

The Regulation Committee

Minutes of a meeting of the Regulation Committee held on 3 September (Virtual Meeting) at 10.00am

Present:

Cllr J Parham (Chairman)

Cllr M Caswell

Cllr S Coles

Cllr N Hewitt-Cooper

Cllr A Kendall

Cllr A Bown (Substitute member on behalf of Cllr N Taylor)

The Chair welcomed everyone to the meeting, outlined the meeting procedures, referred to the agenda and papers and highlighted the rules relating to public question time.

1 Apologies for Absence - agenda item 1

Cllr N Taylor, Cllr J Clarke, Cllr M Keating.

2 Declarations of Interest - agenda item 2

Reference was made to the following personal interests of the members of the Regulation Committee published in the register of members' interests which was available for public inspection via the Committee Clerk:

Cllr M Caswell - Member of Sedgemoor District Council

Cllr S Coles - Member of Somerset West and Taunton Council

Cllr N Hewitt-Cooper - Member of Mendip District Council

Cllr A Kendall - Member of South Somerset District Council, Member of Yeovil Town Council

Cllr J Parham - Member of Shepton Mallet Town Council

3 Accuracy of the Minutes of the Meeting held on 23 and 29 July 2020 - Agenda Item 3

The Chairman signed the Minutes of the Regulation Committees held on 23 and 29 July 2020 as a true and correct record.

4 Public Question Time - Agenda Item 4

(1) There were no public questions on matters falling within the remit of the Committee that were not on the agenda.

(2) All other questions or statements received about matters on the agenda were taken at the time the relevant item was considered during the meeting.

5 Investigation into the status and alignment of Bridleway DU1/25 (Brompton Regis) - Agenda Item 5

(1) The Committee considered the report of the Senior Rights of Way Officer and it was highlighted that the investigation had been undertaken under the Council's own initiative.

(2) The Rights of Way Officer with reference to the report, supporting papers and the use of maps, plans and photographs, outlined the investigation which had raised three separate questions:

- Did the Definitive Map and Statement correctly record the status of DU1/25
- Was the Definitive Map correct in showing DU1/25 straddling the field boundary between points A and B. If not which side of the boundary should it be shown on.
- , Was the Definitive Map correct in showing DU1/25 running from B to C or does the right of way in fact run from B to D

The case officer noted that the Committee must start with the presumption that the definitive map is correct and that the route is a bridleway unless it can be proven otherwise.

(3) The report and presentation covered: Legal status and tests required in order to downgrade or delete a Right Of Way; a more detailed description of the route; possibility of equestrian use; relevant legislation; historic documentary evidence and discussion thereof; consultation responses including landowner comments; and included a summary, conclusions and recommendations which were set out in full in Paragraphs 9 and 10 on Pages 53 - 55 of the report.

(4) The Chair read a statement on behalf of Mr Stephen Hutchings, who objected to the recommendation that DU1/25 is correctly recorded as a bridleway. Points raised by Mr Hutchings included: there is no cogent evidence of the path ever being a bridleway or any user evidence from horse riders to say they have used it; reference to a footpath known as the 'Church path' and that there were stiles each end of the path, erected by Exmoor national park staff up until 2011; the severity of the slope and the popularity of the road makes it too dangerous for a horse and rider to use; the location of a bridleway nearby provide a convenient alternative; that the route is noted as 'FP' on historical maps; that there is no evidence to show the route as a bridleway; and the works which would be required to make the route safe should it be re-designated.

(5) The Rights of Way Officer responded to the points raised, noting: the definitive map is cogent and legally conclusive; that there was little evidence of recent use of the path for horse riding but that this would not extinguish any pre-existing rights; that the route is marked 'F.P.' on several Ordnance Survey maps (and other maps based upon the same survey) but that this means that the Ordnance Survey considered the route to be difficult to traverse by horse or wheeled traffic, it is not necessarily the case that they were of the view that it was a public footpath; that the installation of gates would not stop horse riders using the route; and that whilst costs and desirability queries are understandable, these should not influence the Committees decision.

(6) The Committee proceeded to debate during which members raised matters including; noting that the route clearly exists; the removal of the bank and hedge along part of the route; the stile indicating that the route may be a footpath; the potential for mistakes when the Definitive map was first created; and the site visit and observations, the severity of the access and exit slope and the experience of riders using the route.

(7) The Rights of Way Officer responded to the matters raised by the Committee, advising that the Committee should not consider the experience of horse riders who may use the route; a bridleway could be dedicated and accepted even if less experienced riders would find it changing to use. The Rights of Way Officer further drew the Committees attention to the historic evidence, including pre-inclosure maps which suggested that horse riders had historically used the route.

(8) The Committee Chair provided a summary of the points raised, noting that the outcome of the debate appeared to indicate that: the route runs along the northern side of the boundary from point A to point B and was only suitable for use on foot. The Chair further highlighted the severity of the slope at point C highlighting that it was felt to be too steep for horse traffic and that the severity of the slope had never been altered.

(9) Cllr J Parham, seconded by Cllr M Caswell, proposed the vote, the Committee **RESOLVED** in respect of an investigation into the status and alignment of DU1/25 in Brompton Regis that an order be made to:

- i. downgrade the way as shown A-B-C on plan H18-2019 from a bridleway to a footpath;
- ii. clarify that the western end of that footpath runs to the north of the field boundary between points A and B on plan H18-2019.
 - iii) if there are no unwithdrawn objections to such an order(s) it be confirmed
 - iv) if objections are maintained to such an order, it will be submitted to the Secretary of State for Environment, Food and Rural Affairs.
- V) No order should be made to modify the alignment of that part of DU1/25 as shown B-C on plan H18-2019.

6 Bowden's Lane Quarry - Variation of Condition 7 of permission 17/01217/CPO to increase annual output to 21,000 tonnes of stone - Agenda Item 6

(1) The Committee considered the report of the Service Manager – Planning & Development on this application. The application was submitted by Lovell Stone Group Ltd.

(2) The Planning Officer, with reference to the report, supporting papers and the use of maps, plans and photographs, outlined the application which involved an increase in annual output to 21,000 tonnes of stone at the existing quarry, highlighting the current extraction area, the type of stone extracted, the current 3,000 tonne extraction limit, and site restoration plans. The Planning Officer further highlighted the location of the nearest residential dwelling.

(3) The main issues for consideration were planning policy considerations; highway impacts and other environmental impacts and their control; and included a summary, conclusions and recommendations which were set out in full in Paragraphs 9 & 10 on Pages 152 - 161 of the report.

The Committee were further informed that there had been no objections from the District and Parish Councils or the Local Highway Authority, but that there had been five objections from local residents which predominately related to highways concerns. It was further noted that the proposal would see an increase of 3 lorry movements per day

to a total of 4 daily movements, and that there was some potential for noise impacts on local residents and that as such a noise limit condition would be imposed.

(4) The Committee heard from the following, with their comments / views summarised as shown:

Oliver Laidler – Supporter: Minerals & Waste Surveyor, Land & Mineral Management, representing Lovell Stone Group informed the Committee that the volume of waste stone from the quarry currently cannot be removed fast enough. In turn this is leading to large stockpiles compromising safe and efficient quarry operations, with the proposed increase in limit acceptable impacts. Additional benefits would include availability crushed stone to the local area, reducing the need for imported stone and associated traffic and carbon impacts.

(5) The Committee proceeded to debate during which members raised matters including: the overall site and location with particular reference to the disused quarry near to Gloversrose Farm.

(6) The Planning Officer responded that the quarry was separate to this application.

(7) Cllr S Coles, seconded by Cllr A Bown, moved the recommendation in Paragraph 9, Page 152 – 160, that planning permission be granted subject to conditions.

(9) Accordingly, the Committee **RESOLVED** in respect of Planning Application No SCC/3721/2020 that planning permission be **GRANTED** subject to the conditions set out in section 9 of the Officer's report, and that authority to undertake any minor nonmaterial existing which may be necessary to the wording of those conditions be delegated to the Service Manager – Planning & Development.

7 Bowden's Lane Quarry - North-eastern extension on existing active quarry - Agenda Item 7

(1) The Committee considered the report of the Service Manager – Planning & Development on this application. The application was submitted by Lovell Stone Group Ltd.

(2) The Planning Officer, with reference to the report, supporting papers and the use of maps, plans and photographs, outlined the application to extend the quarry in a north eastern direction with a site area of 2.9 hectares. The Committee were informed of the proposed new access route; the site working dept of 8.5m; and the 5m 'stand-off' to protect hedgerows. The Planning Officer further highlighted the proposed working phases and restoration plans.

(3) The Committee were informed of the main issues for consideration including: planning policy considerations; impact on archaeological remains; surface water management of the site; landscape impact; impact on residential amenity, including effects of noise and dust; ecological impacts; highways impacts; and other environmental impacts and their control; and included a summary, conclusions and recommendations which were set out in full in Paragraphs 9 & 10 on Pages 180 - 190 of the report.

(4) The Committee heard from the following, with their comments / views summarised as shown:

Oliver Laidlaw - Supporter: Minerals & Waste Surveyor, Land & Mineral Management, representing Lovell Stone Group who raised a number of points including: the application proposed is an extension of existing works to enable continued extraction once reserves are exhausted; the Unique nature of the quarry as both blue and white lias is extracted; and the need for the extracted stone.

Simon Hart – Supporter: owner of Lovell Stone Group, who raised a number of points including: the business had been operating for 9 years and invested in the safe and efficient operation of the quarry specialising in building and masonry; and the high demand for the extracted stone which is predominately used in Somerset

(5) There were no questions from the Committee.

(6) Cllr S Coles, seconded by Cllr M Caswell, moved the recommendation in Paragraph 9, Page 180 - 189 that planning permission be GRANTED subject to conditions.

(7) Accordingly, the Committee **RESOLVED** in respect of Planning Application No SCC/3723/2020 that planning permission be **GRANTED** subject to the conditions set out in section 9 of the Officer's report, and that authority to undertake any minor nonmaterial editing which may be necessary to the wording of those conditions be delegated to the Service Manager – Planning & Development

(The meeting ended at 11.30am)
CHAIR

