



REGULATORY COMMITTEE

MINUTES of a MEETING of the REGULATORY COMMITTEE held at COUNTY HALL, TROWBRIDGE on WEDNESDAY 13 JUNE 2007.

PRESENT:

Mr A Davis (Chairman), Mr PR Davis, Mr AN Deane, Mrs HM Dixon, Mrs S K Doubell, Mrs MEM Groom, Mr JP Johnson, Mr WR Moss, Mr C Newbury, Mrs P Rugg, Mrs MSN Taylor and Mr IC West.

16. **Apologies** An apology for absence was received from Mr RS While.

17. **Minutes of Previous Meeting**

Resolved: To confirm and sign the minutes of the Committee meeting held on 16 May 2007.

18. **Members' Interests** Mrs P Rugg declared a personal interest in agenda item no. 13 - Commons Registration Act 1965 (as amended) – Application for the Registration of a Town Green: Land at Drews Park, Devizes (see Minute No. 24 below) Mrs Rugg remained in the Chamber and took part in the discussion relating to the report and voted.

19. **Cherhill/Compton Bassett: Extension of Mineral and Landfill operations at Low Lane, Lower Compton for Hills Minerals and Waste Ltd.**

(N.06.07009) On considering a report by the Director of Environmental Services and the views submitted by Mrs NS Bryant, the local member,

Resolved: To grant planning permission, subject to the conditions set out in the Director's report, for the following reason(s):-

- (1) There is a demonstrated need for sand and landfill void space in Wiltshire and the proposal would boost the sand landbank and create void space to meet the demonstrated shortfall in Wiltshire.**

- (2) The restoration scheme is appropriate to the area and provides for adequate mitigation/compensation for biodiversity loss and also enhances biodiversity. Noise, dust, odour and hydrological impacts could be satisfactorily controlled.

20. **Cherhill/Calne Without: Section 73 Application for extension to a Sand Quarry and Infilling with Waste without complying with Condition 3 (End Date) and 5 (Phasing and Restoration) of N.04.3060 at Hills Resource Recovery Centre for Hills Minerals and Waste Ltd. (N.06.07008)** On considering a report by the Director of Environmental Services, and a correction to the report in relation to the proposed operating hours set out in Condition 8 of the report, which should read as follows:-

Hours of Operation

8. Except in emergencies to maintain safe working (which shall be notified to the Mineral Planning Authority in writing within seven days) no operations shall be carried out and no plant shall be operated other than during the following hours:

07.00-20.00 Monday to Friday
07.00-13.00 Saturday

Operations shall not take place on Sunday or Bank or Public Holidays.

(Note: These hours shall apply only to Old Camp Farm and not to the Low Lane extension.)

Resolved: To grant planning permission, subject to the conditions set out in the Director's report, for the following reason(s):-

- (1) The change to the end date in Condition 3 simply alters the point in time extraction takes place and would not extend the duration of operations. The proposed change is therefore considered acceptable.
- (2) The revised restoration scheme submitted for Condition 5 enables the restoration of Old Camp Farm to be tied into that of Low Lane. The revised restoration scheme is acceptable.

21. **Whiteparish: Section 73 Application for Extraction of Sand without complying with conditions 3, 17 and 18 of Planning Permission S.05.8012 at Brickworth Quarry, Harestock for Raymond Brown Minerals and Recycling Ltd. (S.07.8006)** At the beginning of the item the Committee received a statement from Mr S Cole on behalf of the applicant.

The Committee then considered the detail of a report by the Director of Environmental Services. After discussion, and on hearing the views of Mr WR Moss, as local member,

Resolved: To grant planning permission, subject to the conditions set out in the Director's report, for the following reason(s):-

- (1) The proposed modifications to Conditions 3 and 17 and 18 (as amended) are considered acceptable as they would provide for the efficient working of the quarry more in line with the conditions whilst being unlikely to result in adverse impacts on local residents, the Special Landscape Area or the local highway network.

22. **Whiteparish: Section 73a (Retrospective) Application for the creation of a Site Operation Area at Brickworth Quarry, Harestock for Raymond Brown Minerals and Recycling Ltd. (S.07.8005)** On considering a report by the Director of Environmental Services and on hearing the views of Mr WR Moss, as local member,

Resolved: To grant planning permission, subject to the conditions set out in the Director's report, for the following reason(s):-

- (1) The proposal represents an efficient means of processing and stockpiling sand and is in accordance with the Development Plan. It is not considered that the operations area has a detrimental effect on the SLA or would cause a dust or noise nuisance to local residents.

23. **Wildlife and Countryside Act 1981 – Section 53 – Definitive Map Modification Order No. 7, 2005 – Upgrading Footpath No. 21 Grimstead (Macks Lane) to a Byway Open to All Traffic** At the beginning of the item the Committee received a statement from Mr R Hambling, a local resident, requesting that the Modification Order be not confirmed and that the County Council withdraws from the Public Inquiry.

The Chairman thanked Mr Hambling for his statement which would be taken into account during the course of the debate.

The Committee then considered the detail of a report by the Director of Environmental Services. After discussion, and on hearing the views of Mr WR Moss, as local member,

Resolved:

- (1) To continue to support the Order, based on historical evidence of vehicular rights, despite the new evidence discovered by the objectors which does not substantially shift the weight of the evidence against the existence of vehicular rights, on the balance of probabilities.
- (2) To continue to support the Order, as made, on those parts of the definitive route which lie inside Macks Lane, or are deemed by the Inspector to lie inside Macks Lane, i.e. to upgrade those parts of Macks Lane to a Byway Open to All Traffic (BOAT).

(Mr PR Davis requested that his vote against the motion be recorded.)

24. **Commons Registration Act 1965 (as amended) – Application for the Registration of a Town Green: Land at Drews Park, Devizes** At the beginning of the item the Committee received statements from Mr S Hislop and Mrs G Nugent, local residents, supporting the proposal.

The Chairman thanked Mr Hislop and Mrs Nugent for their statements which would be taken into account during the course of the debate.

The Committee then considered the detail of a report by the Head of Legal & Democratic Services.

Resolved: To refer the application to a non-statutory local inquiry because of the conflict in the evidence supplied and to request the Inspector to make a recommendation to the County Council on the application.

(Duration of meeting: 10.30am – 12.30pm)

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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