

AT A MEETING of the REGULATORY COMMITTEE of HAMPSHIRE COUNTY
COUNCIL held in the Council Chamber at The Castle, Winchester on
Wednesday 18 March 2015

PRESENT:

Chairman:
p Councillor R.C. McIntosh

Vice-Chairman:
p Councillor G Hockley

Councillors:

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

The Chairman announced that the press and members of the public were permitted to film and broadcast the meeting. Those remaining at the meeting were consenting to being filmed and recorded, and to the possible use of those images and recording for broadcasting purposes.

***The order of the agenda at this meeting was as follows:
Items 1-8***

167. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors House and Simpson.

168. 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.

169. MINUTES

The minutes of the meeting held on 11 February 2015 were agreed as a correct record and signed by the Chairman.

170. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Councillor Marge Harvey, who was replacing Rob Humby as a full Member on the Regulatory Committee.

171. DEPUTATIONS

The Committee was advised that six deputations had been received for this meeting and the deputation process was explained to those who had attended to speak.

172. APPLICATION FOR REMOVAL OF CONDITION 1 OF PLANNING PERMISSION 13/10972 (LIMITING PERMISSION TO FIVE YEARS) AT NEWBOURNE FARM, ROCKBOURNE, HAMPSHIRE SP6 3NT. (APPLICATION NO. 14/11753) (SITE REF: NF252)

The Committee considered a report from the Director of Economy, Transport and Environment (Item 6 in the Minute Book) regarding an application for a removal of condition 1 at Newbourne Farm in Rockbourne.

The Committee were shown aerial photos of the site and a location plan of the area. It was confirmed that a private dwelling had since been built to the north of the site and further work had been done since 2013 to comply with the Environment Agency permit. It had been negotiated with the applicant that a clearer demarcation would be installed between the site and the property in addition to the trees. This had been agreed by the applicant and now formed part of the conditions to the item being approved. At the meeting in 2013 the applicant had agreed that it would consider not processing on Sunday's and Bank Holiday's if it meant getting a permanent permission, however, this offer had since been revoked and the application wished to continue with operating on these days as per the temporary permission, which was working well.

The Committee received one deputation on this item. Jerry Davies spoke in favour of the application on behalf of the applicant. The history of the site was explained, along with how the five-year temporary condition was proving difficult when negotiating and making long-term plans with suppliers. The main clients were Veolia and Wiltshire County Council. It was also confirmed that suppliers collected on Sunday's and Bank Holidays, so putting in restrictions for these days when granting a permanent permission would making things very difficult for the applicant when negotiating contracts.

During questions of the deputations, the following questions were clarified:

- The rolling contract with Veolia was over a period of 7 years, with a new 8 year rolling contract being negotiated with Wiltshire County Council

During questions of the officer, the following was clarified:

- The site was monitored by three different agencies, including Hampshire County Council and the Environment Agency. Waste Management had undertaken three inspections since permission was granted in 2013, and it was confirmed that the site had always been fully compliant.
- All immediate residents and previously registered interested parties had been informed of the item going to Regulatory Committee for consideration.
- The Section 73 would mean that approving the application would grant a new permission that would sit alongside the previous permission.
- It was confirmed the Condition 2 would reflect the original wording in the temporary condition if approved, which allowed deliveries to take place on Sundays and Bank Holidays.
- Once a permanent permission is granted, it cannot be delayed in terms of a start date; and
- The site monitoring will continue as existing.

Members agreed that it was not ideal for a permanent permission to be granted so soon after the temporary permission being given, with only one summer period taking place, however, it was acknowledged that the site was working well and no complaints had been received.

RESOLVED:

Permission for Variation of condition 1 of planning permission no. 13/10972 (limiting permission to five years) at Newbourne Farm, Rockbourne, Fordingbridge SP6 3NT (Application No: 14/11753) be granted subject to the conditions listed in Integral Appendix B, and also:

- a) A ground demarcation being installed along the tree line by the new property.
- b) Condition being altered to reflect the original Condition as per the temporary permission, allowing deliveries on Sundays and Bank Holidays

Voting:

Favour: 10

Against: 3

Abstentions: 1

173. APPLICATION FOR THE AMENDMENT TO CONDITION 8 (VEHICLE MOVEMENTS) AND CONDITION 12 (ANNUAL THROUGHPUT) TO PLANNING PERMISSION BDB 76332 AT HERRIARD BIO POWER LTD, BUSHYWARREN LANE, HERRIARD BASINGSTOKE RG25 2NS. (APPLICATION NO: 14/03351/CMA) (SITE REF: BA173)

The Committee considered a report from the Director of Economy, Transport and Environment (Item 7 in the Minute Book) regarding a change of conditions at Herriard Bio Power Ltd in Basingstoke.

Location plans were shown with the nearest property being highlighted as approximately 800 metres to the south-east of the site. It was confirmed that an increase was sought of 16,700 – 40,000 annual tonnage and from 16 to 32 movements per day. An updated plan provided to Committee confirmed that visibility improvements between the site access and nearest passing bay were proposed for outside the site along Bushywarren Lane.

Since the publication of reports, it was confirmed that Herriard Parish Council had objected to the application and the Woodland Trust had also objected due to the loss of ancient woodland as a result of the visibility improvements along the highway. Highways had no concerns or objections over the proposed works.

The Committee received five deputations on this item. Patricia Pegg spoke as a local resident against the application as it was a sensitive area with many protected species in the vicinity. Concerns were also raised over the original ecology survey not being done at a suitable time of year and it was stated that Phase 2 of the survey was never completed. Dee Haas spoke as a local resident and also Chair of Ellisfield Village Association. It was felt that the increase in traffic would exacerbate an already dangerous situation on the nearby roads due to the HGV's.

Julian Marks addressed the Committee as the applicant. The increase in traffic movements and tonnage would allow the site to continue to operate competitively and was a key part of the energy infrastructure. The digestate fell under Environment Agency permit and a full nutrient analysis had been submitted. Food waste was currently going out of Hampshire and as far as Nottingham, so there was a real need for the increase in tonnage accepted into the site.

Councillor Mark Kemp Gee felt that there were already enough anaerobic digesters in the County and that there was already a 10% over-provision without this application being approved. Processed sewage was the most used supplement used in farming and it was felt questionable as to whether the application was justified. Finally, Councillor Anna McNair-Scott spoke as the local member and emphasised residents concerns over the safety of the nearby A339, which would be a lot worse if the application was to be approved. It was proposed that a liaison panel would be helpful and questioned what would happen to the digestate when there was no suitable land to use it on.

During questions of the deputations, the following points were clarified:

- There was a big difference between food waste imported onto the site and maize grown specifically for digestion, as the maize takes a lot longer to break down.
- Sewage waste was not always usable and had a different purpose to the digestate produced. Both were part of nutrient plans.
- Basingstoke and Deane Borough Council had triggers that would call for a second survey, which had not been completed at the site.
- There had been no highway related accidents close to the site and no complaints received regarding smell.
- Whilst there had been fatalities recorded on the A339, these had not been recorded as being related to the site and its operations/vehicles.
- The sections of hedgerow removed had been done so at the approval of Hampshire County Council.
- Highway safety had been considered carefully as a result of the revised application, and no concerns had been raised due to the minimal increase in proportion to current vehicle movements on the highway.
- No improvements had been proposed to the junction itself as there had been no accidents recorded.
- There were no limits to vehicle movements at the nearby Veolia composting site.

During questions of the officer, the following points were clarified:

- In accordance with National Planning Policy for Waste the applicant was not required to demonstrate the market need for the proposal if it was in accordance with the Development Plan. Policy 27 of the Hampshire Minerals & Waste Plan (2013) outlined estimated additional waste management capacity requirements within Hampshire for the Plan period (2011-2030). Paragraph 6.178 of the Plan states that these figures are to be regarded as minimum requirements. In providing additional waste management capacity at an existing site the proposal would be in accordance with the Development Plan and the applicant did not therefore have to demonstrate the quantitative need for the development.
- Condition 18 would be a new condition.
- Dormice mitigation in the form of a rope-bridge across the site access was required to be installed under the original permission subject to dormice being identified as present on the application site. Following the submission of survey information post-permission to HCC Ecology demonstrating the absence of dormice on the application site it was agreed that the rope-bridge was not required to be installed.
- Condition 5 had been included for highway safety.
- Maintenance would be monitored by the Waste Planning Authority.

Members agreed that overall, the increase requested was not significant and was not grounds for refusal; however, some still had highways concerns. It was agreed that a liaison panel would be helpful and that this should be included in an advice note if the application was to be agreed.

RESOLVED:

Planning permission in respect of application for the amendment to Condition 8 (vehicle movements) and Condition 12 (annual throughput) to planning permission BDB 76332 at Herriard Bio Power Ltd, Bushywarren Lane, Herriard Basingstoke RG25 2NS. (Application No: 14/03351/CMA) (Site Ref: BA173) was approved, subject to the conditions listed in integral Appendix B.

Voting:

Favour: 7

Against: 7

As this was a tied vote, the casting vote fell with the Chairman and the application was approved.

Councillor Sharyn Wheale left the meeting

174. DEDICATION OF RESTRICTED BYWAY RIGHTS ON THE MEON VALLEY TRAIL, IN THE PARISHES OF WEST MEON, WARNFORD, EXTON, CORHAMPTON & MEONSTOKE AND SOBERTON

The Committee considered a report from the Director of Culture, Communities and Business Services (Item 8 in the Minute Book) regarding access on the Meon Valley trail.

The Committee were told the strategic importance of the route and its links to the South Downs Way. It was over seven miles long, with some sections having no recorded legal status. As carriage drivers were already using some areas of the route, it was felt appropriate that this be put forward as part of the application and signage would be installed at the southern end of the route.

It was confirmed that motorised vehicles remained prohibited on the route, but this was something difficult to enforce as access was possible to allow horses and carriages on the trail. Some Members were concerned over the safety of allowing carriages on the route where there were pedestrians, but carriages had historically been on the route in small numbers and no problems had been recorded.

RESOLVED:

The proposals for the County Council to dedicate restricted byway rights between A – B, to record that part of Soberton Footpath 1c between C - D as bridleway, and to provide new access points onto the Meon Valley Trail, as shown on Committee Plans 1 - 3, were approved.

Voting:

Favour: 11

Against: 1

Abstention: 1

Councillor R McIntosh
Chairman
20 May 2015