

# Regulation Committee

## Thursday 10 January 2019

### 2.00 pm Taunton Library Meeting Room



To: The Members of the Regulation Committee

Cllr J Parham (Chair), Cllr N Hewitt-Cooper (Vice-Chair), Cllr M Caswell, Cllr J Clarke, Cllr S Coles, Cllr M Keating, Cllr A Kendall and Cllr N Taylor

Issued By Scott Wooldridge, Strategic Manager - Governance and Risk - 2 January 2019

For further information about the meeting, please contact Michael Bryant on 01823 359048 or [mbryant@somerset.gov.uk](mailto:mbryant@somerset.gov.uk)

Guidance about procedures at the meeting follows the printed agenda **including public speaking at the meeting.**

This meeting will be open to the public and press, subject to the passing of any resolution under Section 100A (4) of the Local Government Act 1972.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)




**RNID typetalk**

## **AGENDA**

- Item Regulation Committee - 2.00 pm Thursday 10 January 2019
- 1 **Wildlife and Countryside Act 1981 - Section 53, Schedule 14 Application to Upgrade Part of Footpath CH 7/39 to a Restricted Byway, and Add Restricted Byways in the Parishes of Combe St Nicholas and Broadway 630M, 632M and 633M Application to Vary the Particulars of Part of CH7/39, 862M (Pages 3 - 6)**

## Regulation Committee Committee 10 January 2019

### Late Papers

Item	Application no/ref Case Officer: 	Address/Description/Development
<p style="font-size: 2em; margin: 0;"><b>Item 5</b></p>	<p>App No: <b>CH7/39 (862M)</b> <b>630M, 632M and 633M</b></p>	<p>Application to upgrade part of footpath CH 7/39 to a restricted by-Way, and add restricted by-ways in the parishes of Combe St Nicholas and Broadway 630M, 632M and 633M application to vary the particulars of PART OF CH7/39, 862M</p>
<p style="font-size: 2em; margin: 0;"><b>Item 6</b></p>	<p>App No: <b>2017/3147/CNT</b></p>	<p>Section 73 application to amend Condition 2 (Approved Plans and Specifications), (Noise Mitigation) and 5 (Dust Control) in respect of Planning Permission 2013/2083 for the Construction of anaerobic Digestion Plant</p>

**ITEM 5 Late Representation: British Horse Society 7 January 2019**

**From:** Mark Weston <\*\*\*\*\*> **Sent:** 07 January 2019 18:29

**To:** Michael Bryant <\*\*\*\*\*>

**Subject:** Re: WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53, SCHEDULE 14 APPLICATION TO UPGRADE PART OF FOOTPATH CH 7/39 TO A RESTRICTED BYWAY, AND ADD RESTRICTED BYWAYS

Dear Sir,

I refer to the above matter and would be grateful if you could bring the following points to the attention of the Regulation Committee.

The Society considers that all routes that are the subject of an application should be fully researched, and all evidence objectively examined and not prejudged. In this context the Society fully supports this application to record these routes as restricted byways, and considers that the evidence for public rights is very strong.

The Enclosure Awards only indicate that the routes appear to have been considered private at the time of the awards. The Society's opinion is that the routes have become public for the reasons set out below.

The description as "occupational road" is irrelevant it indicates primary use, and not any specific rights.

The Society disagrees with the assessment of the Tithe maps. The Tithe maps show continuous colouring and with no plot separation from current roads. The statements noting that other similar paths are footpaths is irrelevant evidence as it can be argued that they too are potentially under recorded. The Tithe Map is very good evidence in support of public road.

The handover maps are irrelevant as they just show the sections of road the council has taken on responsibility for maintenance. It neither gives evidence for or against the routes being claimed having public rights.

The IR Maps are consistent with the roads being public where they are excluded from the hereditaments.

All other old maps going back to 1888 show the routes consistently as roads and named Charmoor Lane and Charmoor Drove. The old maps including Bartholomews road map for motorists consistently tell the public that these roads are there to be used.

It is inconceivable that these roads were not used by the public as they are a connected network between what are now county roads - unless of course there were physical barriers or other restrictions on their use.

The Report presents all other evidence after the Enclosure Awards in the negative light cast by the Enclosure Evidence, however the other evidence needs to be looked at independently on its own merits, and the positive evidence of Tithe and other old maps needs to be given serious and proper consideration.

In view of the seemingly conflicting evidence it is essential that the Order is Made so the case can be given a fair and proper public hearing if necessary.

The Society believes that the statutory test set out in section 53(c)(i) is met in that the evidence shows that a restricted byway can reasonably be alleged to subsist on these routes.

Yours faithfully,

Mark Weston Director of Access. British Horse Society

**ITEM 6 Late Representation: Evercreech Parish Council 9 January 2019**

Dear Andy

Re: 2017/3147/CNT Unit 22, Evercreech Junction, Shepton Mallet - Section 73 Application To Amend Conditions 2 (Approved Plans And Specifications), 3 (Noise Mitigation) And 5 (Dust Control) In Respect Of Planning Permission 2013/2083 For The Construction Of Anaerobic Digestion Plant.

Following Evercreech Parish Council meeting held on 8th January planning comments are:- RECOMMEND REFUSAL.

Notes:

Dust and Odour Control

The village of Evercreech (pop 2500) is only 1.5 miles N E of this site, and with the prevailing winds coming from the S W., any emissions from this site will directly affect the village, it's school, and surrounding farms, unless properly controlled and monitored on an on-going basis.

Traffic movements

The near doubling of imported feedstock and exported product tonnages compared with the original approval will have a significant effect on road movements to/from the site, each laden movement generating a corresponding empty leg. The construction of the right-turn lane from the A371 is absolutely essential, as well as modifications to the existing site entrance layout. This right-turn lane has been a condition on previous planning approvals going back several years, all of which have subsequently been withdrawn through variations/amendments

Lighting

The whole estate already generates unacceptable levels of light pollution, with several high-tower floodlights in operation constantly during the hours of darkness, so strict adherence to the restricted hours of use on an on-going basis is essential.

Many thanks for the extension to planning comments.

Kind Regards,  
Michelle Phillips  
Parish Clerk

>----Original Message----

>From: a\*\*\*\*\*

>Date: 07/12/2018 9:08

>To: "\*\*\*\*\*">

>Subj: RE: Planning application 2017/3147/CNT: Unit 22, Evercreech

>Junction

>Good morning Michelle,

I'm happy to agree an extension as requested. The application may be going to Somerset's Regulation Committee on 10th January, so please ensure that your comments are forwarded on the 9th so that I can report them to that meeting.

Kind regards Andy

**ITEM 6 Late Representation: Mendip District Council 21 December 2018**

From: Clark, \*\*\*\*\*> Sent: 21 December 2018 09:27 To: Planning Control Subject: PWS  
3/1/2019 [OFFICIAL] 2017/3147/CNT - Unit 22 Evercreech Junction

Categories: Yellow Category

Dear Andy Hill,

Further to your letter of 6th December regarding amended drawings and supporting information in relation to the above application, I can confirm Mendip District Council has no further comments to those made on 4th January 2018.

Kind Regards, Anna

Anna Clark Principal Economic Growth Planner - Planning and Growth Services (Normal working hours: Full-time Mon & Weds; Finishing at 2pm Tues, Thurs & Fri)

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