the suppression of dust, including the dampening down of dust in dry conditions. Instead the applicant had requested that details of any additional dust management measures should only be required if dust proved to be a problem. Officers were satisfied with this proposal and course of action.

13.8 Officers also considered that the distance between the site and the school and the intervening tree screen were sufficient to prevent dust being a potential nuisance to those attending the school. In officers' opinion it would be unreasonable to impose a condition which compelled the applicant to enclose the proposed operations. Officers considered that sufficient measures were in place to demonstrate that this would be addressed satisfactorily.

13.9 However certain Members remained concerned that in light of the application not complying with Planning Policy, in so far as there being a requirement that such operations should be enclosed, given the proximity to the Sturminster Minster First School and there being no absolute guarantee of the composition of the waste product being transferred, the application should be refused.

13.10 Other members considered that the application should be deferred pending more information being provided on the feasibility of enclosing the operation and the implications associated with this.

13.11 On being put to the vote, the Committee decided that the determination of the application should be deferred.

Resolved

14. That determination of planning application 3/14/0486/CPO be deferred pending further discussions with the applicant with a view to more information being provided on the feasibility to enclose the operation to reduce dust and the implications associated with this.

Reason for Decision

15. To ensure the compliance of health and safety in association with the Corporate Aim of Health, Wellbeing and Safeguarding.

Questions

16. No questions were asked under Standing Order 20(2).

Meeting Duration

10.00 am – 12.45 pm

