

AT A MEETING of the REGULATORY COMMITTEE of the HAMPSHIRE COUNTY COUNCIL held in the Council Chamber at The Castle, Winchester on 8 February 2012

**PRESENT:**

Chairman:  
p Councillor R.C. McIntosh

Vice-Chairman:  
p Councillor I. Beagley

Councillors:

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

p E.J. Neal  
p F. Pearce  
a R. Price  
p D. Simpson  
a 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 9, Item 8,***

**263 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Bryant, Cowper, Gurden, Joy, Price and West.

**264 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.

**265 MINUTES**

The Minutes of the meeting held on 11 January 2012 were agreed and signed by the Chairman.

## **266 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman confirmed that a site visit was taking place on Monday 5 March and further details would follow in due course.

## **267 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 ten deputations had been received for this meeting.

## **268 EXTRACTION OF REMAINING SAND RESERVES FROM FORMER UNRESTORED SAND PIT AND RESTORATION BY INFILLING TO EXISTING LEVELS FOR WILDLIFE, ECOLOGICAL AND AMENITY USE AT LAND OFF GREENWOOD LANE, DURLEY, SOUTHAMPTON SO23 2AP APPLICATION NO: 11/02823/HCS SITE REFERENCE: WR222**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 6 in the Minute Book) regarding an application for the extraction of remaining sand from land in Durley.

The Committee were shown a plan locating the site in context of its surroundings including the position of nearby footpaths, residential properties and Durley Church. The location of the adjacent golf course and nearby horse riding stables were also highlighted. It was explained that the majority of the site towards the centre was currently filled with long established pine trees, but these were of poor quality and the applicants view was that these would likely need removing regardless of the application due to their condition. It was explained that the perimeter of the site especially comprised deciduous trees many of which were subject to tree preservation orders and that the site had some wildlife value including breeding badger sets. The slope and lower level of the site with relation to the road were highlighted along with the restoration proposal. The proposed after-uses of amenity use, parking provision for local events on the site and ecological enhancement were outlined.

Members were shown the phasing plans of the site, which included the addition of passing bays along Greenwood Lane, proposed restoration and also the location of where it was understood improvements to the Snakemoor Lane/Church Lane junction south of the site would take place. It was noted no plans were submitted of these improvements. It was explained that one of the proposed passing bays opposite Church Cottage would involve the infilling of an existing drainage ditch/soakaway that currently runs alongside the road to disperse rain water. It was confirmed that a pipe would be installed to replace this.

The officer confirmed that currently the key issues raised by the application included the impact of the construction of the passing bays, impact on landscape character, highway safety, potential impact on protected species, and local amenities. Whilst Hampshire did have a shortage of sand, officers considered on balance that the need for the sand was outweighed by the environmental impacts it was considered the proposal would cause based on the information before the Authority at this time. Accordingly it was considered that the application was contrary to policy and the application was being recommended for refusal on the grounds highlighted in the committee report.

The Committee received six deputations for this item. Laura Cox from Pro-vision, Mr Roy Warren and Mr Allan Davies, Local Residents, and Mr Peter Owen, Durley Parish Council all spoke against the application. There were concerns over the local roads being used by HGV's, as they were narrow lanes regularly used by walkers, joggers and horses and not suited to large vehicles. There were also shared concerns over the loss of the land and the effect on wildlife. Mr Warren and Mr Davies both had houses very close to the site and felt that noise from HGVs would be an issue. Mr Davies' property was 1 metre from the road and felt that the close proximity of the vehicles could also cause structural damage. Mr Owen shared his concerns over the size of the vehicles that would be used on the site and also felt that the passing bays proposed were not adequate as there was no line of sight between them. There was also 250 yards between the last passing bay and the site entrance, which was a long stretch of highway and it was felt that it should have at least one other passing bay installed.

Mr Peter Coe spoke to the Committee on behalf of the applicant and confirmed that an Environmental Statement had been provided for this application. No Environmental Statement had been prepared in respect of an earlier application to develop the site which had been withdrawn last year. Mr Coe felt there were issues that could be addressed further, but there was not time or opportunity to do this before the Committee meeting. It was confirmed that valuable trees on the land would be maintained and that there were no proposals to remove hedgerows from the road side for the passing bays. Mr Coe proposed that the item be deferred until all concerns could be addressed by the applicant. County Councillor Peter Mason also agreed that there were concerns over the highways issues as Greenwood Lane in particular was well used by cyclists and horse riders. Improvements were also very much needed at the south junction, which was not suited to HGVs.

During questions of the deputations, the applicant confirmed that they had tried to get the item deferred from the 2012 February Regulatory Committee meeting, but County Planning had not agreed. Mr Coe also confirmed that he was not aware of any past suggestion as raised by deputees to put in two more passing bays but would discuss this if the application was to be deferred. Once the pine trees on the land had been removed, a drainage pipe would be put in to drain away the excess ground water off Greenwood Lane near Church Cottage. Mr Owen, Durley Parish Council, confirmed that the ditch used to drain flood water flooded approximately four to five times every winter.

The officer confirmed that a request to withdraw the item had been refused by County Planning because it had already been outlined to the applicant what information was needed when the item was first withdrawn in 2011, and it was considered that the applicant had had enough time to acquire this information in time for Committee. As well as the scheduled site visit, officers had been to the site unannounced and witnessed activity from joggers, cyclists, dog walkers and horse riders.

In paragraph 3.8 of the report, it was noted that the applicant states that there would be a widening of Greenwood Lane at the actual site access to provide a passing place that could be used by 2 cars or similar vehicles. This was taken to mean that this was two cars side-by-side, which raised concerns over whether two larger vehicles such as HGV's, would be able to pass at the site access.

The Committee agreed that there were concerns over the older protected trees on the site and potential risks of flooding as a result of the pines being removed and the ditch being filled to use as part of a passing bay. It also agreed that there were significant highway issues relating to the width of the lanes, the construction impact of the passing bays, the condition of the road surfaces and the safety of cyclists, walkers and horse riders.

**RESOLVED:**

- a) The proposal for the extraction of remaining sand reserves from former sand pit and restoration by infilling to existing levels for wildlife, ecological and amenity use at land off Greenwood Lane, Durley, Southampton SO32 2AP (Application No: 11/02823/HCS) (Site Reference: WR222) was refused for the following reasons:
- (i) The proposed development is contrary to Policy DC6 of the Hampshire Portsmouth, Southampton & New Forest National Park Minerals and Waste Core Strategy (2007) in that the roads (U198 - Church Lane and Greenwood Lane) leading to and from the site are of inadequate width and alignment and the junction with C42 (Durley Brook Road/Snakemoor Lane) are inadequate to safely and satisfactorily accommodate the additional traffic which the proposed development would generate;
  - (ii) The proposed development is contrary to Policy DC7 of the Hampshire Portsmouth, Southampton & New Forest National Park Minerals and Waste Core Strategy (2007) in that it has not been demonstrated that the proposals would not adversely impact on dormice, a European protected species.
  - (iii) The proposed development is contrary to policies DC 3 of the Hampshire Portsmouth Southampton & New Forest National Park Minerals and Waste Core Strategy (2007) and saved policies DP4 and CE5 and DP3 of the Winchester District Local Plan Review (2006 ) in that there would be adverse impact on the existing landscape character including adverse

impacts on the character of Greenwood Lane and Church Lane and on a number of trees/ hedgerows in and around the site;

- (iv) The proposed development is contrary to policy DC15 of the Hampshire Portsmouth & New Forest national Park Minerals and Waste Core Strategy 2007 in that the site is not identified for sand extraction, is not a small scale extension to or deepening of an active sand extraction site, and although the landbank indicates there is a need, the site is not equally acceptable to working within an identified site or location.
- (v) The proposed development is contrary to Policy DC8 of the Hampshire Portsmouth Southampton & New Forest national park Minerals and Waste Core Strategy 2007 and Policies DP1 and DP11 of the Winchester District Local Plan Review 2006 in that the lorries associated with the development would have an adverse impact on the amenity of the users of Greenwood Lane and there is insufficient information to show that the noise and dust impacts would not have a significant adverse impact on residential amenity

**Voting:**

**Favour: 12 (unanimous)**

**269 PROPOSAL TO DEDICATE A PUBLIC RIGHT OF WAY ALONG THE DISUSED RAILWAY LINE IN THE ITCHEN VALLEY PARISH**

The Committee received a report of the Director of Culture, Communities and Business Services (Item 7 in the Minute Book) regarding a proposal to record public footpath rights and permissive cycling rights over a route in Itchen Valley Parish, Winchester.

The officer showed plans of the area to the Committee and confirmed that the route was the only non-motorised access to Itchen Abbas. Eastern and westerly perspectives were shown of the path, as well as the access points. Access point 1 was a steep ramp on land owned by Hampshire County Council (HCC). Access point 2 was an unsurfaced footpath on land owned by the Parish Council. Access Point 3, passes over the highway and has steps down to it on land not owned by HCC. Access point 4 was a public footpath that connected the current route to the highway, although it was unclear who the owners are.

After extensive public consultation, it became clear that local users of the route were happy for walkers to use the path, but that some local people felt unsuitable for horse riders due to the access and also horses churning up the path. It was felt that cyclists would be tolerated on the path, although not actively encouraged.

The officer agreed that though the main body of the path was physically suitable for horseriders to use, the access points were all unsuitable for equestrian use. Particular attention was drawn to Access Point 1 as the ramp was considered unsafe for equestrians and would not be able to take the weight of horses. If the Committee was to make the route a bridleway, then it would need to be immediately

prohibited to horses until the Access Points were improved, which was a costly process.

The Committee received three deputations for this item. Mrs Brenda King from the British Horse Society confirmed that many of the disused railways in Hampshire were bridleways and it was felt that these routes provided best value for money in being used by a wide variety of people. It also encouraged different users to be more tolerant of each other. Councillor Penny Flemons from Itchen Valley Parish Council informed that Committee that the path was used very regularly by local people, but that they did not want to urbanised and too much work being done to it. A bridleway may further encourage motorised vehicles to use the route and there was another bridleway that ran parallel with the path that could be used by horse riders. Finally, County Councillor Jackie Porter welcomed the extensive consultation with the community and felt that the local opinions should be listened to. A bridleway would also be costly to maintain.

The officer confirmed to the Committee that in this case there was no practical difference between dedicating the path for cyclists, or having a permissive path. A permissive path had been offered as part of the recommendations.

The Committee agreed overall that a permissive path would be preferred in the short term and could be analysed in the future to see if any changes needed to be made. It was also agreed that it was important to listen to the results from the consultation.

**RESOLVED:**

- a. That the County Council dedicates this land as a public footpath under section 25 Highways Act 1980
- b. That the route to be dedicated is 3.0 metres wide along its length, subject to a limitation of the width to 1.20m along the ramp providing access (at point A)
- c. That the County Council permits cyclists to use the section of the footpath that it owns, but uses signage to request that cyclists dismount at point A and point B.

**Voting:**

**Favour: 12 (unanimous)**

**270 PROPOSAL TO ENTER INTO AN AGREEMENT FOR A LICENSED FOOTPATH IN HURSLEY PARISH**

The Committee received a report of the Director of Culture, Communities and Business Services (Item 8 in the Minute Book) regarding a proposal to enter into an agreement for the provision of a licensed footpath in Hursley.

The officer informed the Committee that the proposal was not for a dedication or a permissive pathway, but for an agreement with the landowner. It would secure

public access for a period of 5 years, with the path being maintainable by Hampshire County Council.

The path would offer great benefit in allowing the public to walk to and from Hursley avoiding the local B road where there is no footway or lighting. There had been great support from the public to keep the path open, although that will be dependent on further agreements with the landowners in five years time.

RESOLVED:

- a. It was agreed that the County Council would enter into an Agreement with Cranbury Investment Company Limited to continue the licenced footpath between Ladwell and Hursley for a period of five years.

**Voting:**

**Favour: 12 (unanimous)**

**271 COMMON LAW DEDICATION OF A PUBLIC FOOTPATH BETWEEN BARFIELD CLOSE AND DOMUM ROAD, WINCHESTER**

The Committee received a report of the Director of Culture, Communities and Business Services (Item 9 in the Minute Book) regarding a request to dedicate a common law right of way in Winchester

The Committee was informed that HCC was acting on behalf of Winchester City Council due to the historic complexities of the application. The current path was partially obstructed and unsuitable for use, so a new one had been proposed.

The Committee received a deputation from Mr Kevin Warren, Winchester City Council. Mr Warren confirmed that the new path was much more accessible for pushchairs and wheelchairs and would be partly lit. No objections had been received.

RESOLVED:

- a) The dedication of this path, shown A-B-C on the attached plan, was accepted at common law, and it was agreed that Winchester City Council should remain responsible for the installation and future maintenance of the path.

**Voting:**

**Favour: 12 (unanimous)**