

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY  
COUNCIL held at the castle, Winchester on Wednesday, 14th November, 2018

Chairman:

\* Councillor Peter Latham

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|---------------------------------|----------------------------------|
| * Councillor Judith Grajewski   | * Councillor Russell Oppenheimer |
| * Councillor Christopher Carter | * Councillor Stephen Philpott    |
| * Councillor Mark Cooper        | * Councillor Roger Price         |
| * Councillor Rod Cooper         | * Councillor Lance Quantrill     |
| Councillor Roland Dibbs         | * Councillor David Simpson       |
| * Councillor Jane Frankum       | * Councillor Wayne Irish         |
| * Councillor Marge Harvey       |                                  |
| Councillor Keith House          |                                  |
| * Councillor Gary Hughes        |                                  |
| * Councillor Alexis McEvoy      |                                  |

\*Present

**79. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Dibbs and Councillor House. Councillor Irish attended as a deputy for Councillor House.

**80. DECLARATIONS 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.

**81. MINUTES OF PREVIOUS MEETING**

The minutes of the last meeting were reviewed and agreed.

**82. DEPUTATIONS**

It was confirmed that there were four deputations at the meeting.

83. **CHAIRMAN'S ANNOUNCEMENTS**

Committee were informed that another Site Visit tour would be arranged for the New Year, which would cover the north of the County.

84. **APPLICATION FOR A MAP MODIFICATION ORDER TO RECORD A BYWAY OPEN TO ALL TRAFFIC IN THE PARISH OF SWALLOWFIELD, AND A RESTRICTED BYWAY IN THE PARISH OF BRAMSHILL**

The Committee considered a report from the Director of Culture, Communities and Rural Affairs regarding an application for a Map Modification order in the Parishes of Swallowfield and Bramshill.

The officer introduced the item and gave Members an overview of the history behind the application, which was supported by relevant location plans and elevation photos looking along the routes marked in the plans. A historical sale plan from 1952 had also been provided, which showed the route in question being excluded as part of a land sale, which was thought to be due to it being a public path, separate to the surrounding estate.

The routes in both County areas were being taken by Hampshire County Council, and it was explained that the route had existed for a very long time. The widths had to be recorded as accurately as possible, and the earliest and most reliable source was that of Ordnance Survey mapping from the late 19<sup>th</sup> century. Evidence of use dating back to the 1960s was also discussed, with the majority of access being on horseback. It was confirmed that the width listed in the recommendations should be 13.7 metres, as opposed to 13 metres.

There were four deputations for this item. Nicola Greenwood, Amanda Smith and Richard Smith all spoke in favour of the application as regular users of the routes. Hugh Craddock also spoke in support of the application on behalf of the British Horse Society. Mr Craddock confirmed that he had in the past been warned that the ford was not suitable to be crossed in a vehicle, but had never been denied access.

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

- The entire route (A-D) had been used by both Nicola Greenwood and Amanda Smith for many years
- Vehicles had never been encountered on the route, but one had previously been witnessed being towed away.

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

- A fence had been erected along one section of the route, and the historical width recorded may affect the alignment of the fence, but no other alterations were anticipated.
- The test for making an order was whether it could be 'reasonably alleged' that the route was public. Upon the making of the order it would be

publicised and could be objected to, which would require it to be referred to the Secretary of State for decision.

- The width was something that had to be recorded accurately using evidence and not something that could be negotiated.

Members agreed that there appeared to be sufficient evidence to support the order being made, and that an Advisory be added to the decision made for Traffic Regulation Order be established by Wokingham Parish Council restricting vehicle access across the ford.

**RESOLVED:**

- a. Authority was given for the making of a Definitive Map Modification Order to record a byway open to all traffic varying between 7.9 and 13.7 metres in width, on the route shown between A – B on the location map.
- b. Authority was given for the making of a Definitive Map Modification Order to record a restricted byway varying between 7.7 and 13.7 metres in width, on the route shown between B – D on the location map.

**Voting:**

Favour: 14

Abstention: 1

**85. COUNTY COUNCIL CONSULTATION RESPONSES - SHALE GAS**

The Committee received a report from the Head of Strategic Planning regarding the County Councils' response to recent consultations.

The officer summarised the report which had been received with significant public interest. Full Council had previously considered a motion relating to the consultations in September 2018. As part of its response, Hampshire County Council has reiterated a plea to central government to be kept better informed regarding further consultations and government announcements relating to shale gas development going forward, so the County Council is better informed to respond to public enquiries.

Whilst it was acknowledged that it would have been ideal to seek opinions from the Regulatory Committee before a response was submitted, the timings had made this difficult but discussion had taken place with Councillor Latham as Chairman of the Regulatory Committee, and also Councillor Humby as the Executive Member for Environment and Transport.

The Committee would be updated on any future developments.

**RESOLVED**

- a) The Committee noted the content of the response to the consultation on proposed changes to permitted development rights for non-hydraulic shale gas exploration
- b) The Committee noted the contents of the response to the consultation to proposed criteria to trigger the inclusion of shale gas production projects

into the Nationally Significant Infrastructure Projects regime.

86. **MONITORING AND ENFORCEMENT UPDATE**

The Committee received a report from the Director of Economy, Transport and Environment, which updated Members on monitoring and enforcement work undertaken by Strategic Planning during July 2018 – October 2018.

It was confirmed that Hampshire County Council sends a representative along to liaison panel meetings if possible, but if not, then a written report was provided instead.

It was reported that Newlands Farm was in the process of clearing existing stock on the site, but it was confirmed that the activity on the site would be investigated further to check that no further material was being brought onto the site.

RESOLVED:

The contents of the report were noted by Committee.

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Chairman,