

**EAST DORSET DISTRICT COUNCIL**

**CABINET**

Minutes of the Meeting held on Wednesday, 6 March 2019 at 6.30 pm

Present:-

Cllr S G Flower – Chairman

Present: Cllr R Bryan, Cllr R D Cook, Cllr M R Dyer, Cllr Mrs B T Manuel,  
Cllr A Skeats and Cllr S S Tong

Also in attendance: Cllr S Bartlett and Cllr D B F Burt

Apologies: Cllr S Butler and Cllr S Gibson (Vice-Chairman)

299. Declarations of Interest

Councillor S G Flower declared a non-pecuniary interest in relation to Minute No. 302 (Diversion of part of public footpath E2/8 and stopping up of part of public footpath E2/9) and left the room for the discussion and voting thereon and the related Public Presentations at Minute No.301.

(In view of the above the agenda was taken out of order with Item 6 being brought forward prior to items 4 and 5 on the agenda).

300. Minutes of Previous Meeting

The Minutes of the meeting held on 5 February 2019 were confirmed and signed as a correct record.

301. Presentations by the Public

The Leader advised that Councillor Shane Bartlett on behalf of Wimborne Town Council and Mrs Diann March had indicated that they wished to make deputations to Cabinet, in addition the Leader advised that Mr Ian Edwards and Mrs Carole Chedgy had advised that they wished to ask a question.

**Deputation from Mrs D March**

The footpaths to which this application refers are very direct, and while section 257 of the TCPA 1990 gives Local Authorities the power to authorise the stopping up or diversion of any footpaths, bridleways or restricted byways where they are satisfied that is necessary to enable development to be carried out. This does not really apply to this application when only one set of plans were drawn up with total disregard to the line of ancient footpaths E2/8 and E2/9 which could so easily have been incorporated into the new estate planned along the lines of when Cuthbury Gardens was built in the early 1980s whereby footpath E2/9 was retained.

Footpath E2/8 is not in the flood plain which is why it goes from Old Road to Cowgrove Road, taking into account that one cannot leave E2/8 and join

E49/5 when the water meadows are in flood. What is the justification to stop up this section to enlarge gardens to the detriment of retaining an ancient footpath for generations to continue to use and which needs to be retained so that when future floods erode the land another access will be needed to be made which will be impossible if this land is taken into part of gardens.

The diversion of E2/8 is conveniently going passed the café and then along the riverside, with so much development taking place on the allotments what a pity that this part of the riverside was not considered to be left as a wildlife corridor.

The stopping up of E2/9 and diversion is also unjustified; to divert this through the new estate and to come out on a different part of Cowgrove Road means that anyone using this footpath will have to walk part of Cowgrove Road which would not occur if not diverted.

We were asked to make objections, but I am left wondering why we were asked when it appears they are not listened too or acted upon. I would therefore ask that:

- (1) The original entrance of E2/8 from Old Road is kept, even if it means walking through the main road of the estate;
- (2) That an alleyway is made between the houses so that E2/9 can still join E2/8 in the main road of the estate; and
- (3) That E2/8 is not stopped up where it joins E49/5 so that access can be maintained when the water meadows are in flood.

#### **Deputation from Councillor S Bartlett (Wimborne Town Council)**

Wimborne Town Council wish to object for the following reasons:

- There is no genuine reason to divert the existing footpath, plans could have been drawn up to retain the existing footpath route.
- The proposed footpath from Julians Road is within the flood plain.
- The boardwalk will require ongoing maintenance and so is not appropriate.
- The proposed access to Cowgrove Road for the diverted E2/8 is dangerous and contrary to County strategy.
- The proposed diversion is through houses, which is not considered suitable.
- Flooding often occurs where E2/8 meets E49/5 and the new proposed footpath diversion will require walkers to walk further along the road in these circumstances.
- The proximity of proposed diversion of the E2/8 adjacent to the Stour riverbank is a concern as this section may be liable to increasing levels of flooding and erosion. The planning statement has not addressed footpath flood risk.
- Footpaths are a historic asset which is part of the heritage which attracts tourists to Wimborne.
- The diversion will represent a considerable diversion for people accessing the area from Victoria Road and Cuthbury Gardens.

**Question from Mr I Edwards**

Does the cabinet agree that the undesirable elements of the whole Cuthbury development namely;

- (1) The delay between opening the new and eviction from the old allotments
- (2) The planned prominent 3 storey office block
- (3) The resulting increased density of housing
- (4) The reduced affordable housing provision
- (5) The proposed stopping up and diversion of footpaths.

Have arisen because of central government policy, exploitation of that policy and lack of foresight at both central and local government level in preventing that exploitation?

**Response by Councillor R Cook (Portfolio Holder for Planning)**

The land at Cuthbury Allotments was allocated for development in the Christchurch and East Dorset Local Plan. This document was finally adopted by the Council in 2014 following about 8 years of consultation and discussions with stakeholders, including the general public, and that helped to shape the document so that it met both national and local planning policies and was deliverable.

The planning application recently resolved to be granted is in accord with current national and local planning policy. The National Planning Policy Framework states that there is a presumption in favour of sustainable development and that consent should be granted where a development accords with local and national policy, which the scheme does. It was always envisaged that the footpath would need to be diverted as part of this development, as set out in the Masterplan documents that form part of the supporting documentation for the Local Plan.

**Supplementary Question by Mr I Edwards**

Have any of the Cabinet or the planning officer actually walked the footpaths of the proposed changes? And will the Cabinet please reject this order and recommend that the applicant amend his plans to suit the existing footpaths as there are no changes of footpaths drawn up in the core policy which was adopted back in 2014?

**Response by Councillor R Cook (Portfolio Holder for Planning)**

I can answer that as a Member of the Cabinet, yes I have walked the footpaths over years gone by, not in recent months but I certainly have walked the route and am familiar with the route.

**Question by Mrs Carole Chedgy**

My question refers in two parts to section 27 of the TCPA 1990 which as reflected in paragraph 2.3 of the report states “where they (Local Authority) are satisfied that it is necessary to enable the development to be carried out”, my question in two parts is:

Firstly, at paragraph 8.8 the report states that the applicant advises that the changes are necessary, it is not stated that the officers have made their

own assessment of whether this is necessary and I ask why not? It appears that they have just relied on the applicants opinion.

Secondly, in paragraph 8.9 of the report it appears that the recommendation is predicated which says "as such officers are satisfied it is expedient in the interests of the land owner that the footpath is diverted" and I ask why the recommendation of the officers is based on the satisfaction that it is expedient? The word expedient is not synonymous with the word necessary in any way whatsoever and it therefore appears to me that the recommendation is flawed and I would invite your comments.

**Response by Councillor R Cook (Portfolio Holder for Planning)**

Thank you for your question, as we didn't have the question in advance of the meeting I am going to instruct the officers to respond to you in writing.

302. Diversion of part of public footpath E2/8 and stopping up of part of public footpath E2/9

The Portfolio Holder for Planning submitted a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Members were requested to consider the proposed diversion of part of Public Footpath E2/8 and stopping up of part of Public Footpath E2/9, and to make an order to this effect.

Members received an officer presentation on the proposed diversion and were informed of the formal process that would be followed should approval be made by Cabinet to make the order.

Concern was expressed by Members that the proposal was purely to accommodate more units of accommodation as opposed to being for the benefit of the residents.

In relation to this Members were advised that should the order be agreed it would then go out to public consultation and if objections were to be received the proposal would go to the Secretary of State in order for them to make a decision with regards to the footpaths.

**RESOLVED that:-**

- a) **Orders shall be made providing for the diversion of part of public footpath E2/8 and the stopping up of part of public footpath E2/9, as shown on the plan at Appendix 2 of the report; and**
- b) **If after making the orders objections are received that cannot be resolved, it shall be submitted to the Secretary of State for a decision.**

Voting: 3:2

Councillor S G Flower declared a non-pecuniary interest in this item and left the room for the discussion and voting thereon.

(Councillor R Cook chaired the meeting for the duration of this item).

303. Final Report - Cabinet Committee (One Year Strategy)

The Portfolio Holder for Change and Transformation submitted a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

To advise Members of the work of the Cabinet Committee (One Year Strategy) in a final, end of year report.

Thanks were expressed to the Officers and Members of the Cabinet Committee for their hard work.

**RESOLVED that:-**

- (a) Members noted the report; and**
- (b) Members endorsed the decision of the Cabinet Committee in respect of the request from Wimborne Town Council as set out in Minute No. 36 of the Cabinet Committee (One Year Strategy) meeting held on 14 February 2019 (as set out in Appendix 4 to the report).**

Voting: Unanimous

(This item was brought forward and considered prior to Items 4 and 5 on the agenda. Councillor S S Tong left the room at the closing of this item at 18:45).

304. Shadow Council and Shadow Executive Committee Update

The Leader advised that he would provide a comprehensive update in respect of the Shadow Council and Shadow Executive at the next Full Council Meeting.

305. Update from Portfolio Holders

The Portfolio Holders provided an update with respect to their Portfolio areas, updating on Key Activities since the last report, any delegated decisions made and any anticipated activities or milestones for the next period.

Copies of the Portfolio Holder reports appear as Appendix 'C' to these Minutes in the Minute Book.

306. Leader's Forward Plan

The Leader provided Members with an update with respect to the Forward Plan, detailing the key decisions which the Cabinet expects to take during the period to 31 March, 2019, a copy of which appears as Appendix 'D' to these Minutes in the Minute Book.

The meeting ended at 7.50 pm

CHAIRMAN