

AT A MEETING of the REGULATORY COMMITTEE of the HAMPSHIRE COUNTY COUNCIL held in the Council Chamber at The Castle, Winchester on 11 January 2012

PRESENT:

Chairman:
p Councillor R.C. McIntosh

Vice-Chairman:
p Councillor I. Beagley

Councillors:

p Mrs C.A. Bailey
p J.V. Bryant
p C. Carter
p M.G. Cooper
a B.T. Gurden
p G.M. Hockley
p A. Joy
p Mrs A. McEvoy

p E.J. Neal
p R. Price
p D. Simpson
p J.K. West
p Mrs S. Wheale

***The order of the agenda at this meeting was as follows:
Items 1-5, Item 6, Item 7, Item 8, Item 10, Item 9, Items 11-12***

251 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Gurden.

252 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.

253 MINUTES

Pursuant to paragraph 249, it was noted that "would" needed to be removed from the recommendation. The Minutes of the meeting held on 23 November 2011 were then agreed and signed by the Chairman.

254 CHAIRMAN'S ANNOUNCEMENTS

The Chairman confirmed that two site visits were taking place on Monday 23 January and further details would follow in due course.

255 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 eleven deputations had been received for this meeting.

256 CONTINUED USE AS SOIL RECYCLING CENTRE WITH ASSOCIATED DEVELOPMENT WITHOUT COMPLYING WITH CONDITION 1 AND 17 OF PP: F35283/005/CMA FOR AN EXTENSION OF PERMISSION AND RESTORATION SCHEME (EITHER TEMPORARY FOR 5 YEAR OR PERMANENT) AT BLACKMOOR RECYCLING SITE, BLACKMOOR ESTATE, BLACKMOOR GU33 6BT (APPLICATION NO:SDNP/35283/007, SITE REF: EH139)

The Committee considered a report from the South Downs National Park (Item 6 in the Minute Book) regarding an application for recycling centre in Blackmoor.

The Committee were informed that the decision was to be made under delegated powers on behalf of the South Downs National Park, and not a decision of Hampshire County Council.

The application had been for permanent or temporary permission, and a temporary permission of five years had been agreed with the applicant. It was confirmed that the site was highly valued and although a liaison panel was in place, they had not needed to meet for two years as there had been no complaints or issues with the site.

The Committee received a deputation from County Councillor Mark Kemp-Gee, who declared that he was a Member on the South Downs National Park Authority. Councillor Kemp-Gee informed Committee that whilst there had been issues with the site several years ago, these were addressed quickly and he was happy to support the application as it was for a temporary consent.

The Officer agreed that a five year consent was suitable and the Committee were happy with this recommendation.

RESOLVED:

Planning permission for continued use as a soil recycling centre, with associated development, without complying with condition 1 and condition 17 of F35283/005/CMA for extension of permission and restoration scheme at Blackmoor

Recycling Site, Blackmoor Estate, Blackmoor, Hampshire GU33 6BJ was granted for a temporary period of 5 years, subject to the conditions listed in Integral Appendix B.

Voting:

Favour: 14 (unanimous)

257 DEMOLITION OF EXISTING AGRICULTURAL BUILDING, THE CONSTRUCTION AND OPERATION OF AN ANAEROBIC DIGESTION FACILITY TO HANDLE FOOD WASTE AND AGRICULTURAL SLURRIES AND THE CREATION OF AN ACCESS TRACK TO CONNECT THE SITE TO AN EXISTING HIGHWAY ENTRANCE AT THE CAROUSEL DAIRY, MANOR FARM, FARLEIGH WALLOP, BASINGSTOKE RG25 2HR

The Committee considered a report from the Director of Economy, Transport and Environment (Item 7 in the Minute Book) regarding an application for an anaerobic digestion facility in Basingstoke.

The Committee visited the site towards the end of 2011. Proposed access to the site had been marked on the plan provided, which would be via Woodbury Road to the north. The scale and location of buildings was also shown on a 3D plan, along with associated landscaping. It was acknowledged that the access to the site was the main issue with the application, but only 22 vehicle movements would be added to the daily number of vehicles on the road.

It was confirmed that there were already traffic calming measures on Woodbury Road, and that the applicant had agreed to restrict the hours vehicles could leave or access the site to avoid school entry/exit periods. Woodbury Road had no properties that fronted onto the road and the Highways Authority had assessed the road, agreeing that it was adequate. The applicant had agreed to enter into a s106 legal agreement to secure a financial contribution towards the costs incurred by the County Council (as highway authority) in strengthening, maintaining and improving Woodbury Road.

The Committee received four deputations for this item. Mr Shashank Kansal, a local resident, spoke of the community's concerns regarding the extra vehicles on the road and the safety of children and the elderly. It was felt that the site was not worthwhile compared to the energy it would produce. There was also concern regarding the gases produced from the site. Councillor Terri Reid, Basingstoke & Deane Borough Council, shared her concerns regarding the access road to the site and the safety of the bridge vehicles would be using. She felt that more investigation was needed into pedestrian safety and was cautious as to where raw materials would be stored prior to being used. Councillor Julian Jones of Dummer Parish Council told the Committee that there were no suitable routes to the site in the area and that there was already a lot of congestion around that part of the M3. He also explained that the post code listed as being that of the site would take people along a very narrow lane that HGV's needed to avoid. He explained that whilst Dummer Parish Council did support renewable energy, this was not a suitable location for the site. Finally, Simon Greaves spoke on behalf of the applicant. He acknowledged the concerns and the fact that traffic was a major factor in reservations regarding the

proposal, but felt that 1-2 additional movements an hour on an already busy road was a very small increase. The site itself would provide electricity for around 1300 homes and it would use food that would otherwise go to landfill. It would also replace artificial fertiliser that was currently shipped in. The applicant hoped to further strengthen links with the local community and would encourage schools to visit the site and learn more about how it worked and benefitted the local area.

During questions of the deputees, Mr Greaves confirmed that any raw material not used would be stored in tanks and the reception building on site, and that no material would be outside at any time. Mr Greaves also agreed that the applicant would look into applying for a new post code for the site if this was felt necessary, to prevent vehicles from taking the narrow, steep country lane to the east. The application included a Traffic Management Scheme (TMS), which strictly determined the designated route for HGV's. This would be included in documentation and also enforced through signs on the site.

The Committee asked Mr Greaves regarding the restricted hours to accommodate school drop off and collection times. Whilst the site would not allow vehicles to enter or leave, there was no way of guaranteeing that vehicles would not travel along Woodbury Road during these times, however, this would be incorporated into the TMS and made clear to all vehicle drivers on every visit to the site.

The Highways Officer alleviated Cllr Reid's concerns regarding the safety of the bridge and confirmed that it was safe and that the weight limit on the bridge related to individual vehicles, as opposed to a total collective limit. The likelihood of two HGV's on the bridge at the same time was small, but there was enough room for them to comfortably pass each other if this was to happen. The officer confirmed that the vehicle movements would consist of only 2 of the larger (20 tonne) lorries, 4-5 of the 10 tonne lorries and 4 of the smaller vehicles. Currently HGV's made up on 1% of the traffic on the road.

Following debate, it was agreed that the following factors would be put forward in an advice note to the applicant if the item was to be approved:

- A liaison panel would be set up;
- The post code would be looked into and a new one sought, and the current post code removed.

It was also proposed that the times vehicles were not allowed onto the site would be extended by 30 minutes in the morning and afternoon, but this was lost on a vote.

It was also agreed that:

- Condition 2 would be amended to read "No waste shall be handled on site and no vehicles other than farm traffic, shall enter or leave the application site *except* between the hours...";
- Condition 18 would require a lighting scheme to be submitted to the local Authority for consultation;
- A condition would be added to ensure that the arrival and departure times of vehicles be recorded and maintained, and available for inspection at any time.

RESOLVED:

- a) Subject to a legal agreement to provide a highway contribution, planning permission in respect of the demolition of existing agricultural buildings, the construction and operation of an anaerobic digestion facility to hand food waste and agricultural slurries and the creation of an access track to connect the site to an existing highway entrance at the Carousel Dairy, Manor Farm, Farleigh Wallop, Basingstoke, was approved for the above reasons, subject to the conditions listed in Integral Appendix B

Voting:

Favour: 14 (unanimous)

258 USE OF LAND FOR THE IMPORTATION, HANDLING AND RE-SALE OF AGGREGATES (RETROSPECTIVE APPLICATION) AT FRITHEND QUARRY, GROOMS FARM, FRITHEND, BORDON GU35 0QR

The Committee considered a report from the Director of Economy, Transport and Environment (Item 8 in the Minute Book) regarding an application at Frithend Quarry in Bordon.

The Committee were informed that this was a retrospective application, with work ongoing in two different parts of the site. It was a small scale site generating around 9,000 tonnes a year, with sand extraction taking place in one area and retail to builders and tradesmen in the other.

The Committee received three deputations for this item. Councillor Roger Trout from Dockenfield Parish Council spoke of the history of the site and his concerns over the risk of it creeping further into the greenfield area. There were also reservations regarding the amount of stone retail and activity on the site when it is sand extraction, not gravel. Councillor Trout also spoke regarding the limit, which should be 5,000 tonnes, as achieved in recent years, rather than 8,000 tonnes as proposed. Ms Veronique Bensadou addressed the Committee on behalf of the applicant and confirmed that the site had been open since the 1990's with no complaints being made. The consent being sought was temporary for the life of the quarry and not permanent. The aggregate being sold at the site was to fulfil a high demand by local businesses and tradesmen, and although 5,000 tonnes was the average over the past few years, it was felt a higher amount was needed to accommodate the growing market following the dip in the recession. Ms Bensadou confirmed that there were no plans to intensify the activity over the remaining six years if permission was to be granted. Finally, County Councillor Mark Kemp-Gee endorsed Councillor Trout's comments regarding the history of the site and previous applications and shared that there were concerns amongst local residents regarding noise. Councillor Kemp-Gee agreed that the limit should be restricted to 5,000 tonnes.

During questions of the officer, it was confirmed that 'complimentary' activities were related, but not the same, and if the applicant wished to continue selling from the site after the life of the quarry, then this would need to be a new application for permission. A limit of 5,000 had been discussed with the applicant, but they had

chosen to keep the limit at 8,000 tonnes. Whilst a 5,000 limit could be placed as a condition, this would be difficult to justify as no complaints had been received regarding the site and its operations.

RESOLVED:

- a) That planning permission for use of land for the importation, handling and re-sale of aggregates (retrospective application) at Frithend Quarry, Grooms Farm, Bordon, Hampshire, GU35 0QR (Application No: 30663/19) be granted, subject to the conditions listed in integral Appendix B.

Voting:

Favour: 10

Against: 3

Abstentions: 1

259 INFORMATION FOR MEMBERS CONCERNING A PROPOSED SOLUTION TO THE ANOMALOUS SITUATION ON ROWLANDS CASTLE FOOTPATH 13, WELLWORTH LANE, IN THE PARISH OF ROWLANDS CASTLE

The Committee received a report of the Director of Culture, Communities and Business Services (Item 9 in the Minute Book) regarding Rowlands Castle Footpath 13.

The Committee was informed that officers proposed to remedy the anomalous situation on Footpath 13 by means of the landowner dedicating bridleway rights on the straight path, and an extinguishment of all public rights on the definitive line of Footpath 13. A consultation is to take place with local authorities, user groups and interest parties to gauge whether there are likely to be objections to the extinguishment. In that case, officers would have to consider other options. Officers will return to Committee later in the year for authority to process whatever course of action is decided upon.

RESOLVED:

- a) Progress made in relation to this issue was noted by the Committee

260 PROPOSAL TO DEDICATE A PUBLIC RIGHT OF WAY AT THE ARMOURY, MARCHWOOD, SUBJECT TO LIMITATIONS REGARDING GATES AND TIMES OF USE

Cllr Neal did not take part in this item

The Committee considered a report of the Director of Culture, Communities and Business Services (Item 10 in the Minute Book) regarding a proposal to dedicate a public right of way at The Armoury in Marchwood.

The Committee were informed that the path had only been used by the public within the past ten years, so it was unlikely that rights had been acquired. The landowners

were under an obligation to dedicate a public right of way through a Planning Agreement with New Forest District Council, but were concerned about anti-social and criminal behaviour in the locality. The proposal put forward by them was for the dedication of a public right of way for walkers and cyclists but with public access restricted by the locking of gates between the hours of 2200 and 0800. Responsibility for the locking and unlocking of the gates would be the responsibility of the residents of The Armoury.

The Committee received two deputations on this item. Ms Jill Colclough from New Forest District Council thought that the proposal was the most pragmatic way forward and was working closely with the Parish Council to help reduce anti-social behaviour along the promenade. Mr Sean Eckton spoke on behalf of the residents of The Armoury and told the Committee of the problems that the residents have suffered as a result of the path being open during the night.

During questions of the deputees, Mr Eckton confirmed that moving the path so it ran along the western boundary of the site would make parking very difficult for residents. It was also stated that the locking of the gates would be the responsibility of four of the residents, and locking would be done via a key pad, rather than a key. A 24hr phone line would be available in case of emergency, which was linked to the management company office nearby

RESOLVED:

That the item be deferred pending further discussions with New Forest District Council and the Armoury Management Company regarding alternative routes and arrangements for the public path.

Voting:

Favour: 11

Against: 0

Abstentions: 3

261 PROPOSAL TO DEDICATE PUBLIC BRIDLEWAY RIGHTS OF HAZELEY HEATH IN MATTINGLEY PARISH AND HARTLEY WINTNEY PARISH BY THE TIMPANY TRUST AND HART DISTRICT COUNCIL

The Committee considered a report of the Director of Culture, Communities and Business Services (Item 11 in the Minute Book) regarding an application to dedicate public bridleway rights in Hazeley Heath.

The Committee was informed that the landowners had been contacted, and were willing to dedicate routes across Hazeley Heath to connect with local roads. The public had probably already acquired bridleway rights, through long use by horse riders, but it was easier and quicker to secure those rights by express dedication rather than by definitive map modification order.

RESOLVED:

- a) That the County Council enter into an agreement with The Timpany Trust for the dedication of bridleway rights over route A-B-C as shown on the plan supporting the report.
- b) That the County Council enter into an agreement with Hart District Council for the dedication of bridleway rights over routes C-D-E-F and D-H as shown on the plan supporting the report.

Voting:

Favour: 14 (unanimous)

262 PROPOSAL TO MAKE A DEFINITIVE MAP MODIFICATION ORDER TO UPGRADE PART OF HARTLEY WINTNEY FOOTPATH 46 TO A BRIDLEWAY

The Committee considered a report of the Director of Culture, Communities and Business Services (Item 12 in the Minute Book) regarding a proposal to make a definitive map modification order in Hartley Wintney.

The Committee were informed that the County Council had evidence that horse riders had been using a recorded public footpath, for many decades, to gain access to Hazeley Heath. There was no known owner of the track in question, therefore it was not possible to secure higher public rights by express dedication. The officers took the view that the public has acquired higher rights through long use without interruption, therefore it was recommended that a definitive map modification Order be made to upgrade the footpath to a bridleway.

RESOLVED:

- a) A definitive map modification Order would be made to record the route A-B, as shown on the attached map, as a public bridleway for the full width of the lane between boundary features.

Voting

Favour: 14 (unanimous)