



REGULATORY COMMITTEE

MINUTES of a MEETING of the REGULATORY COMMITTEE held at COUNTY HALL, TROWBRIDGE on WEDNESDAY 2 NOVEMBER 2005.

PRESENT:

Mr M Connolly (Chairman), Mrs EA Chettleburgh, Mr A Davis, Mr PR Davis, Mr AN Deane, Mrs SK Doubell, Mrs MEM Groom, Mr JR Henning, Mr JP Johnson, Mr A Molland, Mrs MSN Taylor and Mr AJ Trotman.

Mr ML Baker, Miss MF de Rhé-Philipe, Mr WR Moss, Mr TR Sturgis and Mrs M White also attended the meeting.

62. Minutes of Previous Meeting

Resolved: To confirm and sign the minutes of the Committee meeting held on 5 October 2005.

63. **Members' Interests** Mr A Molland declared a personal interest in agenda item no. 14, Request for Free Transport from East Grafton to St John's Community College, Marlborough (see Minute No. 69 below) as he was governor at Pewsey Vale School, the designated school for free transport entitlement for secondary school pupils living in East Grafton. He would remain in the Council Chamber but would not take part in the debate or vote on this item.

64. **Whiteparish: Section 73 Application: Extraction of sand with reinstatement to agriculture using selected filling materials without compliance with Condition 4 of Planning Permission S.03.0592 dated 16 May 2003 to allow an increase in the rate of output to 150,000 tonnes per annum, Conditions 17 and 18 to allow a change in phasing, Condition 24 to allow a minimal settlement allowance ensuring ponding does not occur and Condition 30 to bring it in line with the alterations to Conditions 17 and 18 at Brickworth Quarry, Harestock, Whiteparish for Cleansing Service Group Ltd (Application No. S.05.8012)** At the beginning of the item the following members of the public made statements against the planning application:-

Dr P Claydon, representing Whiteparish Preservation Group

Mr L Randall, local District Councillor
Mr Q Hedley, representing Whiteparish Parish Council

Ms A Crooks, representing White Young Green Environmental Limited, the applicant's agent, then made a statement in answer to several of the points made by the objectors.

The Chairman responded by thanking the speakers for their statements which would be taken into account during the course of the debate.

The Committee then heard from a specialist planning solicitor from Veale Wasborough Solicitors of Bristol, who had been engaged following the last meeting to provide independent legal advice on the decision reached at the last meeting on the application and the legal ramifications of refusing the application for the reasons provided.

On considering a report by the Director of Environmental Services and the views of Mr WR Moss, the local member,

Resolved:

- (1) *To rescind the decision to refuse planning permission, made at the last meeting of this Committee, on the grounds that the decision was legally flawed.*
- (2) *To grant planning permission for the extraction of sand with reinstatement to agriculture using selected filling materials, without compliance with conditions 4, 17, 18 and 30 of Planning Permission S.03.0592 dated 16 May 2003, subject to the conditions set out in the Director's report.*

65. Wildlife and Countryside Act 1981 – Section 53 Definitive Map Modification Order no 7, 2005 Upgrading Footpath 21 Grimstead (Macks Lane) to a Byway Open to All Traffic At the beginning of this item

Mr R Hambling, Miss L du Boulay, Ms H Birchenough, local residents and Mr R Britton, local District Councillor, made statements objecting to the proposal to which the Chairman responded.

The Committee then considered in detail a report by the Director of Environmental Services, the views of Mr WR Moss, the local member, and various letters received from local residents. The Committee also received legal advice from the Deputy Head of Legal Services on the statutory procedure and the legal tests to be applied.

The following Motion was proposed by Mr PR Davis and seconded by Mrs EA Chettleburgh:-

“To forward the Modification Order, made under Section 53 of the Wildlife and Countryside Act 1981, to upgrade Footpath No. 21 Grimstead to a byway

open to all traffic and dated 17 March 2005, to the Secretary of State for decision with the recommendation that the Order be not confirmed.”

At the request of Mr PR Davis the Committee agreed to a recorded vote, which was as follows:-

For the Motion

Mrs EA Chettleburgh, Mr PR Davis and Mr JR Henning.

Against the Motion

Mr M Connolly, Mr A Davis, Mr AN Deane, Mrs SK Doubell, Mrs MEM Groom, Mr JP Johnson, Mr A Molland, Mrs MSN Taylor and Mr AJ Trotman.

Thereupon the Chairman moved the officers’ recommendation and it was

Resolved: To forward the Modification Order, made under Section 53 of the Wildlife and Countryside Act 1981, to upgrade Footpath No. 21 Grimstead to a byway open to all traffic and dated 17 March 2005, to the Secretary of State for decision with the recommendation that the Order be confirmed without modification.

66. Exclusion of the Public

Resolved: To agree, that in accordance with Section 100A(4) of the Local Government Act 1972, to exclude the public from the meeting for the business specified in Minute Nos. 67 to 70 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 5 of Part I of Schedule 12A to the Act.

67. Request for Free Transport from Chippenham to City of Bath College

On considering a confidential report by the Director of Environmental Services,

Resolved: To agree the request for free transport from Chippenham to City of Bath College and to review the situation in a year’s time, taking into account the pupil’s attendance at the College.

68. Request for Free Transport from Bulford to Avon Valley College, Durrington

On considering a confidential report by the Director of Environmental Services and on hearing the views of Mr ML Baker, the local member,

Resolved: To agree the request for free transport from Bulford to Avon Valley College, Durrington for the next two years until July 2007 .

69. Request for Free Transport from East Grafton to St John’s Community College, Marlborough

On considering a confidential report by the Director of Environmental Services,

Resolved: To agree the request for free transport from East Grafton to St John's Community College, Marlborough until the student completes compulsory education in July 2010 but to review the decision should significant changes to the school transport contract arrangements occur.

70. **Appeal against Refusal of Free School Transport from Salisbury to Wyvern College, Laverstock** On considering a confidential report by the Director of Environmental Services,

Resolved: To approve the provision of free transport, as requested, from West Harnham, Salisbury to Wyvern College, Laverstock.

(Duration of meeting: 10.30am – 12.50pm)

The Officer who has produced these minutes is Roger Bishton, Democratic & Members' Services, direct line (01225) 713035 or e-mail rogerbishton@wiltshire.gov.uk

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