

REGULATION COMMITTEE

Minutes of a Meeting of the Regulation Committee held in the Luttrell Room - County Hall, Taunton, on Thursday 9 February 2023 at 2.00 pm

Present: Cllr T Lock (Chair), Cllr S Coles (Vice-Chair), Cllr B Bolt, Cllr M Caswell, Cllr M Dunk, Cllr T Grimes, Cllr E Hobbs, Cllr A Kendall, Cllr M Martin, Cllr M Murphy, Cllr K Pearce, Cllr A Soughton and Cllr M Wale

Other Members present virtually: Cllr L Redman*, Cllr S Dyke, Cllr B Revans and Cllr H Shearer

(*Reserve Committee member)

Apologies for absence: None

1 **Declarations of Interest** - Agenda Item 2

There were no new declarations made at the meeting.

2 **Accuracy of the Minutes of the meeting held on 1 December 2022** - Agenda Item 3

The Minutes of the previous meeting held on 1 December 2022 were accepted as accurate and signed.

3 **Public Question Time** - Agenda Item 4

The Chair advised that: -

- (a) a member of the public had submitted a statement as an objector and 2 agents had registered to speak in respect of agenda item 5 -application No. SCC/3854/2021
- (b) a member of the public had registered to speak (objector) in respect of agenda item 6 – application No. SCC/4015/2022

The statements were considered as part of relevant agenda item.

4 **Unit 22, Evercreech Junction, Shepton Mallet, Somerset BA4 6NA - Application SCC/3854/2021** - Agenda Item 5

Section 73 application to vary conditions 2 (approved plans) and 3 (noise mitigation) in respect of planning permission reference 2017/3147/CNT (section 73 application to amend condition 2 [approved plans and specification], 3 [noise mitigation] and 5 [dust control] in respect of planning permission 2013/2083 for the construction of an Anaerobic Digestion plant)
Unit 22, Evercreech Junction, Shepton Mallet, Somerset, BA4 6NA
Applicant – BioConstruct

Committee members had undertaken a site visit ahead of the meeting.

1. The Committee received a report by the Service Manager – Planning and Development, Enforcement and Compliance. The Case Officer, with reference to the report, presentation, supporting papers and the use of maps and plans, outlined the application and the key issues for consideration – whether the principle of development is acceptable, policy context and if the proposal represents sustainable development; impact on the highway network / residential amenity (noise, odour and dust); impact of the proposal on landscape character and visual amenity.

The Case Officer advised that there is no longer a requirement to vary Condition 4 (night-time noise limit) in respect of planning permission reference 2017/3147/CNT) and the applicant had withdrawn that part of the proposal.

The Case Officer provided a summary of the responses received to the application and to an additional objection from a local resident, raising concern around night-time noise. There have been additional representations received –

- Evercreech Parish Council - confirming response set out in paragraph 7.4 of the Report;
- local resident - light pollution and noise;
- letter from Environment Agency – noise and advises the Agent to work with Mendip District Council and recommends further studies.

The Case Officer commented that the principle of development has been established and the current application is seeking minor variations and that Mendip Councils' Environmental Health department were a consultee and raised no objection.

In conclusion, the Case Officer confirmed that the key issues for the Committee to consider are – impacts on the environment and local communities (policy DM3), waste transport (policy DM6) and presumption in favour of sustainable development (policy SD1) of the Waste Core Strategy development plan document. The proposal would have limited impacts which can be satisfactorily controlled by conditions and the relevant conditions will be carried forward from the earlier permission.

The Case Officer advised that the Committee that the recommendation was for planning permission to be granted, subject to the suggested amendments (additional condition and changed wording to condition 6) and subject to the prior completion of s106 agreement to secure highway improvements and landscape works in line with the earlier permissions granted in 2013 and 2017 and the legal agreement dated 2015.

2. The Committee had received written submissions and heard from the following at the meeting. Their comments / views are summarised as shown below:

S Ulph and L Suckey - objectors – the statement was read out by the Governance Manager – live close to site and very concerned as to impact of proposals on them; should be limits on proximity to houses as happens in other countries (3km) and concern about impact of noise during night-time hours.

Jasmin Ayton – Plandescil on behalf of the applicant – applicant is applying to vary conditions 2 and 3 of existing permission to permit design changes which are required due to upgrades in technology; no changes to the plant's process and no increase in noise levels; mitigation measures proposed and development can achieve the 25dB limit required by condition 4, thus negating the need to vary this condition; applicant and noise consultant have worked with statutory consultees to alleviate concerns regarding noise, resulting in environmental health removing their objection.

3. Local Division members – no comments were received.

4. The Case Officer responded to the points raised above: -

- noise nuisance – the issue of noise nuisance was addressed in the report and a lot of the objections were to the originally proposed increase in the night time noise, which has now been removed from the application. The Environmental Health officer at Mendip District Council is now satisfied the noise limits can be complied with and will not have an impact on amenity;
- requirement for 3km 'buffer zone' - there is not a similar requirement in English statute.

5. The Committee discussed the matter, and the following comments were made and responded to by Officers, as follows: -

- clarity on amended recommendation – *the Case Officer restated the amended recommendations and these were also displayed at the meeting;*
- whether this is a retrospective application – *it was confirmed that the application is partly retrospective;*
- attended site visit and was impressed by cleanliness of site and was able to hear conversations well; system works well; principle of development is not in question, what is in question is the variation of conditions; only place where could smell anything was inside receiving shed and this has fast shutting doors – *an odour mitigation specification has been provided and also covered by condition 7 (odour control);*
- what sort of waste dealt with at the site – *confirmed that can be any sort of organic waste, so can be vegetable, agricultural waste / food waste; gases produced / products are a renewable gas which can be used for*

heating or to the grid and liquid digestate which can be used as a fertilizer or soil improver;

- question on vehicular movements – *confirmed no change in transport movements and they do not operate at night;*
- noise and how measured – *confirmed that 25dB measurement is taken at window of nearest property and set out in condition 2 (noise mitigation);*
- query about the proposed additional condition which will impose an unnecessary delay – *confirmed that this would be a means of securing right turn lane being constructed on the A371 if required (and was a requirement of the original permission (application no 2013/2083) and in accordance with the timescale agreed and set out in the Travel Plan).*

6. Cllr Caswell proposed and Cllr A Soughton seconded that a 12-month time limit be included in the wording for the additional condition and the Committee RESOLVED: -

1. That planning permission be GRANTED, subject to the prior completion of a section 106 agreement to secure the financial provisions of the Travel Plan (highway works) (Reason: In the interest of highway safety and the amenity of the local area), and to secure highway improvements and landscape works in line with the permissions granted in 2013, Reference 2013/2083 and 2017, Reference 2017/3147/CNT and the agreement dated 4 February 2015, and to the conditions set out in section 10 of the Report and to the following amendments: -

(a) the additional condition: -

Condition: No further waste materials for processing shall be imported to the site following a period of 12 months from the date of this permission until such time as the right turn lane on the A371 (which is the subject of a s106 legal agreement) has been fully constructed, consolidated and surfaced to the satisfaction of the Local Planning Authority in accordance with the approved design and specification.

Reason: In the interests of highway safety.

(b) That Condition 6 (Highway Works) set out in section 10 of the Report be replaced with the following: -

"Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority including.

- Soft and hard measures to promote sustainable travel.
- Targets and safeguards by which to measure the success of the plan.
- A timetable for implementation of the measures
- Monitoring regime of travel habits.

The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented for a period of five years from the travel plan being approved."

2. 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, Enforcement and Compliance.

5 **Abbey Farm, Chilkwell Street, Glastonbury, Somerset, BA6 8DB - Application SCC/4015/2022** - Agenda Item 6

Proposed new roadside sign, Abbey Farm, Chilkwell Street, Glastonbury, Somerset, BA6 8DB

Applicant – South West Heritage Trust

1. The Committee received a Report by the Service Manager – Planning & Development, Enforcement and Compliance. The Service Manager, with reference to the report, presentation, supporting papers and the use of maps, photographs, and plans, outlined the application which is for the erection of a steel banner post sign to be located adjacent to the entrance to the Somerset Rural Life Museum on Bere Lane, Glastonbury, BA6 8DB.

The application site is situated within Glastonbury Conservation Area, designated in 1976. Abbey Barn is a Grade I listed building and also a Scheduled Monument and the key issues for consideration concerns its visual amenity, impact on Conservation area and highway safety.

The proposal aims to enhance the site presence within the street scene and aid visitors in finding the museum. There have been no highway objections and Historic England have no objections to the proposed sign; the proposal aims to enhance the site presence and aid visitors in finding the museum; it will be visually preferable to the existing sign; there will be no impact on the trees to the rear which is one of the concerns of the objectors and no trees will be felled; once the new sign is positioned, the existing ground mounted sign will be removed. Division Member, Cllr S Hart has advised that she is concerned about the new sign causing distraction and clutter. The Service Manager confirmed that as the existing sign will be removed as part of this proposal there will not be any visual clutter.

2. The Committee had received a written submission and heard from the following at the meeting. Their comments / views are summarised as shown below:

Rowena Beaumont – objector – letters went out to residents in Bere Lane with no reference to the sign being placed in Bere Lane; unable to see what signs will look like online; do not want a commercial sign put up opposite home; concern around trees / need protecting.

3. The Service Manager responded to the points raised by the objector: -

- The letter went out with the address associated with the application and consulted widely;
- There are images of proposed signage with the dimensions are available on our portal as "proposed signage images";
- No trees will be removed for the erection of the signpost, as confirmed by the agent;
- Site Notice was posted on 27 September 2022 on the railings photographic proof submitted.

4. There were no additional questions or comments from the Committee.

5. Cllr E Hobbs, seconded by Cllr M Martin moved the recommendation and the Committee RESOLVED:

1. That advertisement consent be GRANTED subject to conditions set out in section 10 of the report.
2. 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, Enforcement and Compliance.

6 **Somerset Council Rights of Way Public Path Order Policy consultation** - Agenda Item 7

The Committee considered a Report by the Rights of Way Service Manager, concerning the consultation on amendments to the Rights of Way Diversion Policy.

The Rights of Way Service Manager highlighted the background to the proposals, as detailed in the report and that in readiness for vesting day, one of the required actions is to have an updated diversion policy that is reflective of the unitary Council's powers along with accompanying guidance notes and application form. This is crucial to ensure that there is a clear policy and process available to any prospective applicant. The review of the policy also affords the opportunity to make some minor adjustments in light of the past 15 years' experience of applying the policy to a number of applications.

The Rights of Way Service Manager outlined the proposed main proposed changes to the Policy set out in the report and the consultation responses received: -

- title of document amended to 'Public Path Order Policy' to ensure the title is more accurate as to what it relates to (Appendix 3);
- sections of Acts have also been expanded to cover all the sections the new unitary Council will have powers for;
- a number of changes have been made to streamline both documents and reduce any repetition (Appendices 3 and 6);

- additional paragraphs have been included in relation to TCPA order making powers. These echo and support in policy terms what is included in DEFRA Rights of Way Circular 1/09 (Guidance for Local Authorities);
- there have been occasions where a diverted route has subsequently been enclosed, which has resulted in maintenance and usability issues. Additional text recognises that these issues should be addressed when considering a proposal to corridor a path or place it on the headland of a field;
- policy around highway junctions has been modified so as not to be overly constraining and provide greater flexibility;
- an additional paragraph relating to shared bridges clarifies the Council's position and the potential need for a legal agreement to clarify maintenance responsibility;
- additional text is included in relation to development related orders to highlight that the interface of any diverted path with newly constructed roads will be the subject of development management processes such as safety audit, technical approval and supervision;
- policy regarding compliance with the criteria, and proposals that are opposed at draft stage are amended to better reflect the current governance situation and be compliant with any future constitution;
- a new section has been introduced to provide clarity on the priority order for applications;
- section that defrays a percentage of the costs of an order has been reviewed and amended in light of certain cases over the last 15 years;
- the consultation responses had been supportive and the Somerset Local Access Forum had been supportive and had made comments about the issue of shared bridges aspect and whilst this had not resulted in an amendment to the policy, where possible, will try to separate the public use from any shared use on bridges as a result of a diversion order.

The Committee discussed the matter, and the following comments were made and responded to by Officers, as follows: -

- whether the changes will speed decision making - *in terms of resources available this will need to be discussed as part of the moving into the new unitary council – to ensure there are sufficient resources to deal with the level of applications;*
- query about the mechanism for granting a stopping up or a diversion of a footpath or right of way – *if an application is 'exceptional' (in terms of magnitude, scale and impact of the application) there would be a discussion between the Service Director in consultation with the Chair of the proposed Strategic Planning Committee as to whether it would come before the Committee to consider.*

Cllr S Coles, seconded by Cllr A Kendall moved the recommendation and the Committee RESOLVED to support the proposed changes to the Diversion Policy and that the decision as to whether or not to adopt any amendments to the

current policy will be made by the Lead Member for the Environment & Climate Change.

7 **Briefing to Somerset Planning Committees - Somerset Statement of Community Involvement Consultation** - Agenda Item 8

The Committee received a Report by the Service Manager – Planning and Development, Enforcement and Compliance which provided a briefing about the consultation on the draft Statement of Community Involvement (SCI) for the new Somerset Council. The consultation runs between 1 February – 16 March 2023 and following public consultation, the intention is to then finalise the document to be formally adopted as soon as possible following vesting day. The draft SCI was set out in the Appendix to the report.

The SCI sets out how the Local Planning Authority will engage and consult with the community and stakeholders on planning matters – this covers both engagement on planning policy (e.g. Local Plans, Neighbourhood Plans) and determination of planning applications. The SCI therefore includes who will consult through the various stages of Local Plan preparation, and what consultation methods we be used. In relation to Development Management, it includes details of consultees and neighbours who will be notified of planning applications and expectations for developers and agents in terms of pre-application engagement.

The Committee discussed the matter, and the following comments were made and responded to by Officers, as follows: -

- Query as to how the consultation is being advertised to the public; the local authorities have all been consulted on this but wondering how getting the community to respond, either individually or with community groups – *outlined statutory duties and confirmed have consulted the statutory consultees and notified all parish and town councils and have used the County's digital engagement platform (INOVEM Consult) to invite comments, alongside publicising on the 5 Council websites; welcome views on how could broaden further;*
- Setting up consultation for Somerset wide plan, will be a long running process – *The SCI sets out how the new authority will deal with new plan and planning applications;*
- The Chair thanked officers for the update and that members can also email any comment to their respective planning policy contacts or comment directly via the online consultation portal.

The Committee NOTED: -

1. The Briefing Report on the consultation on the draft Statement of Community Involvement (SCI) for the new Somerset Council and how they can respond.

2. That the final version of the SCI document will take into account comments received and will be considered by the Council's Executive for adoption.

8 **Any Other Business of Urgency** - Agenda Item 9

There were no additional items of business raised at the meeting.

(The meeting ended at 3.49 pm)

CHAIR