

AT A MEETING of the REGULATORY COMMITTEE of HAMPSHIRE COUNTY  
COUNCIL held in the Council Chamber at The Castle, Winchester on  
Wednesday 16 July 2014

**PRESENT:**

Chairman:  
p Councillor R.C. McIntosh

Vice-Chairman:  
p Councillor G Hockley

Councillors:

p C Carter	p P Latham
p C Choudhary	p F Pearce
p M Cooper	p R Price
p J Frankum	p T Rolt
a C Greenwood	p D Simpson
a K House	p S Wheale
p R Humby	
p R Huxstep	
p P. Fawkes (d)	
p B. Gurden (d)	

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

**116. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Greenwood and Councillor House.  
Councillor Fawkes and Councillor Gurden attended as deputies on their behalves  
(respectively)

**117. 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.

## **118. MINUTES**

The minutes of the meeting held on 18 June 2014 were agreed as a correct record and signed by the Chairman.

## **119. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that Item 10 on the agenda had been incorrectly marked as Item 11, and the header of the documents should read "Item 10".

## **120. DEPUTATIONS**

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

## **121. VARIATION OF CONDITION 1 OF PLANNING PERMISSION F24847/015/CMA TO EXTEND THE TIME PERIOD FOR TIPPING OF INERT WASTE AND TO REVISE THE FINAL RESTORATION CONTOURS AT SANDYBRIDGE FARM, MAIN ROAD, KINGSLEY, BORDON. (APPLICATION NO. 24847/031) (SITE REF EH025).**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 6 in the minute book) regarding an application for variation of conditions at Sandybridge Farm in Bordon.

The officer showed aerial photographs of the disused quarry, as well as views across the site. The original application requested that the site be restored by December 2015, but it had been requested that this be extended to allow for a fuller and more thorough restoration process.

Some protected species had been found on the site, including badgers and newts, and areas had been allocated for relocating the habitats. There were existing trees surrounding the quarry and it was confirmed that some of these would need to be removed as part of the restoration process.

The Committee received two deputation on this item. Mike Greslow spoke on behalf of the application and reiterated that ecological issues had been handled sensitively, as well as the highways impact and the safe disposal of water from the quarry. Mr Greslow also explained that the applicant planned on using as much material from the site as possible in the restoration process.

County Councillor Mark Kemp-Gee was concerned at there being 14,000 lorry movements for two years and proposed that a traffic management plan be provided by the application. It was also suggested that a liaison panel be set up to protect local residents. Following these suggestions, which were agreed by the Committee; the officer offered to put these forward in an advice note.

RESOLVED:

Permission subject to a legal agreement to enable stockpiles on Lode Farm to be used in the restoration of the site, the permission for variation of condition 1 of planning permission F24847/015/CMA to extend the time period for tipping of inert waste and to revise the final restoration contours at Sandybridge Farm, Main Road, Kingsley, Bordon. (Application No. 24847/031) (Site Ref: EH025) was granted subject to the conditions detailed in Integral Appendix B of the report)

Voting:

Favour: 16 (unanimous)

**122. APPLICATION FOR VARIATION OF CONDITIONS 1, 4, 21, AND 23 OF PLANNING PERMISSION 99/00359/CMA TO EXTEND LIFE OF THE SITE AND REVISED RESTORATION AT CHANDLERS FARM, OFF FOX LANE, READING ROAD, EVERSLEY. (APPLICATION NO. 14/00640/CMA) (SITE REF: HR038)**

*This item and the following two Chandlers Farm items (Items 8 and 9 in the Minute Book) were presented and discussed as one item, with the recommendations and voting done separately.*

*Councillor Simpson declared that he was on the liaison panel for Eversley Parish Council in discussing this item, but had not voted and was attending the meeting with an open mind.*

The Committee considered a report from the Director of Economy, Transport and Environment (Item 7 in the minute book) regarding an application for variation of conditions at Chandlers Farm in Eversley.

The officer summarised the report and showed the Committee aerial photos of the site and surrounding area. It was confirmed that restoration plans included wetland and also sports pitches, following consultation with the local community. There had been no complaints received regarding the site activity or lorry movements and there was a Rights of Way legal agreement in process, which would settle access across the site in the long term.

The Committee received one deputation, Andrew Scott, on behalf of the applicant. Mr Scott supported the application and confirmed that consultation had taken place with the local community in putting together the final restoration plan. It was felt an appropriate way to thank the community for their patience and understanding whilst the site had been operational.

RESOLVED:

That, subject to a Section 106 agreement carrying forward the provisions of the existing 106 for Chandlers Farm which includes a lorry routing and a tonnage restriction on the exportation of aggregates, and new provisions for new rights of way, planning permission for conditions 1, 4, 21 and 23 of planning permission 99/00359/CMA to extend life of the site and revised restoration at Chandlers

Farm, Off Fox Lane, Reading Road, Eversley. (Application No.14/00640/CMA) was granted subject to conditions listed in integral Appendix B to the report.

Voting:

Favour: 16 (unanimous)

**123. APPLICATION FOR VARIATION OF CONDITION 1 OF PLANNING PERMISSION 07/02786/CMA TO EXTEND THE TIME LIMIT TO RETAIN HAUL ROAD, BRIDGE AND CONVEYOR FROM MANOR FARM INTO CHANDLERS FARM AT CHANDLERS FARM, OFF FOX LANE, READING ROAD, EVERSLEY. (APPLICATION NO. 14/00642/CMA) (SITE REF: HR038)**

*This item and the other two Chandlers Farm items (Items 7 and 9 in the Minute Book) were presented and discussed as one item, with the recommendations and voting done separately.*

*Councillor Simpson declared that he was on the liaison panel for Eversley Parish Council in discussing this item, but had not voted and was attending the meeting with an open mind.*

The Committee considered a report from the Director of Economy, Transport and Environment (Item 7 in the minute book) regarding an application for variation of conditions at Chandlers Farm in Eversley.

RESOLVED:

That, subject to a Section 106 carrying forward provisions in the existing section 106 for the Chandlers Farm site regarding lorry routing and a mineral tonnage exportation restriction, and new provisions relating to provisions of new rights of way, planning permission for variation of variation of condition 1 of planning permission 07/02786/CMA to extend the time limit to retain haul road, bridge and conveyor from Manor Farm into Chandlers Farm at Chandlers Farm, Off Fox Lane, Reading Road, Eversley. (Application No.14/00642/CMA) (Site ref: HR038) be granted subject to conditions listed in integral Appendix B

Voting:

Favour: 16 (unanimous)

**124. APPLICATION FOR VARIATION OF CONDITIONS 1, 4 AND 22 OF PLANNING PERMISSION 07/02785/CMA TO ALLOW FOR AN EXTENSION TO THE TIME AT CHANDLERS FARM, OFF FOX LANE, READING ROAD, EVERSLEY. (APPLICATION NO. 14/00644/CMA) (SITE REF: HR038)**

*This item and the other two Chandlers Farm items (Items 7 and 9 in the Minute Book) were presented and discussed as one item, with the recommendations and voting done separately.*

*Councillor Simpson declared that he was on the liaison panel for Eversley Parish Council in discussing this item, but had not voted and was attending the meeting with an open mind.*

The Committee considered a report from the Director of Economy, Transport and Environment (Item 7 in the minute book) regarding an application for variation of conditions at Chandlers Farm in Eversley.

RESOLVED:

That, subject to a Section 106 agreement carrying forward the provisos of the existing section 106 notably a lorry routing and a restriction on tonnage of aggregate to be exported and provisions for new rights of way, planning permission for variation of conditions 1, 4 and 22 of planning permission 07/02785/CMA to allow for an extension to the time limit for importation of material from Fleethill Farm into Chandlers farm and a revised restoration scheme at Chandlers Farm, Off Fox Lane, Reading Road, Eversley. (Application No.14/00644/CMA) (Site ref: HR038) be granted subject to conditions listed in integral Appendix B.

Voting:

Favour: 16 (unanimous)

**125. APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER TO RECORD FOOTPATHS AT DEAN HILL IN EAST DEAN PARISH**

The Committee considered a report from the Director of Culture, Communities and Business Services (Item 10 in the minute book) regarding an application for a definitive map modification order to record footpaths at Dean Hill in East Dean.

The Committee was given the history of the application, which was based mainly on historic evidence, and had been assessed with reference to the Wildlife and Countryside Act 1981, common law and the Defence Act 1842. The table on page 12.4 showing how the evidence related to individual paths was drawn to the attention of Members and they were shown a copy of a traced map of 1936 which showed the rights of way over the former RNAD site. Parts of these paths were annotated as being 'closed'. The Committee were shown area photographs of the site, as well as a location plan. The argument hinges on whether the Admiralty permanently stopped-up or extinguished any, or all, of these rights of way under the 1842 Act, which did not require any public consultation or advertisement. No evidence of any such stopping-up or extinguishment orders has been discovered, and there was correspondence put before Members to show that County Councils were at this time concerned that the lack of records of orders would have serious implications for restoring public rights of way after hostilities ended. If these paths had public rights on them that were not permanently extinguished, then it is the County Council's duty as the highway authority to ensure that they are recorded on the Definitive Map.

The Committee received two deputations on this item. Jane Ferguson spoke on behalf of the major landowner, Farm Drive. Ms Ferguson stated that the QC's opinion, sought by Farm Drive, argued that the Armaments Depot was not built in response to the war, but was intended to be a permanent installation, and that any pre-existing routes were extinguished, with alternatives provided There would be no

record of an order being made as one would not have been required. Richard Newton explained that the route marked J-K on the plans was a private shortcut between two farms and not a public right of way and argued that no order should be made to record it on the Definitive Map.

During questions of the officer, it was confirmed that a fence had been erected along the south side of the site and still remained. It was also explained that a further stage of the process continued after the determination by the Regulatory Committee, with the making of an order if agreed to by the Committee. Ultimately, if any such order is objected to, the case will be referred to the Secretary of State for confirmation or refusal.

Members questioned whether the recommendations should be broken down into individual paths, and after it was confirmed by the Solicitor that this was not possible, it was proposed that the item be deferred so the report could be resubmitted to a future meeting with the paths listed as individual recommendations. This was lost on a vote with only three Members in favour.

**RESOLVED:**

a) The Committee supported an Order be made to record route D-E-X, as shown on the attached map, as a restricted byway with a width of 3.0 metres.

**Voting:**

Favour: 13

Against: 1

Abstentions: 2

b) The Committee supported an Order being made to record the routes A-B-C, J-K, M-K-F-L-H, E-L, N-O, and L-B as shown on the attached map, as public footpaths, all with widths of 1.8 metres.~

**Voting:**

Favour: 11

Against: 1

Abstentions: 4

c) The Committee agreed that the application to record route X-F-G-H as a public right of way be refused

**Voting:**

Favour: 15

Against: 0

Abstentions: 1

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Councillor R McIntosh  
Chairman  
17 September 2014