

AT A MEETING of the REGULATORY COMMITTEE of HAMPSHIRE COUNTY  
COUNCIL held in the Council Chamber at The Castle, Winchester on  
Wednesday 23 October 2013

**PRESENT:**

Chairman:

a Councillor R.C. McIntosh

Vice-Chairman:

p Councillor G Hockley

Councillors:

p C Carter

p M Cooper

p J Frankum

p C Greenwood

p K House

a R Humby

p R Huxstep

p P Latham

p F Pearce

p R Price

p T Rolt

p D Simpson

a J West

p S Wheale

Substitute Members:

p Councillor A Joy (Substitute Member for Councillor McIntosh)

***The order of the agenda at this meeting was as follows:  
Items 1-12***

**35. APOLOGIES FOR ABSENCE**

Apologies for absence were received from the Chairman, Councillor McIntosh (therefore, the Vice Chairman Councillor Hockley assumed the chair), and Councillors Humby and J West.

**36. DISCLOSURES OF INTEREST**

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

### **37. MINUTES**

The minutes of the meeting held on 11 September 2013 were agreed as a correct record and signed by the Chairman.

### **38. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that, on 16 October 2013 at the Royal Society in London, Lafarge Tarmac's Ibsley Quarry (near Ringwood) won the Mineral Product Association's highest National Award for outstanding quality restoration, the Cooper Heyman Cup. The awards were presented by DEFRA Minister, Lord de Mauley.

The Mineral Products Association judges stated: "This wonderful site for nature has been restored to a mix of open water conservation lakes, wetland, footpaths and grassland. It has already won an award from the British Trust for Ornithology for attracting birds, and is particularly significant because of the way it fits into the wider strategies for the area in terms of landscape, ecology, biodiversity, access and restoration."

The Chairman also highlighted that a liaison panel has existed on the site, chaired by the local member since the 1990's, and continued to this day. This has helped enormously to deal with any local or planning issues that arose throughout the long term working of the quarry and its restoration.

The Chairman also explained that Council had adopted the new Minerals and Waste Plan, at its meeting held 19 September 2013, and that this superseded the previous Plan as a material consideration. The Committee thanked officers for the training Members had received.

### **39. DEPUTATIONS**

The Committee were advised that 12 deputations had been received for this meeting and the deputation process was explained.

### **40. KINGSCLERE QUARRY, WOLVERTON RG26 5SX (APPLICATION NO: BDB/75928) (SITE REF: BA055)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 6 in the minute book) regarding a proposal for the construction and operation of a materials recycling facility and transfer station for construction, demolition and excavation waste, including the importation of inert fill, and for engineered based and localised road improvements to the A339 and site access at Kingsclere Quarry, Wolverton.

The officer's presentation corrected an error in the report. Members were advised that the sub-paragraphs a) and b) on page 34, should read b) and c), following on from a) on page 33. The officer also highlighted that the proposed Condition 7

(page 40) should limit the hours of work to commence after 7.30am on Mondays to Saturdays and not 8.00am as drafted.

The officer also brought Member's attention to the last line of the Highway Authority's comments, in Paragraph 7.13 of the report, where it stated 'the proposal complies with Policy DC6'. DC6 was the old Core Strategy (2007) Policy, now superseded by Policy 12, "Managing traffic of the Hampshire Minerals and Waste Plan (October 2013)".

The officer updated the Committee that, subsequent to the publication of the report, Basingstoke and Deane District Council had indicated that they were likely to maintain their previous highways objection from the previous scheme, which focused on highway safety and associated traffic issues. The officer also highlighted that members of the Regulatory Committee had visited the site in May 2013 to view the site and its surroundings, the adjacent highway and site access as outlined in paragraph 5.1 of the report.

The officer then proceeded with a presentation which included aerial and other photographs of the site, the existing highway as well as proposed plans and other drawings. The officer described the site and its surroundings and gave an overview of the proposed development and the key planning issues. The officer explained how the highway proposals had been amended since their site visit, so that HGV's could now access and egress the site both from the southbound and northbound sections of the adjacent highway.

The Committee noted that the site was located in the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and that it was adjacent to and just clipped, Coneygrove Copse, a Site of Importance for Nature Conservation (SINC). Members also noted the location of the nearest residential properties, the existing and proposed levels, as well as the existing and proposed highway layout. The local topography within the immediate vicinity of the site was also described to Members.

The Committee considered the proposed access arrangements from the A339. In summary, the application proposed the removal of part of the southbound overtaking lane (which currently rises uphill towards the site access) and reduce this section to one lane from the current two lanes. Highway Officers considered that the removal of this lane would make it safer for large lorries (HGVs) exiting from the site, as they would have a clearer view of on-coming traffic approaching from the north without traffic in the offside lane being blocked from view by larger, slower vehicles travelling in the nearside lane. South of the site's access, the two existing uphill lanes would be retained on the A339, with an acceleration lane for traffic exiting left from the site. On the northbound A339, minor carriageway widening would be carried out to create a new right turn lane, to protect right turning vehicles into the site. Vehicles turning right from the site, heading northbound, would need to complete the exit in one manoeuvre, but their visibility would be improved by the removal of roadside vegetation on both sides of the exit, to create the required visibility splays.

The Committee also noted that a member of the public had commissioned a private Transport Technical Assessment and evaluation (by Paul Basham Associates) and that this had been considered by Highways Officers, prior to their decision to raise no objection to the scheme. Similarly, a private acoustic report by the 24 Acoustics consultancy had been submitted and considered by Environmental Health Officers at Basingstoke and Deane District Council, prior to their decision to raise no objection.

Paragraph 116 of the National Planning Policy Framework (NPPF), (set out on page 7 of the report), states that planning permission should be refused for major developments in designated areas, except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of need (including national considerations) and the impact of permitting or refusing it on the local economy, the cost and scope of developing elsewhere outside the AONB or meeting the need for it in some other way, and the application's detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The officer explained that a need for such a facility could be justified from the gap in provision identified within the Local Aggregate Assessment (v3 December 2012), which formed part of the evidence base for the Hampshire Minerals and Waste Plan (2013).

It was the officers' judgement that the effect on the AONB would be acceptable as the site was not within an open AONB landscape, was adjacent to a major road forming part of the strategic network, was a disused quarry (awaiting low level restoration to agricultural land), and that the development would be contained within the base of the quarry and therefore result in minimal visual impact.

The Committee received deputations from Basingstoke and Deane District Councillors Cathy Osselton, Marilyn Tucker and Michael Bound, along with Simon Piggot (a local resident), Janette Hewitt (Baughurst Parish Council), and Councillor John Sawyer (Kingsclere Parish Council). In summary, Members noted:

- Highways concerns regarding the proposed access arrangements. This included:
  - That the A339 was already a dangerous road with little capacity to accommodate the new use. The large volume of traffic would make turning out of the site during rush-hour very difficult. This was likely to encourage lorry drivers to take risks to the detriment of the safety of other road users.
  - That the existing overtaking lane of the A339 was important in maintaining traffic flow and its proposed removal was likely to increase frustration and encourage drivers to take greater risks.
  - That, because of the above, drivers would be more likely to use alternative roads to the detriment of surrounding villages.
  - That any lorry traffic routing plan would be difficult to monitor and enforce and that this could affect nearby villages, such as Wolverton,

Baughurst and Kingsclere, with its narrow and twisting lanes. It was explained that, at Kingsclere, the Council had recently installed bollards to prevent damage from existing HGV traffic. A particular concern was raised regarding the operator's potential to control contractor HGVs visiting the site.

- That the proposed hours of operation would mean that HGVs would be joining the road network at the busiest times.
- Concerns regarding air, dust and noise pollution from the site, in addition to the potential to contaminate the water table.
- That the application failed to meet the exceptional circumstances required by Section 11 of the National Planning Policy Framework. It was argued that:
  - The need for the proposal had not been sufficiently demonstrated and this was further underlined by the extent of local public opposition to the scheme. A petition against the application had been signed by 770 people. The distinction between public need and private demand, set out in recent case law (Mole Valley DC –v- Cherkley Campaign Ltd, page 34 of the report refers) was also highlighted, as was the applicant's existing site at nearby Tadley.
  - There had been no assessment of the cost and scope for developing the facility elsewhere outside of the AONB.
  - That the application would have a detrimental effect on the environment of the AONB.
- That, although Coneygrove Copse screened part of the site, this woodland was outside of the applicant's control.
- Concerns regarding the limited public consultation for the application.

Roger Miles (applicant's representative) addressed the Committee and in summary:

- Supported the recommendation to approve as set out in the report.
- Underlined the applicant's good relations with the local community at their Tadley site.
- That the proposal was a sustainable business, in accordance with policies, and would reduce landfill.
- That the proposed access had undergone a safety audit and was found to be appropriate and safe.
- That, for operational reasons, no HGVs would routinely travel between Kingsclere and Tadley as, with the exception of storing the HGVs at Tadley overnight, the two sites were independent of each other.
- That the proposed works to improve the visibility splays would result in the loss of two trees and the planting of 70 new trees to enhance the frontage.

The Committee also heard from County Councillors Warwick Lovegrove and Keith Chapman and, in addition to echoing the concerns raised above, the Committee noted:

- The proposed access related poorly to other recycling facilities in the county and the potential for large HGVs to turn right from the site was a particular concern.

- That there was insufficient reason to compromise the A339 and surrounding road network for the benefit of one operator.
- That Members were reminded of the heavy traffic they themselves had experienced when they visited the site.

In response to Members' questions, it was explained that:

- An anticipated 70% of the waste would come from major development areas in the Basingstoke area and 30% from Newbury.
- That the width of the A339 between the proposed hatching and traffic islands met with current standards and was sufficient for HGVs.
- The applicant raised no objection to including within the legal agreement controls on HGV routing and that this could also be applied to any sub-contractor visiting the site.
- That wheel-washes, sheeting and frequent sweeping would minimise contamination of the road surface immediately outside of the site.

During questions, Members noted:

- That, whilst some of the waste coming to the site would originate from outside the county, the Minerals and Waste Plan took a pragmatic approach to recycling sites located at the edge of authority borders.
- That there were no recorded accidents at the access whilst the site operated as a quarry.
- That the analysis of the junction had included speed and traffic volume surveys.
- That the Executive Member for Economy, Transport and Environment had not considered the proposal to reduce the overtaking lane.
- That the nearest roundabout was approximately 7 miles from the site. Whilst the introduction of a new roundabout or traffic light system would enable traffic to access the site, the Highways Officer advised against this proposal. He explained that roundabouts and traffic lights were usually used to balance competing traffic flows between junctions, but at this site the vast majority of the traffic would be heading straight on and not turning into or out of the site. It was explained that either of these two other options would introduce new conflicts in this location.

During debate, Members discussed the highways concerns raised by the objectors as summarised above. Whilst several Members had sympathy with the comments raised, they noted that the amendments in the latest application had overcome the Highways Officer's previous objections, and therefore the Committee agreed that an objection could not be sustained on highways issues.

If minded to approve, Members considered any changes or additional conditions they would require. Members considered that the hours of working condition should be amended to read 8.00am to 6.00pm on weekdays, 8.00am to 2.00pm on Saturdays and no work on Sundays and public holidays. In addition, the officer recommended an additional condition to restore the site, in accordance with an environmental scheme, should operations permanently cease for a period greater

than six months. These amendments to Conditions were later agreed by the Committee.

At the conclusion of debate, the Committee agreed that the application had failed to demonstrate that exceptional circumstances exist for the development, as required by Policy 4 of the Hampshire Minerals and Waste Plan (October 2013) and the NPPF to permit such development within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The Committee also agreed that the proposal was contrary to Policy 29 (3b) of the Hampshire Minerals and Waste Local Plan (2013), in that it had not been demonstrated that a special need can be justified as required by this policy for the development in the proposed location. The Committee therefore refused planning permission, as they considered the application to be contrary to Policy 4 (Protection of the designated landscape) and Policy 29 (3b) (Locations and sites for waste management) of the Hampshire Minerals and Waste Plan (October 2013).

**RESOLVED:**

That the application be refused as it failed to meet the requirements of Policies 4 and 29 of the Hampshire Minerals and Waste Plan (October 2013).

Voting:

In favour: 2

Against: 12

Abstained: 0

**41. HARTLEY PARK FARM, SELBORNE ROAD, ALTON  
(APPLICATION NO: 22267/016) (SITE REF: EH173)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 7 in the minute book) regarding a proposal for the construction of up to 1.2 MWh Anaerobic Digestion Plant for the treatment of food waste, agricultural waste and rotational crops, including construction of access road, associated buildings and plant, and landscaping at Hartley Park Farm, Selborne Road, Alton.

Members of the Committee had undertaken a visit to the site on the 7 October 2013. The officer presentation explained the proposed process and development. This included that the feedstock would comprise about 20,000 tonnes per year of commercial food waste and about 6,000 tonnes per year of agricultural waste and rotational crops and that the digestate would be used on the agricultural estate. The presentation showed the proposed access, main processing site and buildings, location of the digestate lagoon and the proposed landscaping.

The presentation also highlighted the main issues pertaining to the application; namely, its location in the countryside, loss of agricultural land, landscape character of the area, biodiversity, water environment, and highways. It was explained that these issues had been carefully considered and officers had concluded that the

application complied with all the relevant policies. Therefore the report recommended that the application be approved, subject to conditions.

The Committee received deputations from Councillor Tara Goodwin (Worldham Parish Council), Ally Tidbury (local resident) and Julian Marks (applicant's agent). In summary, Members noted:

- Highways concerns. If granted, the application would place a further 60 HGV movements on the local road network per day. Those speaking against the proposals considered the roads were potentially dangerous, as they were narrow and twisting with few passing places, and the additional traffic would be detrimental to the character of the area.
- As the site was some distance from the likely main sources of waste it would process, its environmental benefit was questioned.
- Concerns about its effect on the rural landscape, the nearby Scheduled Ancient monument (Hartley Mauditt medieval village) and footpath. Coupled with the potential solar farm on adjacent land, concerns were raised regarding the creeping urbanisation of the area.
- A concern that the land should be retained for agricultural use.
- The digester used a maize crop to help create energy and it was suggested that all agricultural produce should be used for food, rather than fuel.
- A concern that this small area already had a disproportionately large number of anaerobic digesters serving the whole county.
- The application could have a detrimental effect on the area's biodiversity.
- In his deputation, the applicant underlined their success at other digesters in the South of England and their confidence in being able to source waste locally.

The Committee also heard from County Councillors Mark Kemp-Gee and Adam Carew and, in addition to the comments raised above, the Committee noted the following concerns:

- The efficiency of anaerobic digesters.
- Its effect on the landscape and its sensitive location at the edge of a National Park. Given the open and rolling nature of the countryside, it would not be appropriate to screen the site, which already had permission for a large barn store. Therefore it was suggested that the application was contrary to policies 5, 10, 20 and 29 of the Minerals and Waste Plan.
- That the application included an emergency gas flare.
- Its effect on protected species and wildlife, concerns about the absence of a comprehensive wildlife survey and doubts regarding the lack of an objection from Natural England.
- Its effect on the nearby tourist attractions of Chawton and Selbourne.
- Odour from the site.
- The difficulties of enforcing a lorry traffic routing plan serving the site and that the access road was not suitable for large HGVs (and therefore contrary to Policy 12).

- That the application was contrary to Policy 28 as it was not in sustainable location.

In response to Members' questions, it was explained that the digester would mostly be served by smaller vehicles, rather than HGVs, that would collect waste from local commercial and public organisations.

At the conclusion of debate, the Committee agreed that the application be approved for the reasons, and subject to the conditions, set out in the report.

### **RESOLVED:**

That planning permission in respect of the construction of up to 1.2MWh Anaerobic Digestion Plant for the treatment of food waste, agricultural waste and rotational crops, including construction of access road, associated buildings and plant, and landscaping at Hartley Park Farm, Selborne Road, Alton, Hampshire GU34 3HP (Application Number 22267/016) (Site Ref: EH173) be approved for the reasons set out in the report, subject to the conditions listed in Integral Appendix B of the report.

#### Voting:

In favour: 7

Against: 4

Abstained: 0

#### **42. RAYMOND BROWN MINERALS AND RECOVERY LTD, A303 RECYCLING FACILITY, DRAYTON ROAD, BARTON STACEY, WINCHESTER SO21 3QS (APPLICATION NO: 13/01643/CMAN) (SITE REF: TV231)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 8 in the minute book) regarding a proposal for a permanent facility for the processing and recycling of incinerator bottom ash to produce aggregates and the recovery of metals on land north of Raymond Brown Minerals and Recovery Ltd, A303 Materials Recovery Facility, Drayton Road, Barton Stacey.

Members of the Committee had undertaken a visit to the site on the 7 October 2013. The officer presentation explained the need for the proposal, the process and proposed development, access, and the proposed bunding and landscaping.

The Committee received deputations on this application from Jonathan Frere (Longparish Parish Council) and Stephen Bowley and Steve Cole (applicants' agents). In summary, Members noted:

- That the Parish Council raised no objection to the scheme and was reassured that its concerns regarding dust and odour would be satisfied by condition to protect the adjacent solar farm.
- That the Parish Council had an understanding with the applicant that HGVs would not travel through the village of Longparish and that its drivers would exercise care on the short slipway onto the A34.

- That the site was well located to be served by three incinerator plants with good access to its main markets.
- That the applicant welcomed the proposal of a local liaison group to consider matters relating to the site and agreed to share with this new group the details of the dust mitigation plan.

At the conclusion of debate, the Committee agreed that the application be approved for the reasons, and subject to the conditions, set out in the report.

**RESOLVED:**

That planning permission in respect to a permanent facility for the processing and recycling of incinerator bottom ash to produce aggregates and the recovery of metals on land north of the Raymond Brown Minerals and Recovery Ltd, A303 Materials Recovery Facility, Drayton Road, Barton Stacey (application number 13/01643/cman) (site ref: tv231) be approved for the reasons set out in the report, subject to the conditions listed in integral Appendix B of the report.

Voting:

In favour: 12

Against: 0

Abstained: 0

**43. ROWNER ROAD, GOSPORT  
(APPLICATION NO: 13/00323/HCC3) (SITE REF: GPH002)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 9 in the minute book) regarding a proposal for the removal of the existing road bridge at Rowner Road, Gosport to enable the construction of a new, at grade, junction. The new junction was required as the bus-way was to terminate at this location and connect to the existing road network to more effectively serve the local areas, as opposed to continuing to Military Road, as permitted by planning application P/09/0278/CC; K17678.

The Committee received no deputations on this application.

The officer presentation explained the need for the change to the original approved scheme and described the proposals. In addition showing the location of nearest houses, trees to be removed and proposed landscaping

At the conclusion of debate, the Committee agreed that the application be approved for the reasons, and subject to the conditions, set out in the report.

**RESOLVED:**

That planning permission in respect of New Junction with Eclipse Busway and Removal of Existing Road Bridge at Rowner Road, Gosport

(Application No: 13/00323/HCC3) (Site Ref: GPH002) be approved for the reasons and subject to the conditions listed in integral Appendix B of the report.

Voting:

In favour: 9

Against: 0

Abstained: 0

**44. YARD 25, WYNFORD INDUSTRIAL PARK, BELBINS, ROMSEY SO51 0PW  
(APPLICATION NO: 13/00344/CMAS) (SITE CODE: TV252)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 10 in the minute book) regarding a proposal for a retrospective change of use of land from B8 open storage to vehicle breaking and a building for de-polluting activities with ancillary office mess facility at Yard 25, Wynford Industrial Park, Romsey.

The Committee received no deputations on this application.

The officer presentation explained that the application was partly retrospective as the building had been partly constructed, but not completed, and that the site was within an industrial estate. The proposed development was explained and the access shown. The locations of the nearest houses on Yokesford Hill were shown as was the neighbouring waste transfer and recycling facility.

At the conclusion of debate, the Committee agreed that the application be approved for the reasons, and subject to the conditions, set out in the report.

**RESOLVED:**

That planning permission in respect of the retrospective change of use of land from B8 storage to vehicle breaking and building for de-pollution activities with ancillary office/mess facilities at Yard 25, Wynford Industrial Park, Belbins, Romsey, SO51 OPW (Application No: 13/00344/CMAS) (Site Ref:TV252) be approved, subject to the conditions listed in Integral Appendix B, and for the reasons, set out in the report.

Voting:

In favour: 10

Against: 0

Abstained: 0

**45. MONITORING AND ENFORCEMENT**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 11 in the minute book) which provided information on the Monitoring and Enforcement work undertaken by County Planning, during the period April-October 2013.

**RESOLVED:**

That the report be noted.

**46. DEDICATION OF FOOTPATH AND BRIDLEWAY RIGHTS IN THE PARISH OF BRAMSHOTT AND LIPHOOK**

The Committee considered a report from the Director of Culture, Communities and Business Services which sought Members' authority for the County Council to enter into an agreement with the Secretary of State for Defence to dedicate public bridleway rights over park of Bramshott and Liphook Footpath 37 and to dedicate a footpath from the Portsmouth Road to the junction with Footpath 37 and Bridleway 513b, and to dedicate two new bridleways.

The Committee received no depositions on this application.

At the conclusion of debate, the Committee agreed that the application be approved for the reasons set out in the report.

**RESOLVED:**

That the County Council accepts the offer from the Secretary of State for Defence to dedicate a public footpath between points A-B, and public bridleways between points B-C-D-E-F and G-E, and as shown on the plan attached to the report.

Voting:

In favour: 10

Against: 0

Abstained: 0

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Councillor R McIntosh  
Chairman  
20 November 2013