

REGULATION COMMITTEE

Minutes of a Meeting of the Regulation Committee held in the Luttrell Room - County Hall, Taunton, on Thursday 16 March 2023 at 2.00 pm

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

Other Members present virtually: Cllr B Clarke, Cllr M Dimery and Cllr R Wyke

Apologies for absence: Cllr B Bolt and Cllr M Murphy

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 Thursday 9 February 2023**
- Agenda Item 3

The Minutes of the previous meeting held on Thursday 9 February 2023 were accepted as accurate and signed.

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

The Chair advised that a request to speak had been received from Mr Herbert, applicant, in respect of agenda item 5 - Application No. SCC/4002/2022. The statement was considered as part of the relevant agenda item.

4 **Torr Works Quarry, East Cranmore, Shepton Mallet BA4 4RA - Application SCC/4002/2022** - Agenda Item 5

Application for demolition of Torr Blockworks and lateral extension of quarry on land at Torr Works, East Cranmore, Shepton Mallet BA4 4RA – Application No SCC/4002/2022

Applicant - Aggregate Industries UK Ltd.

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

1. The Committee considered a report by the Service Manager – Planning and Development, Enforcement and Compliance and noted that an updated report had been published and circulated on 9 March 2023. The Planning Manager, with reference to the revised report, presentation, supporting papers and the use of maps and plans, outlined the application and the key issues for consideration – the policy context and the principle of the development; the impact on the living conditions of local residents – noise, dust, vibration; the impact on the amenity of the local area – landscape and visual impact,

footpaths; the impact on the environment- groundwater and flood risk, ecology and habitats; traffic and highway matters.

The Planning Manager highlighted that:

- planning permission is already granted to relocate the blockworks to Leighton Business Park. The Marshalls Mono brickworks will remain in situ to the northeast of the extension area and access to it will be maintained. The extension is expected to release of 11 million tonnes of stone which will be worked over 10 years and completed before the 2040 date of the existing planning permission for the tour site as a whole.
- No change is proposed to the method of working or to traffic, blasting or monitoring and environmental control measures already in place.
- Environmental enhancements are also proposed as part of this proposal, and these include a replacement bat roost, a standoff zone from Asham Wood, new planting to replace trees, diversion of a bridleway to avoid the need for users to cross a haul route within the quarry.
- The proposed extension would replace production at the Leighton extension area which is expected to cease by the end of 2023.
- There have been no objections received from any of the statutory consultees, subject to suitable conditions, as outlined in the revised report.
- One letter of objection has been received from a local resident raising concern about the impact on bats, impact on the Asham Wood SSSI, noise in local villages, impact on wildlife and ecosystems and cumulative impacts.
- Downhead Village Meeting had raised concern about the proposed bridleway changes, noise, dust, lighting, tree planting and impact on water courses.
- Received letter commenting on the application and raising concern about dust and fault lines but supporting the re-routing of the bridleway to avoid the need to cross a busy road and observing that additional tree planting will provide habitats for birds, bats, and other wildlife.
- All these matters are addressed in the Committee report and explained that this is an uncontroversial application.
- Referred to the recommendations, as set out in section 10 of the revised report and to a minor amendment to the wording of the section 106 agreement, as follows (see underlined text): -
".....water monitoring and other measures, where relevant, in line with those agreed for the main site....."

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

Mr Herbert, Planning Manager, Aggregate Industries UK Limited – applicant – read out statement which had been circulated in advance of the meeting: -

- rationale for application;
- take environmental responsibilities very seriously;
- ongoing community engagement;
- application provide a replacement extraction area to come on stream after Leighton extension has been worked out; proposal wholly located within existing quarry operational boundary;
- will be completed prior to the 2040 end date;
- support the officer's recommendation to approve but query about the need for the legal agreement to include water monitoring.

3. The Local Division members, Cllr Barry Clarke and Cllr Philip Ham had submitted comments which had been circulated in advance of the meeting and these were read out by the Governance Manager: -

- both been involved in the application through Torr Quarry Liaison meetings and consultation process;
- application is covered by many of the conditions that the operators already adhere to on the site;
- Quarry has access to rail network, thus avoiding a lot of HGV road movements;
- Allow production of aggregates until 2040, providing work for workforce and associated businesses;
- Note that the Bridleway/footpath network will be safer for its users as the haul road will not need to be crossed;
- fully support this application and agree with recommendation to approve.

4. The Planning Manager responded to the comment by the applicant re water monitoring and referred to the wording of the slightly amended recommendation, which has been added to address the point made by the applicant.

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

- the site visit had been informative;
- Biodiversity Management Plan and whether this covers woodland / planting – *confirmed that this will be covered by Condition 24 and enhancement measures subject to the section 106 agreement. The Management Plan will include timings of the works;*
- Have visited site previously and impressed how the operator operates the site;
- Question about the wooded buffer strip between workings and Asham Woods – is this detailed in the Conditions and question about bats – *confirmed this is fully covered in the proposed conditions (Ecological*

Enhancement Plan; Construction Environmental Management Plan: Biodiversity); mitigation measures outlined, which will be checked;

- Are the comments of Somerset Wildlife Trust, detailed in the report, re bats and alternative habitat and roosting sites included in conditions – *confirmed will be covered in proposed condition 24 (Biodiversity Management Plan);*
- Excellent application;
- Commend what the company is doing with the local community (bridleway) - they are looking after local population.

6. Cllr M Caswell, seconded by Cllr T Grimes, moved the proposed recommendation, and the Committee RESOLVED:

1. That planning permission be GRANTED subject to the conditions set out in section 10 of the report and to the prior completion by the applicant and all other parties as necessary of a Section 106 Agreement to secure ecological mitigation including:
 - provision of a minimum of 2.05 hectares of woodland planting and 2.8ha of grassland reversion accessible to greater horseshoe bats to comprise: 2.05ha native woodland / woodland buffer planting; 0.10ha native woodland planting in the grassland reversion site; 0.12ha of buffer planting alongside the undesignated woodland to the south of Asham Woods; 2.8ha of grassland reversion; and 310m of hedgerow enhancement. The habitat should be broadly consistent with the Ecological Enhancement Plan as contained within the shadow HRA (SLR, 2023).
 - Landscape and Ecological Management Plan (LEMP).
 - Programme of implementation.
 - Long-term maintenance and management scheme for the woodland planting and grassland reversion, to include legal and financial mechanisms.
 - Water monitoring and other measures, where relevant, in line with those agreed for the main site (application reference 2010/0984) contained in the section 106 agreement dated 7th August 2012.
 - Provision for future maintenance of the bridleway diversion.
 - The works associated with the diversion of the bridleway SM8/11/1.
2. That authority to undertake any minor non-material editing which may be necessary to the wording of those conditions being delegated to the Service Director.

5 **Consultation on amendments to the Rights of Way Statement of Priorities**
- Agenda Item 6

The Committee considered a report by the Senior Rights of Way Officer, concerning the consultation on amendments to the Rights of Way Statement of Priorities.

The Rights of Way Officer explained that the County Council currently has a backlog of 375 undetermined applications to modify the Definitive Map and Statement. The policy which dictates the order in which those applications are investigated is known as the Statement of Priorities. Applications received prior to November 2011 were scored against a range of criteria set out in the Rights of Way Improvement Scorecard. Under the current Statement of Priorities, set out in Appendix 1 to the report, those applications are investigated in their scored order. Applications which have been received since November 2011 have not been scored and are to be dealt with in chronological order. The policy also allows for applications to be 'taken out of turn' in certain circumstances.

The Statement was last reviewed in 2018 and on the whole the Statement is considered to work well. However, officers were of the view that there were areas which could be improved. It is recommended that greater priority should be given to those applications which are supported by user evidence. It is also recommended that applications which are not compliant with certain procedural requirements should be given less priority.

A copy of a draft Statement, including the proposed changes to the Rights of Way Statement of Priorities, was attached at Appendix 2 to the report for consideration by the Committee.

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

- Many of the changes form part if a tidying up exercise and / or clarify the existing wording, making the policy more concise or to change any references to 'Somerset County Council' to 'Somerset Council'.
- The two more substantial changes are – greater priority for user-based applications; and secondly, the priority given to 'uncertified' applications;
- Proposal to give greater priority to those applications supported by user evidence (typically formed of first-hand witness accounts of the route for example) – will take out of the queue if there are five or more user-evidence forms (so will be fresher in people's minds).
- Uncertified applications process – when uncertified applications reach the top of the queue they would be held in abeyance until such time as a certificate had been received from the applicant or all other certified applications had been investigated.
- When an uncertified application reaches the top of the list, will hold in abeyance, and advise the applicant accordingly – there will be one exception – when decided an application should be taken out of normal

order, proposed to still ask applicant to certify and if they do not, consider waiving noncompliance.

- Somerset Local Access Forum views outlined in the report – also over recent times a number of user representatives have made strong representations that user evidence applications should be given greater priority.
- Highlighted the positives of the proposed changes – will encourage compliance; help focus the officer resource.
- Outlined the changes and impact of the Deregulation Act 2015, which will make a number of changes which are intended to streamline the application process; in due course expect legislation requiring the authority to serve notices on all landowners – expect to get this later in the year and could be retrospective; will affect applications being taken to the new Strategic Planning Committee in the future.

The Committee discussed the matter, and the following comments were made:

- Will the holding uncertified applications in abeyance disadvantage landowners – *applications where the applicant has chosen not to certify for whatever reason, would more than likely take longer to get to the top of the queue; would hope that applicants would choose to certify as in their interest to do so, but there is no guarantee that they would; the landowner could seek for their application to be taken 'out of turn' and there are various mechanisms for them to do so. One of them is where they are experiencing exceptional problems due to an application which impacts on their property. So that would be an option available to them;*
- What is the impact of uncertified applications on the department- *clarified it goes on the register but duty to determine only occurs after the certification; uncertified applications have to remain on the register – its around the order in which they are looked at;*
- Seems strange that a person can make an application but not complete the whole registration process – should be responsibility of the applicant to complete the whole process (3 stages) – *it is what the legislation states and not a policy decision we have discretion over – law states the council has to register it on the first stage / step – most applicants do then go on to certify (their application); there is no timescale by which they have to certify (in legislation);*
- Query about why some applicants do not certify / move to second stage – *the reason could be for a number of factors; does happen in other areas as well;*
- Seems to be no compulsion to certify / do the second stage within a certain length of time;
- Query about new set of rules and being retrospective and the numbers currently on the list – *at the moment there are about 375 undetermined applications to modify the Definitive Map and Statement and the changes will dictate the order in which they are considered; it also gives the ability to put more pressure on to get the certificate in the first place.*

Cllr S Coles, seconded by Cllr M Wale, moved the recommendation and the Committee RESOLVED to support the proposed changes and amendments to the Rights of Way Statement of Priorities and noted that the decision as to whether or not to adopt any amendments to the current policy will be made by the Lead Member for Transport and Digital.

6 **Any Other Business of Urgency** - Agenda Item 7

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

The Chair thanked members for attending and officers for their input, in the last meeting of the Regulation Committee.

(The meeting ended at 3.20 pm)

CHAIR

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