

AT A MEETING of the REGULATORY COMMITTEE of HAMPSHIRE COUNTY
COUNCIL held in the Council Chamber at The Castle, Winchester on
Wednesday 13 January 2016

PRESENT:

Chairman:
p Councillor R.C. McIntosh

Vice-Chairman:
p Councillor G Hockley

Councillors:

a	C Carter	p	R Huxstep
p	C Choudhary	p	P Latham
p	M Cooper	p	F Pearce
p	C Connor	a	R Price
p	C Greenwood	p	T Rolt
p	M Harvey	a	D Simpson
p	K House	a	S Wheale

Notices posted at the meeting advised 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 1-11***

216. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Carter, Price, Simpson and Wheale.

217. 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.

218. MINUTES

The Minutes of the meeting held on 16 December were agreed as a correct record and signed by the Chairman.

219. CHAIRMAN'S ANNOUNCEMENTS

Cllr Connor was welcomed to the meeting as a full member, taking the place of Cllr Frankum who was stepping down to become a deputy member of the Committee. Cllr Frankum was thanked for her hard work and contributions to Regulatory.

The Chairman reminded Members that there was training scheduled for the 28 January and all were encouraged to attend.

The Committee sometimes receive updates at meetings where items have progressed since the publication of papers. In future, Members would be emailed updates electronically before the meeting, with hard copies provided on the way. This would give Members more time to digest the information, although it was noted that any updates presented were always thoroughly explained.

220. DEPUTATIONS

The Committee was advised that there were twelve deputations for this meeting (including local Members) and the deputation process was explained to those who had attended to speak.

221. APPLICATION FOR THE INSTALLATION AND OPERATION OF AN ASPHALT PLANT FOR A PERIOD OF 5 YEARS AT MARCHWOOD WHARF, OCEANIC WAY, MARCHWOOD SO40 4BD. (APPLICATION NO. 15/11254) (SITE REF: NF222)

The Committee considered a report from the Head of Strategic Planning (Item 6 in the Minute Book) regarding a proposed asphalt plant at Marchwood.

Members were taken through the updates to the report regarding Condition 5 (noise), an additional condition relating to an acoustic barrier, and report clarifications.

The officer summarised the report to committee, highlighting the applicant's need for the ability to operate the plant 24 hours a day throughout the year. Proposed day and night-time lorry routes were shown on a map of the area, along with the nearest residential properties affected. On a plan of the site, the proposed acoustic barrier was clearly shown on the southern and western boundaries, along with elevations of the fencing and storage tanks. The junction of Admiralty Way and Normandy Way was shown, along with photographs demonstrating the proximity of neighbouring houses to the lorry route. It was noted that the nearest house was approximately 14 metres from the highway. Whilst 139 objections had been received from members of the public, it was stated that existing planning permissions covering the area could allow other operators to operate without any restrictions, and so it was considered that it would be found to be unreasonable to apply such restrictions to this application alone.

The Committee received five deputations on this item. Sally Collingwood spoke as a local resident against the application, concerned about the emissions from the site and also the extra traffic on the roads in an already dangerous area. Melanie Wathen voiced the Parish's concerns over potential pollution of water courses and the River Test, and also the noise impacts. Cllr Sue Bennison from New Forest District Council emphasised the concerns of local residents regarding road congestion and the speed of the detection of dust emitted from the site. Simon Treacy spoke on behalf of the applicant, telling the Committee of the importance of the production of asphalt and the ability to be able to access it twenty-four hours a day. Only 100,000 of the annually required 700,000 tonnes was currently produced in the County, with the rest being shipped in from other areas. Up to 90% of the raw materials were anticipated to arrive via the port and so would not put as much additional pressure on the roads as perceived, with the increase in HGV's in the area being minimal. Finally, County Councillor David Harrison spoke of his concerns regarding the air quality in the area and also the roads, which were not designed for heavy vehicles. The site was the wrong location and too close to the New Forest.

During questions of the deputations, it was confirmed that alternative locations had been considered, but the applicant was limited due to needing access to the site twenty-four hours a day. It was a necessity that the site be operational all year round due to most of the demand for asphalt being at night, and the product needing to be used soon after it is made.

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

- Around 86% of the primary materials would be imported by sea, with 14% being delivered by road
- The night route could be used during the day, but there were no restrictions on other operators on the Industrial Park regarding exits and entrances to be used so it was considered that this would also be found to be unreasonable for this to be made compulsory.
- The site was previously used as an aggregate bagging facility, which was stated by the applicant to have generated a similar number of lorry movements to that of the current proposal.
- Local roads were confirmed by the Highway Authority as being standard width and adequate for the proposed lorry movements associated with the application.
- Whilst air quality was a consideration, it was confirmed that the area was not designated as an Air Quality Management Area (an area where general air quality is a concern)) and there was no expectation of a significant increase in emissions as a result of the proposal.

RESOLVED:

That subject to:

- a) A Section 106 Legal Agreement being entered into to secure off-site lorry routing;
AND
- b) The amendments put forward in the update report circulated to Committee

planning permission for the Installation and operation of an asphalt plant for a period of 5 years at Marchwood Wharf, Oceanic Way, Marchwood SO40 4BD. (Application No. 15/11254) (Site Ref: NF222), was granted, subject to the conditions listed in integral Appendix B.

Voting:

Favour: 9

Against: 0

Abstentions: 3

222. APPLICATION FOR THE VARIATION OF CONDITION 10 OF PLANNING PERMISSION 84776 (NOISE) AT MANOR FARM RECYCLING FACILITY, PENNINGTON, LYMINGTON. (APPLICATION NO. 14/10255) (SITE REF: NF042)

The Committee considered a report from the Head of Strategic Planning (Item 7 in the Minute Book) regarding an application for variation of condition at Manor Farm Recycling Facility, Pennington, Lyminster.

This matter had previously been considered at Committee on 17 September 2014 and the matter was deferred to allow further meetings to take place with planning officers, noise consultants and New Forest District Council's Environmental Health to ascertain where there were areas of agreement/disagreement and to seek solutions where possible. Members were taken through the updates to the report regarding further representations and amendments to Conditions 9, 10 and 11.

The presenting officer gave Committee a history of the site and it was explained that the application was linked with Item 8 on the agenda. It was confirmed that local residents had requested a deferral on the application, but this was felt by officers to be unnecessary.

Committee were shown a location plan along with roads and other amenities and it was confirmed that the closest residential property to the site was Manor Farm House. Noise monitoring locations were highlighted on an aerial photo of the site and the process was explained. The officer stated that the main area of disagreement appeared to be the reference to BS2414 in the proposed replacement conditions and its interpretation amongst noise consultants.

The Committee received three deputations on this item. Lorraine Brown spoke on behalf of local residents and confirmed that she was a resident of Manor Farm House, which was 250 yards away from the site, in the Greenbelt and close to the SSSI. She was concerned about proposals for the site as there was a history of problems and disruption and previous breaches have been difficult to enforce. Trevor Poole spoke on behalf of the applicant in favour of the proposals. The conditions put forward with the proposal were not breachable and the site use would be monitored to enforce this. Further improvements were planned for the site, and so a swift outcome was hoped for to enable the applicant to commit to taking them forward. Cllr Jackie England addressed the Committee as the local Member and was concerned that progress around the site had been very slow, with the final application felt to be rushed without thorough consultation with local residents to address their concerns.

During questions of the officer, the following was clarified:

- The area of disagreement was over the interpretation of BS4142:2014 and it was the concern of residents that this gave users too much choice over the method of measuring noise, enabling the most favourable method to be picked for optimal results. In this instance it was felt by residents that the method would be of

detriment to them, and would measure the noise to be not as intrusive as it would be in reality. The Environmental Health officer that had worked with all parties on this application confirmed that the interpretation used was what was used traditionally by the majority of experts, and the external noise consultant to the Council had also agreed that the method was sound. There were no current plans to update BS4142 and it was still widely used.

- Hampshire County Council were confident that the conditions proposed were enforceable
- Legal confirmed that the risk of the Item going to Judicial Review was not a material planning consideration, nor grounds for refusing the application.

It was proposed and seconded that the item be further deferred pending further talks with local residents to reach agreement. This was lost on a casting vote by the Chairman of the Committee.

RESOLVED:

Permission was granted for the variation of Condition 10 of planning permission 84776 (noise) at Manor Farm Recycling Facility, Pennington, subject to the conditions detailed in Integral Appendix B and updates to Conditions 9, 10 and 11 circulated to Committee.

Voting

Favour: 8

Against: 1

Abstentions: 3

223. APPLICATION FOR HIGH QUALITY RECYCLED AGGREGATE WASHING FACILITY AND A CLAD EXTENSION TO THE EXISTING RECYCLING PLANT AT MANOR FARM RECYCLING FACILITY, PENNINGTON, LYMINGTON. SO41 8QZ (APPLICATION NO. 13/11273) (SITE REF: NF042)

The Committee considered a report from the Head of Strategic Planning (Item 8 in the Minute Book) regarding an application for a washing facility and clad extension at an existing recycling plant at Manor Farm Recycling Facility, Pennington, Lymington.

Aerial photos and proposed elevations were shown and it was confirmed that it was felt that the proposals for development of the area and subsequent screening were acceptable.

The Committee received three deputations on this item.

John Pritchard spoke on behalf of other local residents against the proposal, saying that it was felt to not be compliant with Policy Framework in the Minerals and Waste Plan, being in a Green Belt area. Trevor Poole spoke on behalf of the applicant in favour of the proposal and emphasised the need to improve the method of recycling waste in Hampshire and divert the amount that went to landfill. The new facility would mean less stockpiling and further help reduce noise as the waste would only need to be handled and processed once. Cllr Jackie England supported the local residents and said she wanted the best outcome for them.

During questions of the officer it was confirmed that the existing site had already

been approved and was in line with Policy, so the new application did not go against the Minerals and Waste Plan framework.

RESOLVED:

Planning permission was granted for the installation of a high quality recycled aggregate washing facility and a clad extension to the existing recycling plant at Manor Farm Recycling Facility, Pennington, Lymington SO41 8QZ. (Application No: 13/11273) (Site ref: NF042), subject to the conditions listed in integral Appendix B.

Voting:

Favour: 11

Against: 0

Abstentions: 1

224. APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER TO RECORD A PUBLIC FOOTPATH AT BROWNS LANE, SOWLEY, IN THE PARISH OF BEAULIEU

The Committee considered a report from the Director of Culture, Communities and Business Services (Item 9 in the Minute Book) regarding an application for a public footpath in Sowley, Beaulieu.

Plans of the area were shown, along with elevation photographs. The officer explained that a gate had been installed at Point B on the plan as a result of anti-social behaviour. The legal tests were summarised and it was confirmed that a mixture of user and documentary evidence had been used as part of the application.

On page 23 in paragraph 14.5, it was confirmed that the reference should be to paragraph 14.3, not 15.3.

The Committee received a deputation from Michael Wood on behalf of the land owner. Mr Wood highlighted that Point B on the plan finished on an area of foreshore, which is not accessible to the public and access would need to terminate at a public access point. Only those with permission can use the route at present.

During questions of the officer, it was stated how a sign saying “private road” implies that the restriction only extends to vehicles and not walkers and that the right of way could extend to the foreshore to allow people to see the view of the coastline.

RESOLVED:

a) It was agreed that a Definitive Map Modification Order be made to record a public footpath on the route between Points A-C, as shown on the Committee Plan.

b) It was agreed that the order records a width of 3 metres between A-B, a width of 2.5 metres between B-C, and a vehicle gate and gap at Point A.

Voting:

Favour: 12 (unanimous)

Councillors Hockley and Latham left the meeting (total remaining members = 10)

225. APPLICATION TO DEDICATE PUBLIC FOOTPATH RIGHTS IN WINCHESTER CITY AND APPLICATION TO EXTINGUISH FOOTPATH 6 IN WINCHESTER CITY

Councillor Huxstep advised the meeting that he was a Member of Winchester City Council.

The Committee considered a report from the Director of Culture, Communities and Business Services (Item 10 in the Minute Book) regarding an application to extinguish Footpath 6 in Winchester.

The officer introduced the item and showed the Committee photos of the current path, with a plan of the proposed new path. It was confirmed that the new route was more accessible and there would be no costs incurred by the County Council. The new route was 22 metres longer with no set recorded width and there had been no objections to the proposal.

RESOLVED:

- a) Authority was given for the County Council to enter into an agreement with Winchester City Council for the dedication of public footpath rights on the route between Points A, B and C (as shown on the accompanying plan), with a recorded width of 2 metres across the recreation ground and 1.2 metres on the steps / ramp.
- b) Following the dedication, it was agreed that an order be made extinguishing Winchester Footpath 6 between Points A and D, as shown on the accompanying plan.

Voting:

Favour: 10 (unanimous)

226. APPLICATION FOR A PUBLIC PATH EXTINGUISHMENT ORDER FOR PART OF FOOTPATH 41 AND PROPOSAL FOR THE DEDICATION OF PUBLIC FOOTPATH RIGHTS IN TITCHFIELD, FAREHAM

The Committee considered a report from the Director of Culture, Communities and Business Services (Item 11 in the Minute Book) regarding a public path extinguishment order for part of Footpath 41 in Titchfield, Fareham.

The officer introduced the item and confirmed that the application related to a long standing anomaly. The currently land owner had agreed to pay costs.

RESOLVED:

- a) Authority was given for the dedication by the County Council of public footpath rights on the route shown between Points C and D on the Committee Plan.

- b) Authority was given for the County Council to enter into an agreement with Mr Michael Smith for the dedication of public footpath rights on the route shown between B and D on the Committee Plan.
- c) It was agreed that an order be made extinguishing that part of Fareham Footpath 41 shown between Points A and B on the Committee Plan.

Voting:

Favour: 10 (unanimous)

Councillor R McIntosh
Chairman
Wednesday 10 February 2016