

The Regulation Committee

Minutes of a virtual meeting of the Regulation Committee held under the Coronavirus Regulations, 2020 on Thursday 5 November 2020 at 10.00am.

Present:

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

Other Members Present:

Cllr L Vijeh

Officers Present:

Mrs J Allen, Solicitor
Mr M Bryant, Governance Specialist
Mr A Hill, Planning Officer
Mrs H Vittery, Service Manager - Planning and Development

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

None.

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 Administrator:

Cllr M Caswell
Cllr J Clarke
Cllr S Coles

Member of Sedgemoor District Council
Member of Mendip District Council
Member of Somerset West and Taunton
Council

Cllr N Hewitt-Cooper
Cllr A Kendall

Member of Mendip District Council
Member of South Somerset District
Council
Member of Yeovil Town Council

3 **Minutes** - Agenda Item 3

The Minutes of the meeting held on 3 September 2020 were signed as a 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 **SCC/3706/2020 - Infill of Disused Railway Cutting with Inert Waste (Part Retrospective), Former Railway Cutting, Land Off Verrington Lane, Wincanton** - Agenda Item 5

(1) The Committee considered the report of the Service Manager - Planning and Development on this application.

(2) The Presenting Officer outlined the application by reference to the report, supporting papers and the use of maps, plans and photographs.

(3) The main issues for consideration were: planning policy; retrospective and future ecological impacts of importation; sustainable design of proposed landform and appropriate restoration; surface water management; and other environmental aspects and their control

(4) The Presenting Officer's presentation covered: description of the site; background and planning history; details of the proposal; plans and documents submitted with the application; consultation responses from external and internal

consultees and the public; planning policy considerations and the issues set out in (3) above.

(5) The Presenting Officer explained that the application was in part retrospective due to 870 tonnes (580m³) of material from local development sites having already been imported and deposited. The applicant sought to import a further 1740 tonnes (1160m³) over two years. The purpose of the infilling was to link fields on either side of the railway cutting for use as productive agricultural land. Following negotiations with the applicant, mitigation measures had been significantly revised and improved, key elements of which included: clearance of tipped waste material to allow greater headroom and restoration of habitat under the former railway bridge; a properly constructed causeway between the two fields to be joined to form an agricultural trackway for access purposes; a new mixed hedge and copse; no new spoil, only top and sub-soil for levelling and planting.

(6) As regards responses from consultees, Charlton Musgrave Parish Council had recommended that the application should be refused, but had indicated that if the County Ecologist would allow the infill to be completed subject to agreement of a replacement habitat, they would be happy to review another application while following the Ecologist's guidance. The County Ecologist, in response to the original application, had expressed concern regarding the potential impact of the development on biodiversity, including protected species. However, following submission of the revised mitigation, the Ecologist had provided a further response setting out conditions covering biodiversity compensation and enhancement (hedge and tree planting, bat boxes, bird nesting boxes etc) that should be imposed if planning permission was granted. The Lead Local Flood Authority had requested a condition covering surface water drainage and safeguards regarding pollution etc during construction.

(7) As regards public consultation, a total of 10 representations had been received by the County Council and South Somerset District Council.

(8) The Committee had been made aware of the views of the local Divisional member, Cllr A Groskop, who felt that it would be good to resolve the situation as best as was possible to enable the area to be used as part of the farm.

(9) In his conclusion, the Presenting Officer commented that the former railway cutting provided a valued ecological habitat which was properly mitigated following a revised restoration and planting scheme, and that the application provided justification for the loss of this habitat in the planning balance for productive agricultural land.

(10) The Committee heard from the applicant's agent, Janet Montgomery, Brimble, Lea & Partners whose comments/views are summarised as follows: the scheme complied with planning policy and had overcome any issues raised during the consultation process; fill underneath the former railway bridge would be removed and re-distributed on the remainder of the site thereby reinstating the ecological environment under the bridge - this, together with other biodiversity enhancement measures, had ensured that the County Ecologist accepted the proposal, which in turn had overcome the Parish Council's concerns; the proposal made a positive contribution to the character and quality of the area and would bring back into use agricultural land which would also enable two fields to be linked thus improving interconnectivity of the farming unit.

(11) The Committee proceeded to debate during which members raised matters - to which the Presenting Officer responded - including: structural integrity of the former railway bridge; surface water drainage/flooding; impact on a nearby badger sett; and permanent nature of the trackway between the two fields. The Presenting Officer confirmed that with the revised mitigation, there would be a net gain from the development in habitat terms.

(12) Cllr Taylor, seconded by Cllr Caswell, moved the recommendation by the Service Manager - Planning and Development set out in the report.

(13) The Committee RESOLVED in respect of Planning Application No. SCC/3706/2020:

(a) that planning permission be GRANTED subject to the conditions set out in Paragraph 9 of the report of the Service Manager - Planning and Development

(b) that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager - Planning and Development.

(The meeting ended at 10.25am)

CHAIR