

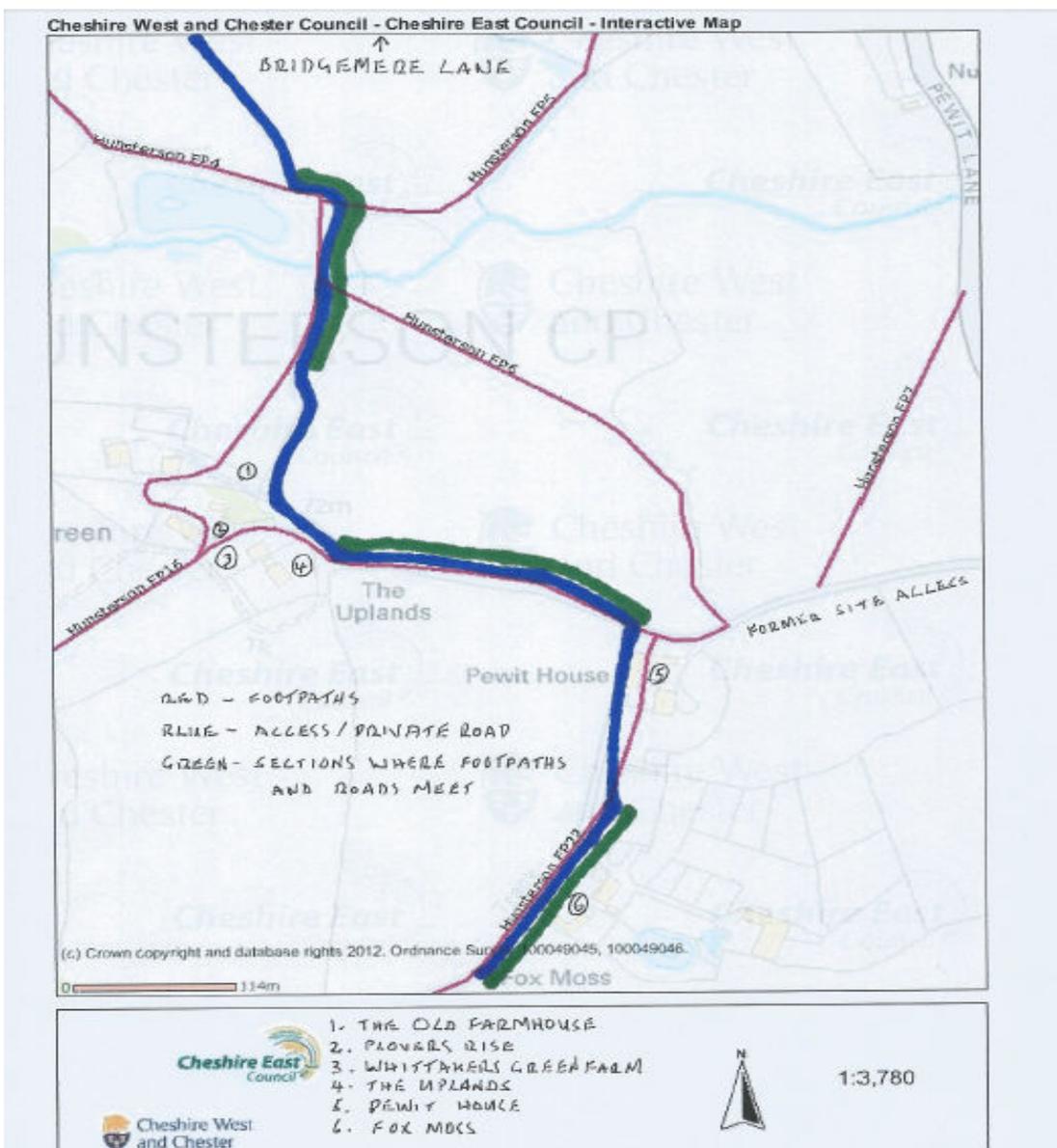
**STRATEGIC PLANNING BOARD – 14<sup>th</sup> November 2012**

**UPDATE TO AGENDA**

**APPLICATION NUMBER:** 12/1445N

**LOCATION:** Whittakers Green Farm, Pewit Lane, Hunterston

Doddington and District Parish Council have submitted the following plan. This is an extract from the Definitive footpaths map of the Hunterston area showing the footpaths and areas where the application site access road meets the footpaths.



## **Public Rights of Way Unit**

A further point of clarification has been provided in respect of the fact that the access road is not an adopted highway and the implications of this on use of the Highways Act for repairs quoted in their earlier comments.

Sections of the Highways Act 1980 refer to public rights of way as well as adopted roads (as they are all classed as highways). Under the legislation the Local Authority can serve notice on any landowner for disturbance of the surface sufficient to render it inconvenient for the exercise of the public right of way and require it to be reinstated to a suitable condition. This is by virtue of section 131A of the Highways Act (as amended by the Rights of Way Act 1990).

## **Further neighbour representations**

One letter of representation has been received from a local resident requesting that the application be delayed further to consider the following points:

- Questions the scope of the noise assessment and considers that the monitoring sites chosen were not close enough to the operating routes of the lorries or were in a weight restricted area.
- States that the section of Bridgemere Lane from the site to the A529 is inadequate to cope with any large trucks and in view of this questions why the weight limit has been made permanent. Also states that the truck movements are having visible damage to the fabric of the verges and surface of Bridgemere Lane (the section to the A529).
- Raises enforcement matters on the site and questions why the site has not been prosecuted over recent alleged breaches of planning conditions.

In response to the first point, the scope of the noise assessment has already been assessed in full by Environmental Protection Officers and considered acceptable. Furthermore the queries raised about the choice of monitoring location has been previously addressed in the update report for Strategic Planning Board on 12<sup>th</sup> September 2012.

The impact of the proposal on the highway network has been previously addressed in the committee report for Strategic Planning Board on 12<sup>th</sup> September 2012. The proposal has been deemed acceptable by the Highways Officer. It is noted that there is no increase in vehicle numbers proposed, and there is currently no restriction on the size of vehicle able to access the site in connection with this proposal.

In granting the permanent 7.5t weight restriction order on sections of Bridgemere Lane, the Strategic Director for Places and Organisational Capacity took into

account potential impacts on the condition of the highway network and deemed this to be acceptable.

Matters of enforcement are not considered to be of relevance in the determination of this application and are dealt with under separate legislation.

## **RECOMMENDATION**

**That the Committee endorse the view that the application would have been Approved subject to the following:**

- **Replication of all conditions on consent 7/P04/0124, 7/2006/CCC/1, 7/2007/CCC/7 and 7/2009/CCC/1 with the exception of those conditions being removed by this application.**

**Instruct the Head of Development not to contest the forthcoming appeal against non-determination and make representations to the Planning Inspectorate accordingly.**