



REGULATORY COMMITTEE

MINUTES of a MEETING of the REGULATORY COMMITTEE held at COUNTY HALL, TROWBRIDGE on WEDNESDAY 30 JULY 2008.

PRESENT:

Mr A Davis (Chairman), Mr PR Davis, Mr AN Deane, Mrs H Dixon, Mrs SK Doubell, Mrs MEM Groom, Mr JP Johnson, Mr WR Moss, Mr C Newbury, Mrs MSN Taylor and Mr IC West.

25. **Apologies** Apologies for absence were received from Mrs P Rugg and Mr RS While.

26. **Minutes of Previous Meeting**

Resolved: To confirm and sign the minutes of the Committee meeting held on 21 May 2008.

27. **Members' Interests** Mr AN Deane declared a personal interest in agenda item no. 12 - Wylfe: Proposed Addition of Footpath No 11, Wylfe to Definitive Map and Statement (See Minute No. 32 below) as his wife had ridden along the path on horseback. He intended to take part in the debate and vote.

28. **Westbury: Resource Recovery Facility including Mechanical Biological Treatment, a Household Recycling Centre, Vehicle Parking and all necessary ancillary development at land off Stephenson Road, Northacre Industrial Park for Hills Minerals and Waste Ltd (W.07.09004)**
The Committee received a progress report by the Director of Environmental Services advising that determination of this planning application had been further deferred.

It was explained that the responses received from Environment Agency, West Wiltshire District Council and Westbury Dairies raised technical and legal issues that required careful consideration.

At issue was whether emissions from the MBT plant could affect the Westbury Dairies milk processing operations and whether a greater level of technical control should be incorporated into the design of the MBT plant.

Officers were working closely with colleagues at the Environment Agency on these issues but this had been complicated by recent changes to the waste permitting regulations. Guidance on the implications of the Agency's advice was being sought.

At the same time, solicitors acting for Westbury Dairies had requested that a decision on the application be delayed to allow time for further discussions to take place between the Applicant and the Dairy.

A further update, including a revised timetable for considering the application, would be provided as soon as possible.

29. **Latton: Discharge of Planning Condition 8 (approval of Site Transport Plan) relating to Development of an Inert Aggregate Recycling Centre at Eysey Manor Quarry for Tarmac Ltd (N.07.07017)** Consideration was given to a report by the Director of Environmental Services which informed members of the outcome of consultations with Latton Parish Council and Cricklade Town Council in relation to the site Transport Plan submitted as a requirement of Condition 8 of Planning Permission N.07.07017.

On hearing the views of Mrs HM Dixon as local member,

Resolved: To approve the site Transport Plan formally submitted on 14 April 2008, as attached at Appendix 1 to the report, and to agree that this element of Condition 8 of Planning Permission N.07.07017 be discharged in regard of scheme approval.

30. **Berwick Bassett: Highways Act 1980 Section 119 – Proposed Diversion of Bridleway No 7 (Part) and Bridleway No 11 (Part) Berwick Bassett** On considering a report by the Director of Environmental Services and on hearing that both Mr CP Humphries, the local member and Berwick Bassett Parish Council raised no objections to the proposal,

Resolved: To make and duly advertise a Public Path Diversion Order under Section 119 of the Highways Act 1980 to divert Bridleway No.11 Berwick Bassett (part) and Bridleway No.7 Berwick Bassett (part) and if

- (i) no objections are received to the making of the Order, the Order be confirmed, or
- (ii) objections are received, the order be referred to the Regulatory Committee for consideration of the objections.

31. **Corsham: Footpaths 139, 140 and Box: Footpath 105 – Objection to Modification Order** On report by the officers,

Resolved: To defer consideration of this matter until the next meeting in order to allow sufficient time for the landowner to respond setting out his views on the proposal.

32. **Wylve: Proposed Addition of Footpath No 11, Wylve to Definitive Map and Statement** At the beginning of the item the Committee received a statement from Mr P Lush on behalf of his parents who were the landowners objecting to the proposal, to which the Chairman responded.

Mr AN Deane reported that he knew the area well as he lived fairly close by and his wife used the path for horse riding. He thereupon made a detailed statement in which he reported the views of some local residents who disputed that use of the path had been as of right, whilst not questioning its use.

The Deputy Head of Legal Services advised that the Committee was required to reach a determination based on the evidence available to it. As objections had been received, the matter would be referred to the Secretary of State for Environment, Food & Rural Affairs but the application and objections must be accompanied by the Committee's recommendation.

It was noted that there were seven witness statements from users who had regularly walked this route for over 20 years and a further 15 witness statements from individuals claiming to have used this path for part of the 20 year period. The witnesses claimed to have used the path as of right.

During the following discussion, a number of members, including Mr IC West, the local member, considered that some doubt had been cast on claims that use of the path had been as of right and the Committee did not feel able to determine the matter on the balance of probabilities. It was proposed that the matter should be deferred to allow time for further clarification.

Resolved: To defer consideration of the proposal until the next meeting in order that the officers could research the matter further so as to clarify the nature of the use of this path and its use over a twenty year period.

33. **Commons Registration Act 1965 (as amended) - Application for the Registration of a Town Green: Land at Drews Park, Devizes** On considering a report by the Head of Legal & Democratic Services in which the Committee was asked to consider the Inspector's Report and Recommendation regarding this application for the registration of a Town Green,

Resolved: Having considered the Inspector's Report and Recommendation, to reject the application to register the land at Drews Park, Devizes, identified in Part 3 of the CR Form 30 under application number 2005/4, as shown edged red on Plan A attached to the application, for the reasons set out in the Inspector's Report dated 26 June 2008.

34. **Date of Next Meeting** It was reported that the next scheduled meeting of this Committee was due to be held on Wednesday 17 September 2008, starting at 10.30am. However, arrangements had been made for an all day Seminar on

Value and Visions for all members of the Council to be held that day. This Seminar would be the second of three Seminars, the purpose of which would be to help prepare members for the new Wiltshire Council. In these circumstances the Committee was asked to consider a change of date of the September meeting, possibly to Tuesday 16 September 2008.

After some discussion during which a number of alternate dates were suggested and found to be inconvenient to some members and officers.

Resolved: To agree that the date for the next meeting of the Committee be not changed and that it be held on Wednesday 17 September 2008, starting at 10.30am, as set out in the County Council 2008 Diary.

(Duration of meeting: 10.30am – 12.10pm)

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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