

AT A MEETING of the REGULATORY COMMITTEE of the HAMPSHIRE COUNTY COUNCIL held in the Council Chamber at The Castle, Winchester on 23 November 2011

**PRESENT:**

Chairman:  
p Councillor R.C. McIntosh

Vice-Chairman:  
p Councillor I. Beagley

Councillors:

p Mrs C.A. Bailey	p E.J. Neal
p J.V. Bryant	p F. Pearce (d)
a C. Carter	p R. Price
p M.G. Cooper	p D. Simpson
p B.T. Gurden (for Item 7,8,9 & 10)	p J.K. West
a G.M. Hockley	a Mrs S. Wheale
p A. Joy	
p Mrs A. McEvoy	

***The order of the agenda at this meeting was as follows:  
Items 1-5, Item 6, Item 10, Item 8, Item 7, Item 9***

**241 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Carter, Hockley and Wheale. Councillor Pearce attended as deputy on behalf of Councillor Wheale.

**242 DECLARATIONS OF INTEREST**

Members were mindful that, where they believed they had a personal or prejudicial interest in any matter to be considered at the meeting, they should normally at the time of the debate declare their interest and, having regard to the circumstances described in paragraphs 9, 10, 11 and 12 of the County Council's Code of Conduct, consider whether to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with paragraph 12 of the Code. The declaration should be made at the time of the relevant debate.

**243 MINUTES**

The Minutes of the meeting held on 26 October 2011 were agreed and signed by the Chairman.

## **244 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman confirmed that training had been organised for a new Member for Wednesday 14 December and Members were encouraged to attend as a refresher.

## **245 DEPUTATIONS**

Members voted on and approved a scheme which involved the amendment of Standing Order 12 to allow Members to ask questions of deputees for clarification of facts on an agenda item. Questions from Committee Members would be asked through the Chairman, who might seek the advice of the Committee's legal and other advisers as appropriate. The Chairman's decision on a question would be final. Any local Members who requested to speak at the Committee might also be asked questions. The Committee were advised that five deputations had been received for this meeting.

## **246 PROPOSED BULKING STATION FOR SKIP WASTE AT OLD PARK FARM, MAIN ROAD, KINGSLEY, BORDON**

The Committee considered a report from the Director of Economy Transport and Environment (Item 6 in the Minute Book) regarding an application for bulking station for skip waste in Kingsley.

The Committee were informed that the proposal did not meet the requirements of Policy DC13 as the area was in the Countryside, was not a redundant agricultural building and curtilage and was not a Brownfield site. Therefore the issue was whether other factors were sufficient to override this requirement.

The access was through a business park and there were four houses on the access road to the site. The Highway Authority had no objection and considered the access acceptable. Land to the east of the site has been developed for community allotments.

It was explained that there is concern by both the County Council and the Environment Agency about the extent of unauthorised waste activity in this part of Hampshire. In addition to pursuing enforcement action it is important for operators to be encouraged to apply for sites which can be properly controlled and monitored.

The proposal is for a small scale waste facility and it was confirmed that, following discussions with the applicant, a condition restricting throughput to 480 tonnes per annum (along with the requirement to maintain records that would be available for inspection) would be added to the recommendation.

The Committee received three deputations for this item. Councillor Linda McCorkindale (Kingsley Parish Council) spoke of her concerns over the amount of noise generated at the nearby unauthorised site from crushing concrete and had received complaints from nearby residents regarding the noise. Mr Michael Papps spoke on behalf of the applicant and confirmed that the application was for a properly operated site which can be controlled and monitored, and there would be no concrete crushing. The business plan was low key and it was felt that the extra lorry

movements along the access road would not be a problem. Finally, Hampshire County Councillor Mark Kemp-Gee addressed the Committee stating that although it was important for sites like the one proposed to be encouraged, this particular application was a big departure from policy and felt that it would encroach on the views from the South Downs National Park nearby. Councillor Kemp-Gee believed that noise protection and thorough screening would be required if the application was to go ahead.

During questions of the deputies, the Committee were informed that the nearby allotments opened in the Summer of 2011. Mr Papps also confirmed that large amounts of concrete were not expected on the site, and any hard materials that came in would be sorted by hand and removed to a nearby authorised site for recycling. The public would be warned not to put any hazardous waste into the skips and that visual inspections were made on collection of the skips and any skips that were found to contain hazardous material were taken directly to another site for disposal. No handling of such material would take place on site.

During questions of the officer, it was established that a noise survey had not been done as it was not felt necessary after additional measures to control noise had been submitted by the applicant. Whilst there was a risk of disruption to local residents due to traffic on the access road, there would be little disruption to them as a result of activity on the site itself. In addition, the applicant had offered to resurface the road in front of the houses to minimise noise. It was concluded that there was a fine balance in considering the departure from policy with the benefits of an additional waste facility which had limited impact due to its small scale.

The Committee agreed that there were concerns in principle over the departure from Policy, and whilst it was important to encourage recycling in the County, the site would offer a minimal contribution due to its size and small scale of operation. It had potential to cause noise and disturbance to local residents and businesses and visually extend development into the countryside.

**RESOLVED:**

In relation to the recommendation that planning permission for a proposed bulking station for skip waste at Old Park Farm, Main Road, Kingsley, Bordon GU35 9LU (27396/036) be granted, members voted as follows -

**Favour: 4**

**Against: 7**

**Abstentions: 1**

The Committee refused this application on grounds of it being a departure from Policies DC13, DC8 and DC3 of the Minerals and Waste Core Strategy and GS3 of the East Hampshire District Local Plan

***Councillor Gurden arrived at the meeting***

- 247 VARIATION OF CONDITION 7 OF PLANNING PERMISSION K1399/7 (SITE LAYOUT) TO INCLUDE CHANGES TO WASTE TRANSFER STATION, BOUNDARY TREATMENT, CAR PARKING, EXTERNAL STORAGE, WIDENING OF ACCESS GATES AND INCLUSION/REPOSITIONING OF PORTACABIN ON SITE, UNIT 20, QUAY LANE INDUSTRIAL ESTATE, QUAY LANE, HARDWAY, GOSPORT.**

The Committee considered a report from the Director of Economy Transport and Environment (Item 7 in the Minute Book) regarding an application for changes to a waste transfer station in Gosport.

Permission for the site was given in 2005. The existing transfer office area within the waste transfer building is now not needed and it is proposed that this is removed to allow more room for waste. There are also proposals to improve the access, provide additional fencing and revise the site layout plan regarding skip storage. It is also proposed to install a steel barrier opposite the site entrance to prevent vehicles from damaging the Kerbs and services.

The officer confirmed that whilst access into the site was proposed to be improved as part of the application, it was felt that it was still necessary to install the barrier. This would be funded by the applicant.

**RESOLVED:**

- a) Subject to a £1000 financial contribution for the provision and construction of a safety barrier and subject to the existing lorry routing agreement being attached to this permission, planning permission for variation of Condition 7 of planning permission of K1399/7 to include changes to the waste transfer station, boundary treatment, car parking, external storage, widening of access gates and inclusion/repositioning of portacabin on site at Unit 20, Quay Lane Industrial Estate, Quay Lane, Hardway, Gosport, (K13994/10) was granted, subject to the Conditions listed in Integral Appendix B.

**Voting:**

**Favour: 12**

**Against: 0**

**Abstentions: 1**

- 248 APPLICATION FOR THE REGISTRATION OF LAND KNOWN AS 'BUSHFIELD' IN THE PARISH OF COMPTON AND SHAWFORD AND IN WINCHESTER CITY, AS TOWN OR VILLAGE GREEN.**

**Councillor Bailey declared a personal, non prejudicial interest, after previously meeting with the applicants and offering advice regarding a separate application to record rights of way under the Wildlife and Countryside Act.**

The Committee considered a report of the Director of Culture, Communities and Business Services (Item 8 in the Minute Book) regarding an application for a public inquiry to be held over the registration of land as town or village green.

A public inquiry is proposed due to uncertainty and matters of law regarding when the application was made and conflicts in evidence put forward. No deputations were received for this item, but it was stated that the applicant would have addressed the Committee had they known about the opportunity within the deadline.

RESOLVED:

- a) In connection with the application to register land known as 'Bushfield', Compton and Shawford and the City of Winchester, as a town or village green, it was agreed that a non-statutory public inquiry be held, and the inspector appointed to conduct the inquiry be asked to hear evidence for and against the application, and then to prepare a written report advising the Registration Authority whether to accede to, or to reject, the application.

**Voting:**

**Favour: 13 (unanimous)**

**249 APPLICATION FOR A PUBLIC PATH DIVERSION ORDER FOR PART OF FOOTPATH NO. 5 IN THE PARISH OF KINGSLEY**

The Committee considered a report of the Director of Culture, Communities and Business Services (Item 9 in the Minute Book) regarding an application for a temporary diversion order whilst mineral extraction is completed on the site.

The existing temporary diversion came into effect in 1999 for a period of 13 years. A lake has now been created over the definitive line of the path so a permanent diversion will be necessary. However it is not physically possible to create an acceptable route for permanent diversion until the site is restored. As such, it was proposed to extend the temporary diversion for a further period of eight years until restoration of the site is completed and a suitable route for permanent diversion can be agreed.

RESOLVED:

- a) It was agreed that an would Order be made diverting part of Kingsley Footpath No. 5 from the current definitive alignment to the proposed alignment for a further period of eight years, as shown on the accompanying plan.

**Voting:**

**Favour: 13 (unanimous)**

**250 DEDICATION OF BRIDLEWAY RIGHTS AND COMMON LAW CYCLING RIGHTS IN THE PARISH OF LINDFORD**

***Councillor Andrew Joy declared a personal and non prejudicial interest as a Cabinet Members for East Hampshire District Council***

The Committee considered a report of the Director of Culture, Communities and Business Services (Item 10 in the Minute Book) regarding an application to enter into an agreement for the dedication of bridleway rights and public cycling rights over a footpath.

The Ministry of Defence have offered to enter into an agreement with the County Council to dedicate public bridleway rights over a route through Bordon Inclosure. The land in question is to be sold by the Ministry of Defence (MoD) and no public rights are currently recorded on the Definitive Map on this route. A small part of the route is a boardwalk which was designed for pedestrians, and it is envisaged that cyclists and horse riders will dismount and walk over it, though it is a straight stretch of path with a passing area, and there is good visibility. Approval for the dedication is sought in principle, on the understanding that outstanding issues with the boardwalk and ecology are satisfactorily resolved.

The Committee received two deputations. Cath Hart, Shipwrights Way project officer from Hampshire County Council informed the Committee that funding was available as part of the Shipwrights Way (SW) project in order to make improvements to the boardwalk, and that this was a rare opportunity to acquire the land, which is intended to be a part of the SW. There would be no short term maintenance required, but some of the boards would need replacing after 5-10 years.

Councillor Adam Carew spoke of his support for the SW project, but felt that the boardwalk had not been designed for horses and understood that nothing had been agreed to regarding the boardwalk by Deadwater Valley or East Hampshire District Council.

Officers reiterated that the recommendation sought agreement in principle to enter into an agreement with the Secretary of State for Defence, and that officers would work with local interests to resolve the outstanding issues if the dedication went ahead. It was also recommended by the officer that the item not be deferred in case the opportunity to acquire the land from the MoD was missed.

**RESOLVED:**

- a) It was approved that the County Council enter into an agreement with the Secretary of State for Defence of dedicate public bridleway rights between points A-B-C-D-E-F and C-D, as shown in the plan attached to the report subject to satisfactory resolution of the boardwalk and ecological issues
- b) It was agreed that the County Council enter into an agreement with the Secretary of State for Defence to dedicate public cycling rights between points

B-G, over part of Whitehill Footpath 4, as shown on the plan attached to the report

**Voting**

**Favour: 13 (unanimous)**