

AT A MEETING of the REGULATORY COMMITTEE of the HAMPSHIRE COUNTY COUNCIL held at The Castle, Winchester on 27 October 2010.

**PRESENT:**

Chairman:  
p Councillor R.C. McIntosh

Vice-Chairman  
p Councillor I. Beagley

Councillors:

p F.G. Allgood	p Mrs A. McEvoy
a Mrs C.A. Bailey	p E.J. Neal
a A. Broadhurst	p F. Pearce (for items 1 – 9)
p J.V. Bryant (for items 1 – 9)	p R. Price
p C. Carter	p Mrs J. Porter
p M.G. Cooper	p D. Simpson (for items 1 – 8)
p B.T. Gurden	p J. Wall
p G.M. Hockley	p J.K. West
p S. James (for items 1 – 7)	p Mrs S. Wheale
p A. Joy	

**157 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors C. Bailey and A. Broadhurst

**158 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.

**159 MINUTES**

The Minutes of the meeting of the Regulatory Committee held on 29 September 2010 were confirmed as a correct record and signed by the Chairman.

**160 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman confirmed that training had been arranged for Regulatory Members on Tuesday 2 November, 14:00 – CCRA (Rights of Way)

**161 DEPUTATIONS**

Members were reminded that they had approved a scheme which involved the amendment of Standing Order 21 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 twelve deputations had been received for this meeting.

**162 THE CONSTRUCTION OF AN ANAEROBIC DIGESTER INCLUDING LAGOONS, FEEDSTOCK HANDLING BUILDING AND GAS CONDITIONING UNIT ON THE EXISTING BRICKWORKS SITE AND ADJACENT LAND TO ENABLE THE PRODUCTION OF SUFFICIENT BIOMETHANE TO SUPPLY ALL THE ENERGY THAT THE BRICKWORKS REQUIRE, ALL VEHICLE MOVEMENTS ASSOCIATED WITH THE OPERATION OF THE AD PLANT WILL USE ACCESS ROAD ACROSS CHAPEL FARM FROM OAKHANGER LANE THAT HAS THE BENEFIT OF PLANNING PERMISSION AT THE SELBORNE BRICKWORKS, HONEY LANE, SELBORNE, ALTON, HAMPSHIRE GU34 3BS  
(APPLICATION NO: 20661/045)  
(SITE REFERENCE: EH015)**

The Committee considered the report of the Head of Planning and Development (Item 6 in the Minute Book) summarising a proposal to construct an Anaerobic Digester (AD) including lagoons, feedstock handling building and gas conditioning unit on the existing brickworks site and adjacent land to enable the production of biomethane.

The Head of Planning and Development confirmed that the application replaced a previous application and that the revised version included use of the haul road rather than the local highway (Roman Road/Latchford Lane) to gain access to the application site. Updates to the recommendation and report title were circulated to Members of the Committee.

Members were informed that a similar Anaerobic Digester site had opened in Suffolk on a similar scale to the one proposed and no problems had been encountered.

The Committee received deputations from Mr Pelham Ravenscroft, Mr Richard Hewitt, Mr Brian Davey and Mr Nick Stewart, who shared their concerns about the application. It was felt that the brickworks was an unsuitable location for the anaerobic digester and there were concerns about smell, noise and intrusion to nearby neighbours. Mr Hewitt also stated that the site had not been identified in the County Plan and didn't anticipate the kilns producing enough heat to sustain the lagoons. Mr Hewitt also felt that there were procedural errors with the application and that policy DC13 stated that the anaerobic digester could not go on a restored mineral and waste site.

The applicant confirmed that gas was expensive and the anaerobic digester would assist with the production of bricks. It would also save 30,000 tons of CO<sub>2</sub> and enable them to produce low carbon bricks. It was confirmed that there was no risk of smell leaking from lagoons unless an electric pump was to fail, but this could be rectified quickly. The access road incorporated into the application would be upgraded and improved and highway access implemented according to County Council guidance.

County Councillors Carew and Kemp-Gee spoke to the Committee enforcing the concerns raised by the local residents. Cllr Carew also shared concerns over possible water pollution and harm to the countryside and South Downs National Park. Cllr Kemp Gee confirmed to the Committee that he sat on the liaison panel and there were concerns over traffic and lorries after experiences during the landfill on the site.

The Committee asked questions of the deputees and the applicant confirmed that the 30,000 saving in CO<sub>2</sub> did not include lorry movements, although taking this into account would increase the saving as they currently drove a further distance into Southampton. The applicant also confirmed that the haul road was currently only suitable for 4x4 vehicles and would be improved. When asked how the lagoons would be heated when the kilns were not operational, it was confirmed that they would only be heated by the kilns, which would be producing heat twenty-four hours a day all year round.

When questioning the officer, Members enquired as to the issue brought up regarding DC13. The Head of Planning and Development confirmed that part of the site was not on previously developed land, and also that Members were allowed to bear in mind other material considerations – benefits of renewable energy and the linkage with the brickworks to justify departing from this policy. The Head of Planning and Development also confirmed that the application did not trigger the Environment Impact Assessment Regulations due to the smaller scale nature of the site.

The Committee learned that a cap of 110 tonnes a day had been placed on materials (both manure and food waste) coming into the site to limit lorry movements and the operating hours were thought to be acceptable.

The noise levels tested were also thought to be acceptable by the Environmental Health Officer. It was unknown whether material would be arriving from abattoirs, but all material would be sealed during transit so would not give off any odour.

Members queried the propane gas bottles that were stored close to the road and whether any checks had been done with regards to health and safety. The officer confirmed that as bottled gas was common on industrial sites and not a large amount would be stored the Fire & Rescue Officer had not been consulted.

Members wished to receive further information on traffic, health and safety, amenity issues amongst other matters and proposed that the item be deferred pending further information. This was put to the vote:

RESOLVED:

- i) That the item be deferred to provide further information on the issues raised in the Members questions

Voting:

In favour of deferment: 10

Against deferment: 9

**163 CONTINUED USE OF LAND FOR RECYCLING AND STORAGE OF INERT EXCAVATION MATERIALS AT TILE BARN FARM, UPTON GREY, BASINGSTOKE RG25 2RS (APPLICATION NO: BA166BDB) (SITE REF: 72278)**

The Committee considered the report of the Head of Planning and Development (Item 7 in the Minute Book) in respect of an application for continued use of land for recycling and storage of inert excavation materials at Tile Barn Farm.

Members visited the site on the 11 October and were able to drive along the road that was used by the site. The Highway Authority s objected to the application as the single track road and junction were unsuitable for larger vehicles and there were no passing points. During the presentation the officer confirmed that the applicant had been reluctant to add passing points along the narrow road as this would effect the character of the road.

The Committee received a deputation from the applicant, David Janaway, who stated that although there had not been problems with vehicles using the road in fifteen years, he would provide passing places along the road.

The Head of Highways Development Planning advised the Committee that although passing points would benefit the application, there was still an issue with a substandard junction close to the site and that the objections from the Borough and Parish Councils related to this.

RESOLVED:

- i) That the item be deferred to provide further information on the issues raised in the Members questions.

Voting:

Favour: 11  
Against: 7  
Abstained: 1

***Councillor James left the meeting.***

**164 REVISED CONSOLIDATION APPLICATION FOR DEPOT, RECYCLING, CONCRETE PLANT AND OFFICES AT LEE LANE, NURSLING (APPLICATION NO: 10/02266/CMAS) (SITE REF: TV055)**

The Committee considered the report of the Head of Planning and Development (Item 8 in the Minute Book) which detailed a proposal for the mixed use of the site at Lee Lane for an aggregates depot and construction waste recycling facility with ancillary offices, workshop storage and concrete mixing/block manufacture.

The Head of Planning and Development confirmed that the application replaced the one that came to Committee in July and subsequently withdrawn. The current application proposed a 06:30 start as opposed to the 07:00 agreed by Committee on the previous application so the applicant could service customer sites before the morning rush hour. This would include a maximum of six lorry movements between 6:30 and 7:00. The applicant also proposed the tonnage throughout would be reduced from 110,000 tonnes per year as proposed in the earlier application to 75,000 tonnes.

The Committee received deputations from Mr Les Stephens and Ms Elizabeth Allen (local residents) who told the Committee how they felt 06:30 was too early a time to start work in the morning and the inconvenience it would cause to local residents who lived along Lee Lane. There was also concern over the dust and invasion of the undergrowth and also the speed of the vehicles travelling along the road. The Committee heard from Steve Cole, the applicant, who confirmed that the lorry movements would be limited to a maximum of six before 07:00 as stated by the officer.

The Committees raised questions as to whether the 07:00 start could be added as a condition to the recommendations and the Legal Officer confirmed that Members could determine the application with conditions as were appropriate. The Committee were also reminded that the site had a Certificate of Lawful Use (CLU) and if the application were to be refused

then Hampshire County Council would no longer have any control over the site and the hours of operation. It was also advised that as part of the application, safety measures would be installed along the road, including limiting the speed limit to 30mph, build outs, and kerbing to further restrict the speed of vehicles. The applicant had agreed to contribute £14,000 towards these works, which would total £20,000. Some of these works could be instigated immediately.

The Committee took a vote on adding a condition to the recommendations, which would only allow the site to start work at 7:00, but this was not successful, with a majority voting against this. Subsequently, the original recommendation was put to the Committee.

RESOLVED:

- i. That, subject to a legal agreement to replace the Certificate of Lawful Use and previous planning permissions at the site and financial contribution of £14,000 to provide highway mitigation measures, planning permission for consolidations for continued use of site for mixed development at Lee Lane, Nursling (Application No. 10/00926/CMAS), be granted subject to the planning conditions in Integral Appendix B.

Voting:

Favour: 10

Against: 8

***Councillor Simpson left the meeting***

**165 VARIATION OF CONDITIONS 13 AND 24 OF PLANNING PERMISSION 07/01429/CMA (SITE LAYOUT AND HEIGHT OF STOCKPILES) AT THE WASTE CENTRE, YOKESFORD HILL INDUSTRIAL CENTRE, BELBINS, ROMSEY, HAMPSHIRE SO51 0PF (APPLICATION NO: 10/01992/CMAS) (SITE REF: TV236)**

The Committee considered the report of the Head of Planning and Development (Item 9 in the Minute Book) detailing retrospective planning permission to vary condition No's 13 and 24 concerning the site layout and height of stockpiles at the Waste Centre, Yokeford Hill Industrial Estate.

The Head of Planning and Development introduced the item and explained that a problem with controlling stock pile heights had arisen as a result of uneven ground within the site and also more material needing to be stored than originally estimated. It was proposed that this would be overcome by using the existing approved parking areas, and introducing a height limit equivalent to the eaves of the main building. At this level the stock piles would not be so intrusive. .

The Committee received a deputation from the applicant, Mr Philip Liddell, who summarised the improvements that have taken place on the site over the past few years and how the site has become a reliable employer for local people. The greater stockpiles had also reduced the number of traffic movements.

RESOLVED:

- i. That planning permission for variations of conditions 13 and 24 of planning permission 07/01429/CMA (Site Layout and Height of Stockpiles) at the Waste Centre, Yokeford Hill Industrial Estate, Belbins, Romsey, Hampshire SO51 0PF (Appliation No: 10/01992/CMAS) (Site Ref: TV236) be granted, subject to the conditions specified in this report.
- ii. That enforcement action be authorised to reduce stockpiles to the levels hereby granted.

Voting:

Favour: 17 (unanimous)

***Councillors Pearce and Bryant left the meeting.***

**166 APPLICATION FOR A PUBLIC PATH DIVERSION ORDER FOR PART OF FOOTPATH NO. 11 IN THE PARISH OF BOTLEY**

The Committee considered the report of the Director of Culture, Communities and Rural Affairs (Item 10 in the Minute Book) which detailed an application to divert part of Footpath No. 11 in the Parish of Botley so that landowner can make better use of the land for domestic purposes.

The Countryside Access Development Officer confirmed to the Committee that no objections had been received and the applicant had agreed for the proposed route to be 2.5mtrs in width as opposed to 2.2mtrs. It has also been agreed that the applicant would refurbish the kissing gate at point C if the application was to be successful.

The Committee enquired as to the costs and it was confirmed that all costs would fall with the applicant. The Countryside Access Development Officer also stated that the buildings at Point B in the place were farm buildings, not residential and that the new route would be fenced along this path.

RESOLVED:

- i) That an Order be made for the permanent diversion of this part of Botley footpath No. 11 from A-C to A-B-Cas shown on the attached plan.

Voting:

Favour: 12

Against: 3

**167 APPLICATION FOR A PUBLIC PATH DIVERSION ORDER FOR PART OF FOOTPATH NO. 3 IN THE PARISH OF ROMSEY EXTRA**

The Committee received the report of the Director of Culture, Communities and Rural Affairs (Item 11 in the Minute Book) with an application to temporarily divert part of Romsey Extra Footpath No. 3 for a period of ten years to allow for mineral extraction on the site for which planning permission has been granted.

The Countryside Access Development Officer presented the item to the Committee with plans showing a layout of the area and confirmed that this temporary diversion was to happen whilst mineral extraction took place on the land. Members enquired as to whether the recommendation could be changed to 'up to' 10 years in case the extraction was completed sooner, it was agreed that the Order could be made for a period of 10 years or until the cessation of works on the site.

**RESOLVED:**

- i. That an Order is made diverting part of Romsey Extra Footpath No.3 from the current definitive aligning to the proposed alignment for a period of ten years, or until mineral extraction has been completed, as determined by the County Council.

Voting:

Favour: 15 (unanimous)