

NOTICE OF MEETING

Meeting	Regulatory Committee
Date and Time	Wednesday, 15th May, 2019 at 10.00 am
Place	Ashburton Hall, The Castle, Winchester, SO23 8UJ
Enquiries to	members.services@hants.gov.uk

John Coughlan CBE
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast live on the County Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Filming Protocol available on the County Council's website.

AGENDA

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence received.

2. DECLARATIONS OF INTEREST

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest 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 is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Non-Pecuniary interest in a matter being considered at the meeting should consider whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

3. MINUTES OF PREVIOUS MEETING (Pages 3 - 10)

To confirm the minutes of the previous meeting

4. DEPUTATIONS

To receive any deputations notified under Standing Order 12.

5. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

**6. SOUTHAMPTON TRANSFER STATION AND RECYCLING FACILITY
TOWER LANE EASTLEIGH (Pages 11 - 40)**

**7. NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS IN
HAMPSHIRE (Pages 41 - 50)**

To consider a report of the Director of Economy, Transport and Environment regarding the process for Nationally Significant Infrastructure Projects and the projects that are planned within Hampshire.

8. MONITORING AND ENFORCEMENT UPDATE (Pages 51 - 60)

To consider a report of the Director of Economy, Transport and Environment regarding information on the Monitoring and Enforcement work undertaken by Strategic Planning during the period February 2019 – April 2019.

9. SAFETY OF SPORTS GROUNDS POLICY DOCUMENT (Pages 61 - 86)

To consider a report from the Head of Emergency Planning and Resilience, which seeks Member approval for the Sports Grounds Policy and Strategy.

ABOUT THIS AGENDA:

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

ABOUT THIS MEETING:

The press and public are welcome to attend the public sessions of the meeting. If you have any particular requirements, for example if you require wheelchair access, please contact members.services@hants.gov.uk for assistance.

County Councillors attending as appointed members of this Committee or by virtue of Standing Order 18.5; or with the concurrence of the Chairman in connection with their duties as members of the Council or as a local County Councillor qualify for travelling expenses.

Agenda Item 3

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY
COUNCIL held at the castle, Winchester on Wednesday, 17th April, 2019

Chairman:

* Councillor Peter Latham

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

*Present

109. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Roger Price, Keith House and Jane Frankum. Councillors Wayne Irish and David Harrison attended as deputies on behalf of Councillor Price and Councillor House respectively.

110. 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.

111. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed.

112. DEPUTATIONS

It was confirmed that there were eight deputations for the meeting, which would have seven minutes each to address Committee.

113. CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements.

114. ROWNER ROAD BRIDGE, GOSPORT

*Revision to previously approved scheme for Eclipse BRT Busway including retention of Rowner Road Bridge and provision of shared use pedestrian/cyclist route at Former railway land north and at Rowner Road Bridge, Gosport (No. 19/00034/HCC3)
(Site Ref: GPH002)*

Councillor Philpott declared a personal interest by virtue of the scheme having previously been before Gosport District Council, but confirmed that he came to Committee with an open mind and would vote in accordance with the matter and issues as were now before the Committee.

The Committee considered a report from the Head of Strategic Planning (item 6 in the minute book) regarding an application to reapprove revisions to a scheme at Rowner Bridge in Gosport.

The Chairman gave a brief overview of the application, confirming that it had previously been to Committee, but that changes to the plans and the decision to now keep the bridge rather than demolish it, meant that it needed to be reapproved by Committee.

The officer showed Members a location plan and the bridge in the wider context of the road network. The proposed plans for the bridge were also shown, and it was noted that the new arrangements would allow cyclists to maintain on the route without having to cross the main road. Safety of the junction at the top of the ramp had been maintained with the proposed installation of barriers, which had been recommended by Highway Safety.

It was confirmed that several updates had been made to Conditions 2, 8 and 10, and these had been circulated in an update report, along with the information regarding a further representation received from a local resident.

The Committee received three deputations on this item. Paul Martin addressed Members on behalf of Cycle Gosport. He spoke in favour of keeping the bridge, but raised concerns regarding the shared space and the omission of a path on the eastern side. Jim Morey spoke on behalf of Gosport Access Group and Disability Forum. Whilst he also spoke in support of the bridge, he emphasised the importance of having enough space along the path for people to pass each other with pushchairs and wheelchairs. He also felt the crossing further along Rowner Road was dangerous for people to share.

Sarah Lister and Paul Johnson addressed Committee on behalf of the applicant. The background to the application was explained and it was confirmed that there had been insufficient space on the eastern side for a suitable path. The new proposals would benefit 95-96% of current users and there was potential to further improve in future should funding become available.

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

- The path will have the same line as the current path in place and it will not be removed
- Signs along the path show which side is for cyclists and which for pedestrians.

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

- Highways have raised no objections regarding the speed limit, and issues raised through the safety audit have been addressed.
- Highways always look at the accident history of the area when considering applications.

In debate, Members acknowledged the concerns of users, but were confident that any remaining issues could be addressed during the final stages of the design and implementation.

Councillor Carter said that he was happy to work alongside Cycle Gosport and the Access Group through his role as the Road Safety Chairman.

As a local Member, Councillor Stephen Philpott thought the scheme would be of great benefit to the local community and felt confident that there would be no personal safety issues for users as a result.

Committee agreed that an advice note should be attached recommending that a further highway review be carried out by officers after installation to monitor whether there were any issues.

RESOLVED:

Planning permission was GRANTED subject to conditions listed in integral appendix B and amended Conditions listed in the update paper.

Voting

Favour: 15 (unanimous)

115. BLUE HAZE LANDFILL SITE, VERWOOD ROAD, SOMERLEY

1) Variation of conditions 1, 3 and 4 of planning permission 07/90183 to extend the time to complete the importation of waste to the landfill until 2029, revise the landfill phasing and phasing of restoration, and the completion of landfill restoration by 2031 (No. 19/10066)

2) Variation of condition 2 of planning permission 11/97613 to extend the time for the use of the Waste Transfer Station until 2030 (No. 19/10064)

3) Variation of condition 2 of planning permission 08/92516 to extend the time for the use of the landfill gas utilisation plant until March 2040 (No. 19/10063) at Blue Haze Landfill Site, Verwood Road Somerley BH24 3QE (Site Ref: NF105)

The Committee considered a report from the Head of Strategic Planning (item 7 in the minute book) regarding variations to conditions at Blue Haze landfill site in Somerley.

It was confirmed that there were three separate applications, which would be summarised and discussed as a whole, but voted on separately. It was also highlighted that there were some changes to conditions, which were detailed in the update paper.

Committee was shown aerial photos of the site and a site layout plan. The site mainly focussed on commercial waste, but some domestic and bulky waste was also processed. The additional and revised conditions proposed were summarised to the Committee which were detailed in the report.

The Committee received two deputations on this item. David Daughters; a local resident, acknowledged that well managed sites like Blue Haze retain gasses, which puts local residents at risk but some gases could be smelled from the site throughout the year. Mr Daughters also felt that the restoration should be prioritised in the area closest to residents first so there was an immediate benefit. It was questioned whether the hours of operation at weekends should be limited to just the transfer of waste rather than work on site, and if this could be clarified as part of the conditions.

Owen Dimond spoke on behalf of the application. He confirmed that landfill was still a requirement that would be needed in the medium term, although was lower down the waste hierarchy than before due to advances with recycling. Mr Dimond acknowledged that some management plans for older sites did need review and this would be looked into by the applicant.

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

- There were no statistics regarding health risks to support the concerns of local residents
- An open cell in use may omit gasses whilst in use
- The smell of gases differed in summer and winter
- The gases released weren't necessarily harmful and could vary, hence the different smells.
- It was not known whether the odour suppressor was 24/7
- The cells in the site were a particular size for operations but were covered temporarily if not in immediate use.

During questions of the officer, it was clarified that food waste did not go to landfill and was processed in other ways, but further steps for separation would be looked at with New Forest District Council. It was also clarified that the condition regarding work on Saturday would be replicated to reflect the original condition for the site.

In debate, it was noted that emissions and long term development was not a concern and Port Solent in Portsmouth was used as an example of this, part of which was constructed over a previous a reclaimed landfill area.

RESOLVED:

- a) It was agreed that the Head of Law and Governance be authorised to draw up a S106/Deed of Variation to transfer the Section 106 [S106] legal obligations relating to planning permission 07/90183, to secure:
- Lorry routing agreement restricting the use of Harbridge Drove and the B3081 northwards, except for local deliveries;
 - Management Agreement for Nature Conservation and the provision of footpaths/access for public recreation (including amendments to enhance the scheme of environmental compensation);
 - Off-site heathland works within Plumley Wood.

Provided that by no later than 30 September 2019 all parties enter into the S106/Deed of Variation with the County Council, then the Director of Economy, Transport and Environment be authorised to GRANT permission subject to the conditions listed in Integral Appendix B.

In event that the S106/Deed of Variation is not completed by 30 September 2019, it was agreed that the Director of Economy, Transport and Environment be authorised to refuse planning permission for that reason.

- b) Planning permission was granted for planning application 19/10064 subject to the updated conditions listed in integral Appendix C.
- c) Planning permission was granted for planning application 19/10063, subject to the updated conditions listed in integral Appendix D.
- d) That an advice note be attached recommending that a liaison panel be set up to ensure effective communications between the applicant and local residents.

Voting:

Recommendation a:

Favour: 14

Abstentions: 1

Recommendation b:

Favour: 14

Abstentions: 1

Recommendation c:

Favour: 14

Abstentions: 1

116. VEOLIA WASTE TRANSFER STATION, PORTSMOUTH ROAD, NETLEY

*Variation of condition 3 of planning permission S/11/68998 to amend the operating hours for the site until 23:00 on weekdays at Veolia WTS, Portsmouth Road, Netley Southampton SO31 8GD (No. CS/19/85002)
(Site Ref: EA027)*

The Committee considered a report from the Head of Strategic Planning (item 8 in the minute book) regarding an application to vary conditions at the Veolia Waste Transfer Site in Netley.

The Chairman summarised the history of the site, confirming that there were no current restrictions on vehicle movements or quantities going to and from the site. The officer introduced the application and the Committee was shown aerial photos of the site, depicting access and the surrounding road network. A wider working day would help keep vehicles off of the roads around peak travel times and enable them more flexibility when the roads are quieter. It was anticipated that it would equate to two vehicle movements per hour or average.

The Committee received two deputations on this item. Councillor Mark Garrett from Bursledon Parish Council spoke against the application on the grounds that it would have noise impacts for local residents and that there would also be a accumulative impact on traffic in other areas and/or at other times. Owen Dimond spoke on behalf of the applicant and reassured that it would be a beneficial change to those using the local roads, particularly with the number of new houses being constructed nearby. There would be no increase in the vehicle movements or amount of product transferred, it was simply about giving the vehicles a wider time frame in which to travel.

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

- Whilst there was potential for vehicle movements later in the evening, not all movements would be done at night and it was purely about having the flexibility to do so.
- The new houses being constructed in the area were granted planning permission in 2013;
- It was not known how many road users there were, but Portsmouth Road was the primary road in the road network near the site.
- It was anticipated that closing an hour early at 22:00 would have too much impact on the operations of the site.

There was debate amongst members as to whether 23:00 was too late and 22:00 would be more suitable, although it was acknowledged that 23:00 was the normal site closure time for similar operations. Councillor Harrison proposed a 22:00 closure and this was seconded by Councillor Irish. The proposed amendment to the conditions was then put to the vote:

To adjust the site closing time from 23:00 to 22:00 on weekdays

Favour: 9

Against: 3

Abstentions: 3

This amendment was approved, and the recommendation as amended was then put to the vote

RESOLVED:

Planning permission was GRANTED subject to the site closing at 22:00 on weekdays and updated conditions listed in integral appendix B

Voting:

Favour: 14

Against: 1

117. APPLICATION FOR REGISTRATION OF LAND KNOWN AS 'MONKS BROOK', EASTLEIGH

Application for registration of land known as 'Monks Brook', Eastleigh, as town or village green (Application No. VG 234)

Pursuant to a pecuniary interest Councillor Wayne Irish abstained from this item, left the chamber and was not present during the items discussion, debate or voting.

The Committee considered a report from The Director of Culture, Communities and Business Services regarding an application for a village green in Eastleigh.

The Chairman gave an overview of the application and its history, and it was confirmed that it had previously come to Committee who confirmed a decision to set up a non statutory public inquiry chaired by an independent expert (Morag Ellis QC) sitting as an inspector to resolve the complex evidential and legal issues arising from the application and objection.

The officer showed Committee various historical aerial photographs of the site over the years going back to 1989 and outlined the process and issues considered by the chair of the public inquiry. It was confirmed that no users of the site attended the inquiry.

The officer confirmed that the recommendation of the public enquiry to the committee was refusal of the application to have the land registered as town or village green as the applicant failed to satisfy the legal tests necessary to establish town and village green status over the land. In particular there was evidence of insufficient duration of use of the land as village green, as well as evidence of a significant interruption of the use.

RESOLVED:

The application to register land shown edged blue on the plan attached to the report at Appendix 1 as a town or village green, part of which lying within Hampshire only, was refused.

Voting:

Favour: 13

Abstentions: 2

118. APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER TO RECORD BYWAYS OPEN TO ALL TRAFFIC 19 & 47 AS BRIDLEWAYS. PARISH OF BURITON

Application for a Definitive Map Modification Order to record Byways Open to All Traffic (BOAT) 19 & 47 as bridleways. Parish of Buriton

The Committee considered a report from the Director of Culture, Communities and Business Services (item 10 in the minute book). It was confirmed that the main issues for determination centred around discovery of additional evidence and whether it was new and of sufficient substance to meet the legal tests.

The Committee received a deputation from Tricia Newby on behalf of Buriton Parish Council and there was question over the use of the word 'road' in historical documents, which the depute stated did not necessarily mean vehicular access like it would imply today. If it did have such access then it was felt that would have been maintained as a highway. It was also alleged by the depute that recently discovered Parish minutes from the 1930s were not considered as part of the evidence, which quoted it as a bridleway.

During questions of the deputation, the following was asserted:

- When evidence was gathered, the Parish minutes from the 1930s were not reviewed;
- A letter sent in from the Parish to the County Council in 1950 confirming the one of the routes was vehicular was done so in error, without having all the facts to hand;
- In the 1980's/1990's, there were no objections to both routes being reclassified from RUPPs to BOATs.

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

- It was considered that minutes dating from the 1930s had been considered as part of the evidence, as minutes dating from an earlier period had been referred to;
- Downgrading the routes could be appealed if not done for the correct reasons using case law and legislative framework;
- The minutes from the 1930s were not considered 'new' evidence as it was held that they had been readily available throughout investigations.

RESOLVED:

The application to record Byways Open to All Traffic (BOAT) 19 & 47 as bridleways was refused.

Voting:

Favour: 13

Against: 1

Abstentions: 1

119. SPORTS GROUND SAFETY (TO FOLLOW)

This item was deferred to a future meeting.

Chairman,

HAMPSHIRE COUNTY COUNCIL Decision Report

Decision Maker:	Regulatory Committee
Date:	15 May 2019
Title:	Variation of conditions 8, 11 & 16 of Planning permission S/16/78332 for the provision of external recyclate storage bays, asbestos storage, a second weighbridge and a relaxation to the restricted hours for waste delivery at Southampton Transfer Station and Recycling Facility, Tower Lane, Eastleigh SO50 6NZ (No. CS/19/85013) (Site Ref: EA111)
Report From:	Head of Strategic Planning

Contact name: Philip Millard

Tel: 01962 846496

Email: philip.millard@hants.gov.uk

Recommendation

1. That planning permission be GRANTED subject to the conditions listed in Appendix A.

Executive Summary

2. The planning application is for variation of conditions 8, 11 and 16 of Planning Permission S/16/78332 of the existing Southampton Transfer Station and Recycling Facility, Tower Lane, Eastleigh, SO50 6NZ. This is to allow the following development to occur:
 - The outside storage of waste including the installation of 6 new external waste storage bays;
 - An external storage container for asbestos;
 - Storage of waste in other buildings than just Link House and its canopy;
 - The installation of a second weighbridge; and
 - A change to the daily time period in which HGVs can move to and from the site without limit, increasing it from ending at 1800 to 2000 each evening.
3. This application is being considered by the Regulatory Committee as the local County Councillor has requested for the case to be determined by the Regulatory Committee.
4. Key issues raised are:
 - Consideration of the potential for amenity and health impacts due to reduction in timing limits of the HGV deliveries to and from the site;

- Suitability of storage of waste outside at the site and amenity impacts; and
 - Development supporting the growth of waste recycling in Hampshire.
5. A committee site visit by Members took place on Monday 8 April 2019 in advance of the proposal being considered by the Regulatory Committee.
 6. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
 7. The proposal is for the provision of external recycle storage bays, asbestos storage, a second weighbridge and a relaxation to the restricted hours for HGV movements to and from the site. There is no proposal to increase the tonnage of waste processed at the site beyond that previously permitted. The additional on-site facilities to provide external storage areas and install a second weighbridge help improve recycling capacity and can be accommodated without creating harm from visual appearance, noise or pollution and are considered to comply with policies Policy 25 (Sustainable Waste Management), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the HMWP (2013). The change to the permitted hours for HGV movements will provide the operator with greater flexibility and will not create unacceptable amenity issues or safety or capacity issues on the highway and is consistent with policies 10 (Protecting public health, safety and amenity) and Policy 12 (Managing traffic).

The Site

8. The 1.19 hectare site is located within the established Tower Industrial Estate, adjacent to the railway mainlines and sidings adjacent to Eastleigh Train Station. The site currently consists of 3 steel portal framed buildings and a concrete external yard. The site is bordered to the west and south by the former railways works, railway sidings and the railways mainlines.
9. Links House, the building to the north of the site and associated facilities for HGV parking, weighbridge and storage of wrapped waste under Links House's canopy were granted planning permission (PP S/16/78332) for the use as a waste transfer and sorting station in 2016 by HCC. This Biffa operation relocated to this site from their previous site at North Road, Marchwood, Southampton upon permission being granted. This is a large, clear spanning steel portal framed building with part brick and part profile steel cladding walls and a duo-pitch asbestos cement roof. The waste use for the site consists of waste sorting, recycling, processing and transfer facilities, for the processing of imported waste for two product groups. Firstly, a Material Recycling Facility [MRF] to produce separate products including wood, metal, glass, plastic, card and paper for export to manufacturers. Secondly, Refuse Derived Fuel [RDF] production including waste shredding and baling for export as a fuel for electricity generation.

10. The remainder of the site has permitted use as a transport depot, vehicle repair workshop and warehouse, under Eastleigh Borough Council [EBC] permissions granted between 1977 and 1980. The southern building is permitted for use as a transport depot under EBC planning permission Z/17104/5 dated 29 December 1980 and the central building is permitted for use as a workshop under EBC planning permission Z/17104/1 dated 20 January 1977.
11. The existing waste permission includes the following conditions:
 - Importation of a maximum of 90,000 tonnes per annum [tpa] of waste delivered to the site. The site currently does approximately 60,000 tpa;
 - The site employs 12 full time jobs and 16 part time jobs, working in shifts. It operates 24 hours a day, 7 days a week, including recognised bank holidays;
 - No HGVs associated with the waste operation hereby permitted shall enter or leave the site between the hours of 2300 and 0400;
 - A maximum of 20 HGV movements (to and from) associated with the waste operation hereby permitted shall enter or leave the site between the combined hours of 0400-0600 and 1800-2300 each day;
 - The only storage of waste or recycled materials on the site shall be inside the Link House building. The only exception being plastic wrapped RDF bales ready for export which can be stored under the open canopy to the south façade of Links House;
 - The doors to the Link House building are to be closed other than when access and operation requires;
 - All vehicles, plant and machinery associated with the waste operation within the site shall be maintained in accordance with the manufacturers' specification at all times, and shall be fitted with and use effective silencers and white noise reversing alarms; and
 - Should the development hereby permitted require any additional external lighting to the existing, then a lighting scheme is to be submitted to and approved by the Waste Planning Authority before installation of that lighting.
12. The site is accessed through the Tower Industrial Estate from Bishopstoke Road (B3037) down Chicken Hall Lane and then Tower Lane. The HGV routes to and from the site onto the Strategic Road Network are the A335, Southampton Road, south to Junction 5 of the M27, the A335, Romsey Road, west, to Junction 13 of the M3, or the A335, Twyford Road, north, to Junction 12 of the M3. All these routes travel through Eastleigh Town Centre past residential dwellings and are identified as 'Noise Important Areas' within the Southampton and Eastleigh Agglomeration, as well as the Eastleigh Air Quality Management Zone [AQMZ].
13. There are no footpaths crossing the site, and no statutory ecological, landscape or archaeological designations on the site or within its immediate surroundings.

14. The site has the following constraints in proximity to the site:
- Environmental Constraints:
 - Itchen River Special Areas of Conservation (SAC), 450m east;
 - Itchen River Site of Special Scientific Interest (SSSI), 450m east;
 - Marshy Grassland, Bishopstoke Site for Importance of Nature Conservation (SINC), 600m east;
 - Heritage assets:
 - Eastleigh Train Station, grade II listed, 390m north west;
 - Eastleigh Locomotive works, unlisted, 80m south-west;
 - Various unlisted assets associated with the railway depot on side streets to Bishopstoke Road; 300m north;
 - Residential Constraints:
 - The nearest residential properties are 0.3km to the west (the edge of Eastleigh town centre) and 0.4km south (Campbell Road).
 - Other constraints:
 - The Eastleigh Air Quality Management Zone [AQMZ];
 - 'Noise Important Areas' on the A335 Leigh Road, ref:2233, A335 Twyford Road Ref:2232, and A335 Southampton Road Ref:12654;
 - Chickenhall Waste Water Treatment Works, 600m south east;
 - Eastleigh Train Station, 390m north west; and
 - Southampton airport, 650m south west.

Planning History

15. The planning history of the site is as follows:

Application	Proposal	Decision	Date Issued
CS/18/84331	Variation of conditions 2, 8, 11 and 16 of planning permission S/16/78332 to increase the approved tonnage limit for imported wastes to 120,000 tonnes per annum, to reduce the evening hours restriction on vehicle movements and to replace approved plans with revised plans. Application for the provision of external recycle storage bays, asbestos storage, a second weighbridge and an increase in height of 2m to one site building	Withdrawn	19.12.18
CS/18/83108	Variation of Conditions 2, 11 and 16 of planning permission S/16/78332 to increase site throughput to 120,000 tonnes per annum and to allow the storage of materials in locations other than inside Link House or under the Link House canopy; the construction and use of material storage bays and a second weighbridge at the site	Withdrawn	24.05.18
S/16/78332	Change of use to a transport depot, vehicle repair workshop, warehousing (type B8	Granted	20.07.16

	and sui generis use) and a waste sorting, recycling, processing, storage and transfer facility (type B2)		
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The Proposal

16. The planning application is for variation of conditions 8, 11 and 16 of Planning Permission S/16/78332 of the existing Southampton Transfer Station and Recycling Facility, Tower Lane, Eastleigh, SO50 6NZ. This is to allow the following development to occur:

- The outside storage of waste including the installation of 6 new external waste storage bays;
- An external storage container for asbestos;
- Storage of waste in other buildings than just Link House and its canopy;
- The installation of a second weighbridge; and
- A change to the daily time period in which HGVs can move to and from the site without limit, increasing it from ending at 1800 to 2000 each evening.

17. Extract from the application Planning Statement:

'The site has been very successful and the recycling rates at the site are increasing. The site is currently accepting approximately 60,000 tonnes per annum. The planning permission for the site allows up to 90,000 tonnes of waste to be accepted at the site. This application does not include any proposals to increase the tonnage above that already permitted.'

As more waste is accepted at the site up to the approved 90,000 tonnes per annum, Biffa wish to separate out additional materials for recycling. Whilst planning permission S/16/78332 already allows the sorting, recycling, processing and transfer of wastes to take place on the site, the permission limits where on site processing and waste storage may take place. In order increase recycling rates, the site will need external storage for materials awaiting export. An additional weighbridge is also proposed to ease traffic congestion on and in the vicinity of the site as a result of queuing waste vehicles. Finally, permission is sought to reduce the hours during which vehicle movements to and from the site are restricted to offer service flexibility.'

18. This application therefore seeks the following variations to conditions:

To vary Condition 8 of planning permission S/16/78332 to reduce the hours in the evening when deliveries are restricted. The existing wording of Condition 8 is:

A maximum of 20 HGV movements (to and from) associated with the waste operation hereby permitted shall enter or leave the site between the combined hours of 0400-0600 and 1800-2300 each day.

Reason: In the interests of local amenity in accordance with Policy 10 (Protecting public health, safety and amenity).

The proposed wording of condition 8 is proposed to be:

A maximum of 20 HGV movements (to and from) associated with the waste operation hereby permitted shall enter or leave the site between the combined hours of 0400-0600 and 2000-2300.

To vary Condition 11 of planning permission S/16/78332 to allow the storage of wastes and recyclate on site other than only in Link House or under the Link House canopy to include storage in external storage bays. The existing wording of Condition 11 is:

The only storage of waste or recycled materials on the site shall be inside the building currently known as Link House. The only exception being plastic wrapped RDF bales ready for export which can be stored under the open canopy as shown on the Warehouse Plan Drawing DL/293/100 revision F. The doors to the building currently known as Link House are to be closed other than when access and operation requires.

Reason: To protect the amenities of the area in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

The proposed wording of condition 11 is proposed to be:

The only storage of unsorted waste and recyclate on the site shall be inside the northern building as shown on drawing number EL2/3. RDF, bales ready for export, recyclate and asbestos may only be stored inside the buildings and outside only in the designated areas shown on drawing number EL2/3. The doors to the buildings containing unsorted waste and recyclate are to be closed other than when access and operation requires.

To vary Condition 16 of planning permission S/16/78332 by removing a number of approved plans and replacing them with new plans. The existing wording of Condition 16 is:

The development hereby permitted shall be carried out in accordance with the following approved plans: **DL/293/050, DL/293/102 Rev D, DL/293/001 Rev B, DL/293/003 Rev A, DL/293/101 Rev B, DL/293/100 Rev F, DL/293/105 Rev B, Mini DBS Shelter Customer Drawing**

Reason: For the avoidance of doubt and in the interests of proper planning.

The revised wording of condition 16 is proposed to be:

The development hereby permitted shall only be carried out in accordance with the following approved plans: EL2/1 Site Location Plan, EL2/2 Existing

Layout, EL2/3 Proposed Layout and EL2/4 Proposed Storage Bays Elevations, DL/293/100 Rev F Proposed Warehouse Plan, DL/293/105 Rev B Proposed Process Flow and Mini DBS Shelter Customer Drawing.

19. All waste processing activities will continue to be carried out inside the northernmost building on the site. The only activities taking place outside will be the storage of baled RDF, the storage of sorted recyclate in dedicated 3 sided 4m high concrete bays prior to transfer off site and the storage of asbestos in a sealed container prior to transfer off site. The stored wastes will comprise glass, baled Refuse Derived Fuel [RDF], hardcore, wood, baled plastic, soil and bonded asbestos (in a sealed container). The remaining buildings will be used for the storage of plastics and fibre prior to export as shown on the submitted Proposed Layout Plan (drawing EL 2/3 rev 2).
20. The site holds an Environmental Permit from the Environment Agency [EA] that incorporates the external storage of waste at the site, and storage of asbestos is also covered by ES permit.
21. This proposal does not include an increase in traffic movements to or from the site, nor does it look to increase the existing, conditioned 90,000 tpa of waste importation to the site. The application's supporting statement states in paragraph 7.3 that the development does not include any new external lighting.
22. The proposed development has been assessed under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#); 10(a) - Urban development projects and 11(b) Installations for the disposal of waste and does not require an Environmental Impact Assessment.

Development Plan and Guidance

23. The following plans and associated policies are considered to be relevant to the proposal:

National Planning Policy Framework (2019) (NPPF)

The following paragraphs are relevant to this proposal:

- Paragraph 11: Presumption in favour of sustainable development;
- Paragraph 80: Support of sustainable economic growth;
- Paragraph 102-103: Sustainable transport;
- Paragraph 107: adequate overnight lorry parking;
- Paragraph 110: transport context;
- Paragraph 111: travel plans;
- Paragraph 127-131: ensuring quality developments; and
- Paragraph 170: Contributions and enhancement of natural and local environment.

National Planning Policy for Waste (2014) (NPPW)

The following paragraphs are relevant to the proposal:

- Paragraph 1: Delivery of sustainable development and resource efficiency; and
- Paragraph 7: Determining planning applications.

National Waste Planning Practice Guidance (NWPPG) (last updated 15/04/2015)

The following paragraphs are relevant to the proposal:

- Paragraph 007 (Self-sufficiency and proximity principle);
- Paragraph 0046 (Need); and
- Paragraph 0050: (Planning and regulation).

Department For Transport [DFT] Circular

- **Public Safety Zones** - This site, or part of this site, lies within the Public Safety Zone. Therefore DFT Circular 1/2010 '[Control of Development in Airport Public Safety Zones](#)' is a material consideration.

Hampshire Minerals & Waste Plan (2013) (HMWP)

The following policies are relevant to this proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 2 (Climate change – mitigation and adaptation);
- Policy 3 (Protection of habitats and species);
- Policy 7 (Conserving the historic environment and heritage assets);
- Policy 10 (Protecting public health, safety and amenity);
- Policy 11 (Flood risk and prevention);
- Policy 12 (Managing traffic);
- Policy 13 (High-quality design of minerals and waste development);
- Policy 25 (Sustainable waste management);
- Policy 26 (Safeguarding - waste infrastructure);
- Policy 27 (Capacity for waste management development);
- Policy 29 (Locations and sites for waste management); and
- Policy 33 (Hazardous and low-level radioactive waste).

Eastleigh Borough Local Plan (2006) [EBLP (2006)]

The following policies are relevant to this proposal:

- Policy 34.ES (Energy and Climate Change);
- Policy 36.ES (Lighting);
- Policy 37.ES (Energy and water consumption);
- Policy 59.BE (Development in the built environment);

- Policy 61.BE (Homezones);
- Policy 69.BE (Southampton international airport public safety zone);
- Policy 100.T (Transport and new development);
- Policy 101.T (RTRA targets for the Borough of Eastleigh);
- Policy 118.E (Existing employment sites).

Consultations

24. **County Councillor Clarke:** Has objection due to public concern for the impact of the extended hours for HGV movements with respect to noise and air quality.
25. **Eastleigh Borough Council:** Has no objection.
26. **Eastleigh Borough Council Environmental Health Officer (EHO):** No objection but highlights concerns about the levels of noise from HGVs at evening and night from residents on A335, Romsey Road.
27. **Environment Agency:** Has no objection.
28. **Local Highway Authority:** Has no objection subject to the retention of Condition 2 (Tonnage) from the existing permission.
29. **Lead Local Flood Authority (LLFA):** Was notified.
30. **Planning Policy (HCC):** Has no objection.
31. **Public Health (HCC):** Was notified.
32. **Southampton Airport Safeguarding:** Has no objection subject to a condition to submit a Bird Hazard Management Plan and accordance with guidance and policy for development in proximity to a civil airport.
33. **National Air Traffic Services (NATS):** Has no objection.

Representations

34. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
35. In complying with the requirements of the SCI, Hampshire County Council:
 - Published a notice of the application in the [Hampshire Independent](#);
 - Placed notices of the application at the application site and local area;
 - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
 - Notified by letter 75 properties within the vicinity of the site.

36. As of 16 April 2019, 1 representation to the proposal has been received that raises concerns related to the following areas:

- Poor site access via Chickenhall Lane;
- Additional traffic generation caused by this development causing additional congestion on Chickenhall Lane;
- Increase in risks to highway safety on Chickenhall Lane for cars, cyclists and pedestrians; and
- The inadequate mini-roundabout at the Chickenhall Lane and Bishopstoke Road junction.

37. The above issues will be addressed within the following commentary.

Habitats Regulation Assessment [HRA]

38. The [Conservation of Species and Habitats Regulations 2017](#) (otherwise known as the 'Habitats Regulations') transpose European Directives into UK law.

39. In accordance with the Habitats Regulations, Hampshire County Council (as a 'competent authority') must undertake a formal assessment of the implications of any new projects it might be granting planning permission for e.g. proposals that may be capable of affecting the qualifying interest features of the following European designated sites:

- Special Protection Areas [SPAs];
- Special Areas of Conservation [SACs]; and
- RAMSARs.

40. Collectively this assessment is described as 'Habitats Regulations Assessment' [HRA]. The HRA will need to be carried out unless the project is wholly connected with or necessary to the conservation management of such sites' qualifying features.

41. The HRA screening hereby carried out by the WPA considers the proposed development to have **no likely significant effect** on the identified European designated sites due to:

- The proposed development is not considered to have any functional impact pathways connecting the proposed works with any European designated sites; and
- The proposal does not have any significant increase on any adverse impacts the wider waste site may have.

Commentary

Principle of the development

42. The NPPF (2019) includes an overarching ‘presumption in favour of sustainable development’ which means ‘approving development proposals that accord with the development plan without delay’. It is therefore important that the development proposed is demonstrated to be considered sustainable at its core. The presumption in the NPPF (2019) allows for only refusing permission where adverse impacts clearly outweigh the benefits, or NPPF (2019) policies indicate developments should be restricted. This is translated into the adopted Hampshire Minerals and Waste Plan [HMWP] (2013) through Policy 1 (Sustainable minerals and waste development), which states that the Hampshire Authorities will take a positive approach to minerals and waste development that reflects the presumption in favour of sustainable development contained in the NPPF (2019).
43. Policy 25 (Sustainable Waste Management) states that all waste development should encourage waste to be managed at the highest achievable level within the waste hierarchy and reduce the amount of residual waste being sent to landfill.
44. Policy 25 seeks provision to manage non-hazardous to waste arisings with an expectation of achieving at least 60% recycling and 95% diversion from landfill by 2020.
45. The supporting planning statement states that the site enables, “maximum amount of recycling to be achieved and diversion of non-recyclable wastes as RDF for energy recovery”. This supports the objectives of Policy 25 but also those of Policy 1 (Sustainable minerals and waste development).
46. Hampshire needs to continue its waste processing in order keep up with the demand generated by an increasing population and to drive waste up the waste hierarchy. Policy 27 (Capacity for waste management development) states that proposals will be supported where they maintain and provide additional capacity for non-hazardous waste recycling and recovery through the use of existing and extensions to suitable waste management sites.
47. Policy 29 (Locations and sites for waste management) supports development to provide recycling, recovery and/or treatment of waste on suitable sites in the urban areas of south Hampshire. Sites in this location are considered suitable where they are part of an existing industrial estate, such as is the case for this proposal.
48. The consultation response from the Hampshire Waste Authority team raises no objection to the development and it is considered to be in accordance with Policies 25, 27 and 29 of the HMWP (2013).

Proximity to Southampton Airport

49. The site is located within the Southampton Airport safeguarding zone and the Public Safety zone surrounding the airport. The consultation response from Southampton Airport raises no objection subject to a condition to submit a Bird Hazard Management Plan in accordance with guidance and policy for development in proximity to a civil airport. This is necessary to ensure the recycling facility is managed in a way that minimises its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.
50. The response states that the submitted Bird Hazard Management Plan shall include details of:
 - An auditable record of all BHMP information to be maintained detailing: dates, times and description of monitoring carried out, species and number of birds recorded, control effort provided and the results of any control; and
 - Provision for the aerodrome to inspect the records and undertake visits (without notice) to the site (where necessary).
51. The application site, or part of this site, lies within the Public Safety Zone for the airport. The airport's consultation response refers to [DFT Circular 1/2010 'Control of Development in Airport Public Safety Zones'](#).
52. Policy 69.BE (Southampton international airport public safety zone) of the EBCLP (2011) states that development proposals which increase working population within the public safety zone will not be permitted. In this case there is no material change to the working population on this site.
53. The response recognises that the nature of the proposed development means it is possible that tall construction equipment may be required during its construction. The applicant's attention is drawn to the requirement within the British Standard 'Code of practice for safe use of cranes' for crane operators to consult the aerodrome before erecting a crane or tall equipment in close proximity to an aerodrome. This is explained further in [Advice Note 4, 'Cranes and Other Construction Issues'](#).

Asbestos Transfer and Storage

54. Policy 33 (Hazardous and low level radioactive waste development) of the HMWP (2013) states that developments to provide sufficient capacity to deal with hazardous waste will be supported subject to there being no acceptable alternative form of waste management further up the waste hierarchy that can be made available, or is being planned closer to the source of the residues and that it will contribute to the management of hazardous waste that arises in Hampshire (accepting cross-boundary flows).
55. The proposal includes the importation, storage and transfer of bonded asbestos, such as asbestos concrete panels and floor tiles. It is not

proposed to process this waste on the site. Bonded asbestos is hazardous waste, non-friable, in that it cannot be crumbled into dust in the hand and so it is less prone to becoming airborne. The waste legislation and relevant rules fall under the Environment Agency. It is therefore taken that the site operator will obtain the relevant permits and follow acceptable practice in the handling and storage of this hazardous waste prior to receiving any at the site.

56. The asbestos waste is to be stored in a sealed container designed for the purpose. It will then be stored until exported off site for processing. Further drainage information was provided by the applicant to demonstrate that the storage of asbestos at the site does not pose an additional risk in a flood event.
57. It is considered that there is not an acceptable alternative form of waste management for asbestos further up the waste hierarchy than what is proposed, and that this site is considered satisfactorily close to source as to be in accordance with Policy 33 (Hazardous and low level radioactive waste development) of the HMWP (2013). It is considered that asbestos transfer and storage, carried out in accordance with the relevant Environmental Permitting and practice, will not generate any additional adverse impact to public health or safety in accordance with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013).

Highways and amenity; the impact of HGV timings

58. Policy 10 (Protecting public health, safety and amenity) of the HMWP requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development.
59. Policy 12 (Managing traffic) requires minerals and waste development to have a safe and suitable access to the highway network and where possible minimise the impact of its generated traffic through the use of alternative methods of transportation. It also requires highway improvements to mitigate any significant adverse effects on highway safety, pedestrian safety, highway capacity and environment and amenity.
60. This proposal does not seek an increase in the conditioned annual waste importation to the site, that is currently limited to 90,000 tonnes per annum (tpa). The supporting statement does state that the site is currently running at 60,000 tpa and the proposed development will aid the operation's full potential of 90,000 tpa.
61. The existing planning permission S/16/78332 does not condition the overall number of HGV movements to and from the site. It does include Condition 8 (HGV movement restrictions) that limited HGV movements in early mornings and evenings (0400-0600 and 1800-2300) and Condition 7 (No night-time

HGV movements) that states no HGVs shall enter or leave the site overnight (2300-0400). It should be noted that the site does operate 24 hours per day in a two-shift pattern.

62. The proposal seeks the following development that effects the highway and associated public amenity, the applicant's reasoning for the developments is also included:
- The addition of a second weigh bridge on the site.

The operator states that, due to rules applying to the exportation of waste, much of which leaves the country due to the current waste infrastructure in the UK, many of the HGVs departing the site need to sit on the existing weighbridge for up to 10 minutes each. This can cause queuing for delivery vehicles waiting to use the weigh bridge on the way into the site. Therefore, a second weigh bridge would alleviate queuing and allow improved HGV circulation on the site. This would also reduce the number of HGVs queuing for the site remotely on local roads, such as Chickenhall Lane. This would reduce the impact this operation has on this issue.

- A variation to condition 8 (HGV movement restrictions) of the existing PP S/16/78332 to reduce the daily time periods during which HGVs can enter or leave the site are restricted to a maximum of 20 movements to and from the site. It is proposed to reduce the time periods from 0400-0600 and 1800-2300 to 0400-0600 and 2000-2300 each day, thus providing an additional 2 hours of unrestricted movement.

The operator states that this will provide more flexibility for HGV access to and from the site. They confirm that the application does not seek to increase the permitted tonnage at the site and so there would be no overall increase in HGV movements over what could be achieved under the existing permission. The greater flexibility would increase HGVs likelihood of catching ferries from the local international ferry terminals and reduce the need for HGVs to park up overnight on local roads.

63. The Proposed Layout (drawing EL2/3) demonstrates that the addition of external storage bays and a second weighbridge retains sufficient space for safe access, turning, loading and unloading of HGVs.
64. The Highway Authority consultation response raises no objection subject to the retention of Condition 2 (Tonnage) from the existing planning permission. Eastleigh Borough Council raises no objection but does draw attention to the comments of its Environmental Health Officer [EHO].
65. The Eastleigh Borough Council EHO consultation response is for no objection but makes the following comments:
- No detailed vehicle routing information is included in the application;
 - Residential occupiers on the A335, Romsey Road (part of the Leigh Road western route to M3 Junction 13), raise concerns about the levels of noise from HGVs especially in the evenings and at night; and

- The EHO makes reference to the presence of 'Noise Important Areas'. There are three along the possible routes from the site, the A335 Leigh Road (ref. 2233) (western route to M3 Junction 13), the A335 Twyford Road (ref. 2232) (northern route to M3 Junction 12) and the A335 Southampton Road (ref. 12654) (southern route to M27 Junction 5).
66. Noise Important Areas are identified as the 1% highest noise exposed dwellings across the Southampton and Eastleigh Agglomeration.
 67. The site shares a single access route through the industrial estate from Tower Lane, onto Chickenhall Lane and then Bishopstoke Road with a number of other industrial uses. These roads are all recognised as congested with little or no capacity for additional movement. All routes from the industrial estates travel on A roads and pass dwellings in order to access the Strategic Road Network.
 68. These routes also all travel through the Eastleigh Air Quality Management Zone [AQMZ], a material consideration as to the air quality impacts of vehicles travelling to and from the site.
 69. In consideration of the potential for amenity and health impacts due to the proposed reduction in the restricted evening time period for HGV access to and from the site; the principle of a waste transfer station with a condition limit of waste importation of 90,000 tpa has already been established by the existing planning permission. Therefore, it is considered that the number of HGVs required to transport this mass of waste has already been accepted. The increase in the daytime period where there are no restrictions to HGV numbers is therefore likely to result in the same number of HGVs being more evenly distributed through the day. Therefore, the Highways Authority consider the proposal acceptable with no significant adverse impact to highway capacity or safety.
 70. The increase in the rate of HGVs in the evening, being proposed to be unrestricted until 2000, and the limit of 20 HGV movements, currently spread over 7 hours of restricted periods per day (3 movements per hour), to be spread over a proposed 5 hours of restricted periods per day (4 movements per hour) has some potential to cause additional amenity impacts. However, the change is not significant in terms of vehicle numbers and must be considered in the context of other users of the estate, many of which have unrestricted vehicle movements. The Eastleigh Borough Council EHO has no objection to the proposal and considers that it has no significant adverse impact on the public health and amenity of residents along the routes to and from the site, therefore, the proposal is considered to be in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the HMWP (2013).

Impact on amenity, health and pollution from on-site activity

71. Policy 10 (Protecting public health, safety and amenity) of the HMWP requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development.
72. National Planning Practice Guidance states that Planning Authorities should assume that other regulatory regimes will operate effectively rather than seek to control any processes, health and safety issues or emissions themselves where these are subject to approval under other regimes ([Paragraph 050 Reference ID: 28-050-20141016](#))
73. This proposal raises the issue of the suitability of storing waste outside at the site. The proposal is for the storage of waste in 6 no. 4m high storage bays, enclosed on three sides and open to the front and above. This is for the segregated storage of recyclables, comprising of glass, baled RDF, hardcore, wood, baled plastic and soil. There is also the external location of the sealed container for asbestos waste.
74. Health and pollution issues are regulated by the Environmental Agency through permitting. It is not considered that the storage and transfer of asbestos at the site has any significant pollution or health impacts. Any green or food waste would be residual and so it is not considered that the external storage of these waste types would cause any significant pollution, health or amenity issues. With respect to noise, it is considered that the proposed development would have no significant effect on the onsite activities and therefore not have a significant impact on the levels of noise generated by the site. With respect to wind-blown litter and dust, all waste processing is to continue to take place inside the Links House building. The full site has an existing hard concrete surface and the majority of waste types are considered to not cause significant dust issues. The exception being the hardcore and soil.
75. Bird Hazard management has been discussed already in the above section on the site proximity to Southampton Airport.
76. It is considered, to ensure dust and wind-blown litter does not become a significant issue from the external storage of waste, conditions should be added to provide a dust and litter management scheme for the site. This allows the proposal to be considered in accordance with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013) and Paragraphs 127-131 (Ensuring quality developments) of the NPPF (2019), in that the development will function well and add to the overall quality of the area (para 127.a) and to take the opportunities available for improving the character and quality of an area and the way it functions (para 130).

Visual impact and landscape

77. Policy 13 (High-quality design of minerals and waste development) of the HMWP (2013) requires that waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and Policy 10 (Protecting public health, safety and amenity) protects residents from significant adverse visual impact.
78. Policy 7 (Conserving the historic environment and heritage assets) requires minerals and waste development to protect and, wherever possible, enhance Hampshire's historic environment and heritage assets (designated and non-designated), including their settings unless it is demonstrated that the need for and benefits of the development decisively outweigh these interests.
79. The proposal is for 4m high external, open, storage containers. Having regard to the site location and context, it is considered that this height of container does not cause any adverse impact to the landscape setting of the site and the visual amenity of its neighbours or the setting of any nearby heritage assets.
80. It is considered that the proposals are consistent with the industrial appearance of the wider industrial estate and so are in accordance with Policies 7, 10 and 13 of the HMWP (2013), with the inclusion of a condition to provide a litter management scheme to ensure that the opportunity is taken to improve the character and quality of the area in accordance with paragraph 130 of the NPPF (2019).

Flooding and drainage

81. Policy 11 (Flood risk and prevention) relates to minerals and waste development in flood risk areas and sets criteria which developments should be consistent with relating to flood risk offsite, flood protection, flood resilience and resistance measures, design of drainage, net surface water run-off and Sustainable Drainage Systems.
82. The site is completely hard surfaced with a history of industrial use. There is no additional flood risk, subject to an appropriate condition relating to site drainage.

Conclusions

83. The proposal is for the provision of external recycle storage bays, asbestos storage, a second weighbridge and a relaxation to the restricted hours for HGV movements to and from the site. There is no proposal to increase the tonnage of waste processed at the site beyond that previously permitted. The additional on-site facilities to provide external storage areas and install a second weighbridge help improve recycling capacity and can be accommodated without creating harm from visual appearance, noise or

pollution and are considered to comply with policies Policy 25 (Sustainable Waste Management), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the HMWP (2013). The change to the permitted hours for HGV movements will provide the operator with greater flexibility and will not create unacceptable amenity issues or safety or capacity issues on the highway and is consistent with policies 10 (Protecting public health, safety and amenity) and Policy 12 (Managing traffic).

Recommendation

84. That planning permission be GRANTED subject to the conditions listed in Appendix A.

Appendices:

Appendix A – Conditions

Appendix B - Location Plan

Appendix C – Proposed Layout Plan

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	No
People in Hampshire live safe, healthy and independent lives:	No
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	No
OR	
<p>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:</p> <p>The proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste planning authority.</p>	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

CS/19/85013
EA111

Hampshire County Council

Southampton Transfer Station and Recycling Facility, Tower Lane, Eastleigh SO50 6NZ
(Variation of conditions 8, 11 & 16 of Planning permission S/16/78332 for the provision of external recyclate storage bays, asbestos storage, a second weighbridge and a relaxation to the restricted hours for waste delivery

IMPACT ASSESSMENTS:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Officers considered the information provided by the applicant, together with the response from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

CONDITIONS

Conditions

Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

Reason: To comply with Section 91(as amended) of the Town and Country Planning Act 1990.

Tonnage

2. There shall be no more than 90,000 tonnes per year of waste delivered to the site.

A written record of tonnage entering the site associated with the permission hereby granted shall be kept onsite and shall be made available to the Waste Planning Authority for inspection upon request.

Reason: In the interest of the amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

Hours of Working

3. No work relating to the construction of the development hereby approved, including works of preparation prior to operations, the delivery of construction materials, skips or machinery, nor the removal of waste materials associated with the construction, shall take place before 0800 or after 1800 Monday to Friday inclusive, before 0800 or after 1400 on Saturday. No work relating to the construction shall take place on Sundays or recognised Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties.

Construction

4. The construction of the development hereby permitted shall be in compliance with the British Standard 'Code of practice for safe use of cranes' for crane operators with respect to tall construction equipment. The developer shall consult Southampton International Airport prior to erecting any crane or tall equipment at the site in accordance with the Airport Operators Association Safeguarding of Aerodromes, Advice Note 4, 'Cranes and Other Construction Issues'.

Reason: In the interests of public safety and to ensure safeguarding of Aerodromes in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

Highways

5. The provision for the parking, turning, loading and unloading of vehicles and the cycle parking within the curtilage as shown on Site Layout Plan (drawing EL 2/3 rev 0) shall be maintained for the duration of the development hereby approved.

Reason: In the interests of highway safety in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals and Waste Plan (2013) and Policies 59.BE (Development in the built environment) and 100.T (Transport and new development) of the Eastleigh Borough Local Plan (2006).

6. The car park and cycle shelter area hereby approved on the Site Layout Plan (drawing EL 2/3 rev 0) shall not be used for any purpose other than the parking of cars and cycles and shall be maintained for the duration of the development hereby approved.

Reason: To ensure adequate on-site car and cycle parking provision for the approved development and to discourage parking on the adjoining highway in the interests of local amenity in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals and Waste Plan (2013) and Policies 59.BE (Development in the built environment) and 100.T (Transport and new development) of the Eastleigh Borough Local Plan (2006).

7. No HGVs associated with the waste operation hereby permitted shall enter or leave the site between the hours of 2300 and 0400.

Reason: In the interests of local amenity in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

8. A maximum of 20 HGV movements (10 to and 10 from the site) associated with the waste operation hereby permitted shall enter or leave the site between the combined hours of 0400-0600 and 2000-2300 each day.

Reason: In the interests of local amenity in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

Operation

9. There shall be no waste handled and no vehicle movements associated with the waste operation hereby permitted on 25th and 26th December.

Reason: In the interests of local amenity and highway safety in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

10. No materials shall be burnt on site.

Reason: To protect local amenity and in the interests of public health in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Storage

11. The storage of waste or recycled materials on the site shall only be in accordance with the approved Site Layout Plan (drawing EL 2/3 rev 0).

Reason: To protect the amenities of the area in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

12. All external stockpiles shall be of a maximum height of 4m, from existing external ground level to peak of stockpile.

Reason: To protect the amenities of the area in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

13. The doors to the building currently known as Link House are to be closed other than when access and operation requires.

Reason: To protect the amenities of the area in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

Protection of Water Environment

14. Within 3 months of the date of the permission hereby granted, the applicant shall submit to and have approved by the Waste Planning Authority a Site Drainage Scheme to demonstrate that the development hereby granted does not cause a risk of pollution to the water environment or a flood risk.

This scheme shall also include details of oil interceptors suitably designed and constructed to have a capacity compatible with the area being drained. The approved drainage scheme shall thereafter be retained and maintained for the lifetime of the development.

Reason: To reduce the risk of pollution to the water environment or a flood risk in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals and Waste Plan (2013).

15. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To prevent pollution of the water environment in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Noise

16. All vehicles, plant and machinery associated with the waste operation within the site shall be maintained in accordance with the manufacturers' specification at all times and shall be fitted with and use effective silencers and white noise reversing alarms.

Reason: To minimise noise disturbance from operations at the site in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Lighting

17. Should the development hereby permitted require any additional external lighting to the existing, then a lighting scheme is to be submitted to and approved by the Waste Planning Authority before installation of that lighting.

Reason: To minimise disturbance from operations at the site in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Dust

18. Within 3 months of the date of the permission hereby granted, the applicant shall submit to and have approved by the Waste Planning Authority a Dust Management Scheme to demonstrate that the site is in accordance, with respect to dust, Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

Reason: To ensure no significant adverse impacts from light pollution in accordance with facilitate the monitoring of the development and ensure the land is restored in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

Litter

19. Within 3 months of the date of the permission hereby granted, the applicant shall submit to and have approved by the Waste Planning Authority a Litter Dust Management Scheme to demonstrate that the site is in accordance, with respect to litter, Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013).

Reason: To ensure no significant adverse impacts from light pollution in accordance with facilitate the monitoring of the development and ensure the land is restored in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013).

Bird Strike

20. Within 3 months of the date of the permission hereby granted, the applicant shall submit to and have approved by the Waste Planning Authority a Bird Hazard Management Plan (BHMP). This shall address the address the concerns of Southampton International Airport and include details of:
- An auditable record of all BHMP information to be maintained detailing: dates, times and description of monitoring carried out, species and number of birds recorded, control effort provided and the results of any control; and
 - Provision for the aerodrome to inspect the records and undertake visits (without notice) to the site (where necessary).

Reason: To ensure the proposed development causes a significant Bird Hazard in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013).

Plans

21. The development hereby permitted shall be carried out in accordance with the following approved plans:

EL 2/1, EL 2/2, EL 2/3, EL 2/4, DL/293/003 rev A, DL/293/050 rev 0, DL/293/100 rev F, DL/293/101 rev B, DL/293/105 rev B, Mini BDS Shelter Customer Drawing.

Reason: For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant

1. In determining this planning application, the waste Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2019), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 3.5 tonnes un-laden.
3. The applicant should produce and operate by a Construction Traffic Management Plan, including lorry routes, daily and total number and size of HGVs accessing the site, parking and turning provision to be made on site, measures to prevent mud from being deposited on the highway and a programme for construction. The details should be fully implemented before the development is commenced and retained throughout the duration of construction. The Plan should be available for the review by the Highways Authority on request.
4. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.



Variation of conditions 8, 11 & 16 of planning permission S/16/78332 for the provision of external recyclate storage bays, asbestos storage, a second weighbridge and a relaxation to the restricted hours for waste delivery at Southampton Transfer Station and Recycling Facility, Tower Lane, Eastleigh SO50 6NZ

APPLICATION NUMBER: CS/19/85013

SITE REFERENCE: EA111

REGULATORY COMMITTEE

DATE 15 May 2019

1:8,000

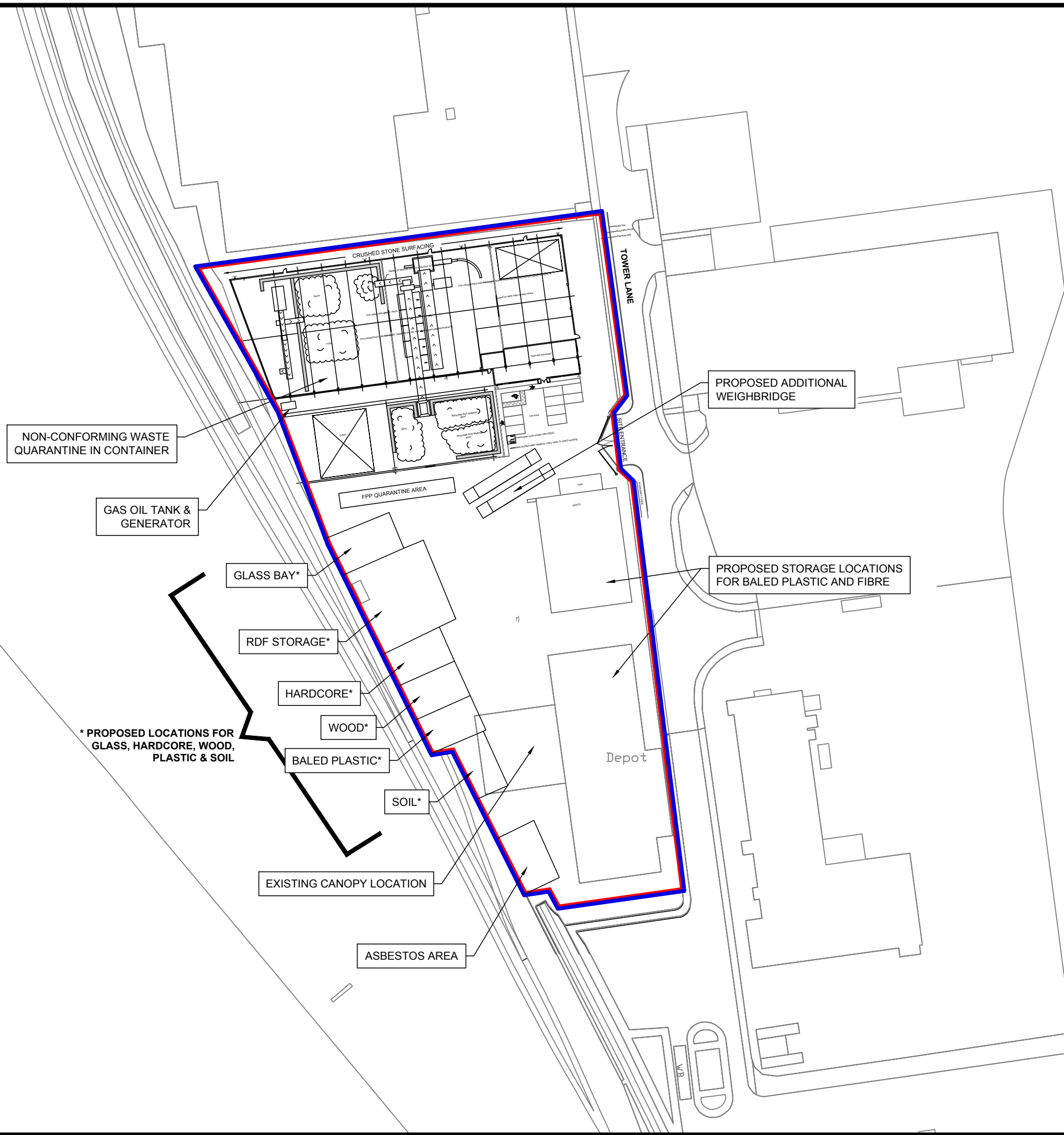


Hampshire
County Council

Page 37

Drawn by: Strategic Planning Economy, Transport and Environment

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NOTES

1. Layout based upon design generated by D.L. Design Studio Limited. Drawing ref: DL/293/110.1 rev G.

LEGEND

Land Ownership Boundary

Application Site Boundary

SEE DRAWING EL 2/4 FOR STORAGE BAY ELEVATIONS.

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2	01/19	DPB	REVISED TO SHOW REMOVAL OF LABEL
1	05/18	DPB	REVISED TO SHOW CORRECT LOCATION OF TANKS AND ADDITIONAL CAR PARKING ADDED
REV.	DATE	DRAWN	DESCRIPTION
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		Biffa Waste Services Ltd Redhill Landfill Site Cormongers Lane, Nutfield, Redhill RH1 4ER Tel: 01737 765042 Mob: 07921 386021 E-mail: phil.mumford@biffa.co.uk	
PROJECT		Planning Application	
LOCATION		Southampton Transfer Station and Recycling Centre	
DRAWING TITLE		Proposed Layout	
DRAWING No. EL 2/3		COMPUTER REF. ST030302	
DRAWN	SLR-DB	DATE	January 2019
		SCALE(S)	1:1000

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HAMPSHIRE COUNTY COUNCIL

Information Report

Committee:	Regulatory Committee
Date:	15 May 2019
Title:	Nationally Significant Infrastructure Projects in Hampshire
Report From:	<i>Head of Strategic Planning</i>

Contact name: Laura McCulloch

Tel: 01962 846581

Email: laura.mcculloch@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to provide information regarding the process for Nationally Significant Infrastructure Projects, and to make the Committee aware of the projects that are planned within Hampshire.

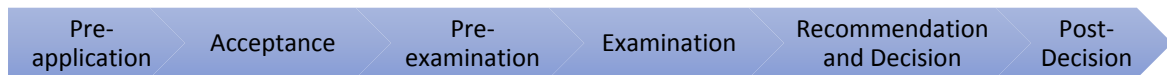
Executive Summary

2. This report seeks to:
 - Explain what a Nationally Significant Infrastructure project is, and the process that they go through;
 - Explain the County Council's process for dealing with consultations;
 - Provide details of the four current projects that are within Hampshire and a potential future project.

What is a Nationally Significant Infrastructure Project?

3. A Nationally Significant Infrastructure Project (NSIP) is a large-scale project that falls into one of the following categories:
 - Energy;
 - Waste;
 - Transport;
 - Waste Water; and
 - Water

4. These can be projects such as new roads, railway lines, power generating stations and harbours. Part 3 of the Planning Act 2008¹ provides more details about the type and scale of infrastructure projects that fall within the category of nationally significant.
5. NSIPs require a Development Consent Order and so the process for determining such projects is different from the usual planning application process. The applications are dealt with by the National Infrastructure Planning Team at the Planning Inspectorate, who make a recommendation on whether the consent order should be issued. The Secretary of State responsible for the area of government that the project falls within (for example Secretary of State for Transport for a rail project) makes the final decision.
6. The process for a NSIP involves six stages:



7. The process is lengthy and likely to take around 16 months for a decision to be made.
8. The County Council is deemed a 'host authority' in respect of the fact it is an upper tier authority and therefore would be invited to be involved in the process for all NSIP projects.
9. Where the project involves waste, the County Council will most likely be responsible for discharging any planning obligations relating to the development and therefore it is important that it engages in its capacity as Waste Planning Authority. With other types of development, it is likely that the County Council will be statutory consultee to the process in its role as Local Highway Authority.

What is the County Council's process for dealing with consultations?

10. The Strategic Planning team are providing a coordinating role for the County Council in its involvement with NSIPs. As such, all technical responses to consultations on NSIPs will be provided by the team on a corporate basis, pulling together comments from all County Council functions that have an interest in the project.

¹ <https://www.legislation.gov.uk/ukpga/2008/29/part/3>

11. The County Council will determine on a case-by-case basis the necessary approval process for agreeing the County Council's corporate response to NSIP consultations. Some projects will not have significant implications for the County Council and therefore an officer approval will suffice. However, where there are significant implications for the County Council, or the project is particularly contentious, Executive Member or committee approval may be required. The appropriate approach will be agreed by Chief Officers in consultation with Members (as appropriate).

Nationally Significant Infrastructure Projects in Hampshire

12. There are four projects currently registered as NSIPs that are located within Hampshire:
- Southampton to London Pipeline
 - AQUIND Interconnector
 - Wheelabrator Harewood Waste-to-Energy Facility
 - M3 Junction 9

Southampton to London Pipeline

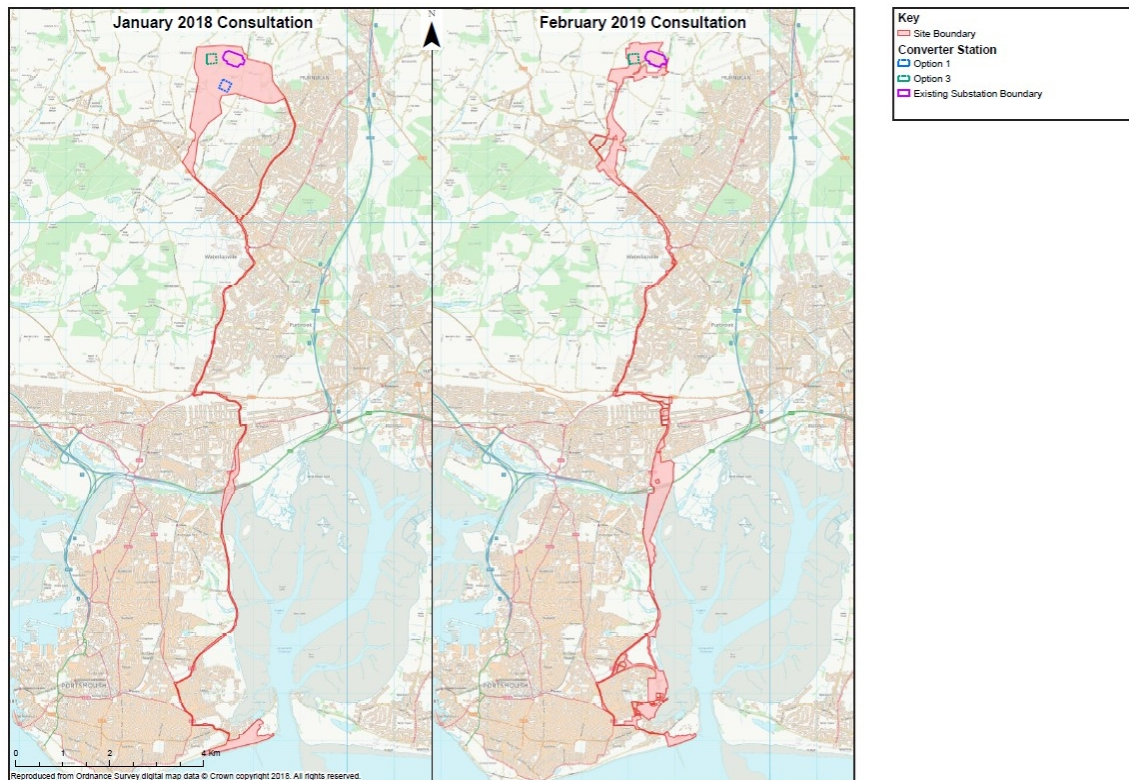
13. Esso is looking to replace 90km (56 miles) of its existing 105km (65 miles) aviation fuel pipeline that runs from Fawley Refinery in the New Forest to the West London Terminal storage facility in Hounslow.
14. 10km of the pipeline between Hamble and Boorley Green, in Eastleigh Borough, has been replaced and so this proposal involves the pipeline between Boorley Green and Hounslow. A new facility will be required close to Boorley Green to enable inspection of the replacement pipeline and previously replaced pipeline between Hamble and Boorley Green.



15. The pipeline will be buried underground for its entire length and will require input from the Local Highway Authority and Lead Local Flood Authority where it crosses roads, footpaths and ordinary water courses.
16. The proposal is at the pre-application stage, with an application expected to be submitted imminently.
17. So far, the County Council has been engaged in discussions with the applicant over the route and the likely impacts of the proposals, and has provided advice and information through our specialist environmental services.

AQUIND Interconnector

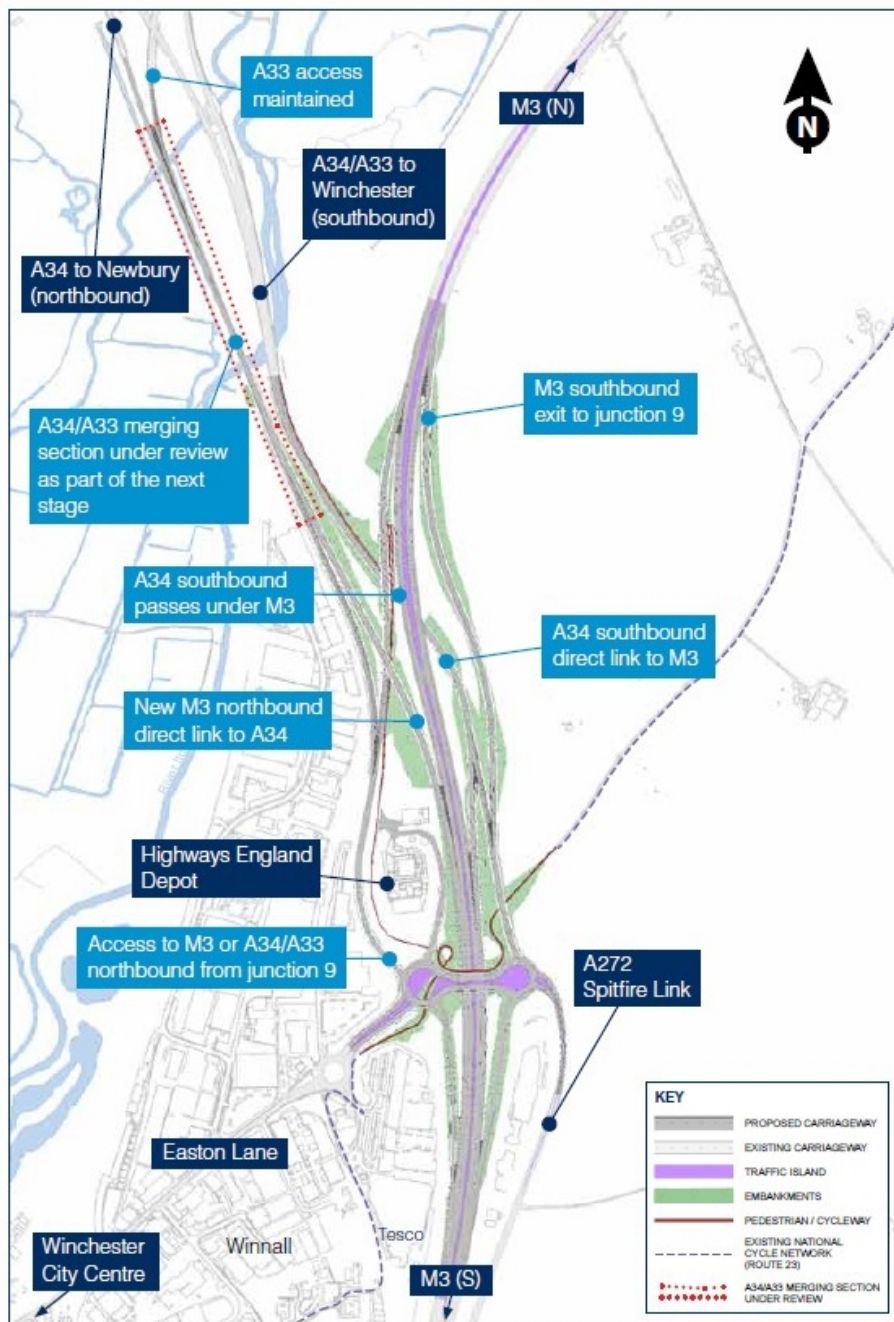
18. AQUIND Ltd is proposing to construct and operate an electricity interconnector between France and the UK, with a new High Voltage Direct Current cable landing at Eastney Portsmouth and a new converter station in Lovedean, north of Waterlooville.



19. This proposal has implications for the County Council as Local Highway Authority as the cable will need to be laid between the landing site and the converter station, largely within the highway and therefore requiring careful consideration of traffic management during the works.
20. This project was directed to be a NSIP by the Secretary of State, whereas a previous Interconnector application at Daedalus was dealt with by Fareham Borough Council and not the Planning Inspectorate.
21. This proposal is currently at the pre-application stage, with an application expected to be submitted at the end of 2019.
22. So far, the County Council has commented on the EIA scoping consultation and the Preliminary Environmental Information Report consultation.

Wheelabrator Harewood Waste to Energy Facility

23. Wheelabrator Harewood is proposing a new Waste to Energy Facility adjacent to the A303 Enviropark north of Barton Stacey in Test Valley Borough. The facility will generate up to 65 Megawatts gross electrical output through the treatment of waste and waste derived fuels from various sources. The maximum capacity of the facility is 500,000 tonnes of waste per annum.



29. The scheme would see the existing roundabout replaced with a dumbbell roundabout, conversion of the M3 south of Junction 9 to a dual three lane motorway, and realignment of slip roads. This will provide a grade-separated free-flow route for traffic travelling from the M3 to the A34 northbound, and vice versa for vehicles traveling from the A34 to the M3 southbound.
30. The proposal is currently at the pre-application stage, with an application expected to be submitted in early 2020.

31. So far, the County Council has engaged with the applicant over the design of the improvements and commented on the EIA scoping consultation.

Future Potential NSIP Project in Hampshire

Port of Southampton Expansion

32. In 2016 Associated British Ports announced its intention to determine by 2020 how the Port of Southampton can be expanded, including looking at options for expansion into its Strategic Land Reserve at Dibden.



33. If a proposal is forthcoming it will be a NSIP. There are no timescales at present to indicate when an application might be submitted.

Conclusions

34. There are four, potentially five, Nationally Significant Infrastructure Projects in Hampshire. The process for dealing with these projects is different from the usual planning process, and the decision is made by the relevant Secretary of State.
35. The County Council is not a decision maker in respect of these projects but will be integrally involved in the process and will have opportunities to engage and comment on the proposals as a consultee.
36. The County Council's recommendations will be made on a corporate basis, with the level of approval needed for such comments being made on a case-

by-case basis by Chief Officers in consultation with Members (as appropriate).

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

HAMPSHIRE COUNTY COUNCIL

Information Report

Decision Maker:	Regulatory Committee
Date:	15 May 2019
Title:	Monitoring and Enforcement Update
Report From:	Director of Economy, Transport and Environment

Contact name: David Smith

Tel: 01962 845891

Email: david.smith@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to provide information to the Regulatory Committee on the Monitoring and Enforcement work undertaken by Strategic Planning during the period February 2019 – April 2019.

Recommendation

2. That the contents of this report are noted.

Executive Summary

3. Officers have been actively ensuring compliance with minerals and waste permissions granted by Hampshire County Council, investigating any complaints received as well as taking enforcement action where it is expedient to do so.
4. The report details the number of complaints on authorised and unauthorised sites, and the outcome of negotiations, including, when necessary, enforcement action undertaken.
5. The report also details the routine monitoring of chargeable and non-chargeable sites and development control work dealing with Planning Condition (Article 27) applications and Non-Material Amendments.

Complaints

6. The majority of the complaints received during the period February 2019 – April 2019 refer to unauthorised development (6 sites) and breaches of operational planning conditions on existing mineral and waste sites (13 sites). Site investigations and negotiation addressed all the issues raised and work is ongoing to remedy 6 of the sites, with 1 site the subject of separate investigation by the Police. A further 5 planning applications or pre-application requests were submitted to address issues raised by complaints or routine monitoring. The remainder have been resolved or were enquiries made about general site operations, fly-tipping, odour and waste related development that were dealt with in-house or referred to either the Environment Agency (EA) or Local Planning Authorities as non-County matters.

Enforcement Actions

7. In the 3 month period to the end of April 2019, there were no Notices served, with all matters either addressed through the planning system or remedied through negotiation.
8. The following provides an update on enforcement activities previously reported to the committee.

Table 1: Update on enforcement activities

Site	Update
Courtwood Farm, Fordingbridge	<p>Following the withdrawal of planning application (16/11544) and continued complaints, a Breach of Condition Notice was drafted. However, a further planning application was submitted (17/10612) to address issues on site. This was refused by Committee on 24 January 2018 and enforcement action was authorised. An Enforcement Notice was served on 31 January 2018 requiring the site to operate under conditions 4 (HGV numbers), 7 (operating within the building) and 9 (no outside sorting of waste) of the original permission. The applicant appealed against the Enforcement Notice (and the refusal of the planning application) on the grounds that it should be granted permission, that our requirements are unreasonable and that we have not allowed sufficient time for them to comply with the Notice.</p> <p>The Appeal Hearing was due to be held on 8 May 2019 but has been postponed by the Planning Inspectorate due to sickness. A new date for the Hearing has not yet been arranged.</p>
Down Barn Farm, Boarhunt Road, Fareham	<p>Planning permission was granted in 2009 for the Use of the site for hardcore /concrete recycling solely for the applicant (P/09/0396/MW) Three subsequent applications have been submitted to retrospectively vary several aspects of the operation (the sole use, HGV numbers and layout) (P/17/1104/CC, P/17/0471/CC and P/16/0299/CC) but these have all been refused. The applicant has since employed a Planning Consultant to address the reasons for the refusals. In the meantime, Officers noted that the site was operating outside of their permitted hours. Consequently, a Breach of Condition Notice was drafted requiring the site to operate only within the hours permitted by the permission. There have been no further reports of such contraventions. An application has been submitted but further information is required before any decision can be made.</p>

<p>Carousel Dairy (Basingstoke AD Plant), Manor Farm, Farleigh Wallop, Basingstoke</p>	<p>Following complaints and further investigation it was determined that there were breaches of the conditions setting out the hours that lorries could access the site. A Breach of Condition Notice (BCN) was served to cease the activity and prevent future breaches. A Planning application was subsequently submitted (16/00322/CMA) to address the issue and clarify the permitted times and vehicle numbers. This was approved by the committee in July 2016 with an increase in vehicle movements permitted for an initial trial period of one year. A further application to make the vehicle increases permanent was considered at the September 2017 meeting of the Committee when it was resolved to grant permission for another 1 year period to allow for further monitoring (17/01876/CMA). Proactive site management and regular Liaison Panel meetings improved the situation and monitoring of the traffic movements continued using the vehicle number plate recognition system. An application to make the vehicle increases permanent, with other negotiated changes to conditions, was approved at the February Committee meeting (18/03001/CMA).</p>
<p>Land to the rear of Peacocks Nursery, Ewshot</p>	<p>Following refusal of a second planning application (16/03156/HCC) enforcement action was authorised by Regulatory Committee on 22 March 2017. An Enforcement Notice was served on 22 April 2017 to come into effect 24 May 2017. This EN was appealed (on the grounds that it should be granted planning permission) and the Appeal was heard on 12 December 2017.</p> <p>The Decision was received on 16 January 2018 and the Appeal was upheld (Decision Notice included under 'Appeals' tab of application above). Consequently, the operation has planning permission for a temporary period of 20 months with 4 months to complete restoration.</p> <p>Operations continue to be monitored with permission due to expire in September 2019.</p>
<p>Homestead Farm, Penton Copse, Andover</p>	<p>Following appeals against three Enforcement Notices the enlarged waste handling replacement building and site offices and the extension to the site area now have planning permission. As a result of subsequent site inspections an application was submitted for changes to the layout of the site, relocation of the office building and an extension to the waste handling building. The change to the layout and relocation of the office building were approved, however a further application is required to address the extension of the waste handling building and associated operational matters.</p>

	This further application has been submitted as is currently under consideration (18/03172/CMAN).
Manor Farm Recycling Facility, Pennington, Lymington, Hants, SO41 8QZ	<p>A Breach of Condition Notice was served on 18 October 2018 requiring a reduction in the height of stockpiles on site to the permitted 3 metres.</p> <p>Subsequent inspections and site surveys confirmed that considerable progress had been made in addressing this matter by the compliance date, so further time was allowed to fully comply. This matter has now been fully resolved, with a great improvement to the amount of material stored on site and the general tidiness of the operational area.</p>

9. Further information on the full suite of enforcement powers available to the County Council as Minerals and Waste Planning Authority (including powers to service PCNs, BCNs and ENs) are included in the County's Enforcement and Site Monitoring Plan. This can be found on the Strategic Planning website at: <http://documents.hants.gov.uk/planning-strategic/HampshireCountyCouncilPlanningEnforcementandSiteMonitoringPlanJuly2016.pdf>.
10. The following table provides information on the joint enforcement activities which have been undertaken with the Environment Agency, the Police and District Planning Authorities.

Table 2: Update on joint enforcement activities with the Environment Agency, the Police and District Planning Authorities

Site	Joint working with	Update
Whitehouse Field, Goodworth Clatford	Test Valley Borough Council, Environment Agency, HCC Highways	In late 1990s, planning permission was granted by Test Valley Borough Council (TVBC) for construction of an extension to the existing golf course. This involved the importation and tipping of inert materials as an engineering operation. This work continued for approximately 10 years until the then operator left the site in 2010 and TVBC considered the development completed. Several years later the operator of Homestead Farm bought the land. He claimed that surveys of the site had shown that the development had not been fully completed and stated his intention to restart work. His argument is that the levels survey agreed under the permission is so vague and contradictory that there is potentially up to 6 metres of fill required (approx. 450 000 tonnes of material).

		<p>The authorities do not accept that this is authorised and have liaised closely to ensure that if and when work does start the appropriate enforcement action can be taken. Following legal advice from Counsel, it has been decided that the best way forward is for TVBC to enforce against any work as a breach of the original permission, with the EA looking to prosecute for tipping without a Permit. HCC Highways are also involved as part of the site access is highway land historically used by locals as a small car park, and the new landowner has been fencing and blocking it off. HCC Highways have therefore taken legal action to secure clearance of the fences and blockades and maintain access. There has been no further work on site whilst the landowner attempts to address Permitting issues with the Environment Agency and this is now the subject of an Appeal.</p> <p>Test Valley Borough Council have since served Enforcement Notices against preparatory works on site, so this is also the subject of an Appeal.</p>
Selborne Brickworks	Natural England and Police's Wildlife Crime Team	<p>Reports of digging holes and burying waste adjacent to settlement ponds on the Brickworks site. Investigation found no evidence of tipping or of removal of clay off site so this was not a County Planning matter. However, this area is a known habitat of Great Crested Newts (a protected species). The landowner was prosecuted in the past for similar destruction so knows he cannot undertake such works without approval of Natural England (NE). The Police and NE started a prosecution, in which the Enforcement Officer was involved as a witness, and the landowner pleaded guilty and was fined £1200 with a further £205 costs.</p> <p>In March of this year further reports were received of material being imported to the land. A site inspection discovered that the landowner had commenced the infilling of the former settlement ponds associated with the Brickworks. In planning terms this would be acceptable, however, the</p>

		ponds are now registered as GCN habitat so Wildlife Protection legislation supersedes Planning legislation. Consequently, the matter has again been reported to the Police and Natural England for further investigation.
Bridge Street, Titchfield	Fareham Borough Council, Environment Agency	Reports of soils and inert waste being tipped on land adjacent to the River Meon at Bridge Street, Titchfield. Joint meeting with the EA and the landowner determined that work has been undertaken to raise the levels to address some repairs to the main sewer which runs under the land and to improve drainage across the rest of the site. Work has ceased whilst an application for engineering works is made to Fareham Borough Council.
Devil's Lane, Liphook	East Hampshire District Council	Reports of inert waste being imported and tipped to raise land at Devil's Lane, Liphook. Part of the land is used for siting of mobile homes and work was underway to extend the hardstanding area to allow for further mobile homes to be bought onto the land. Further material and stripped soils were then used to raise levels elsewhere on the land. Following inspections and dialogue with the landowner work has ceased whilst an application to extend the area for mobile homes is determined by EHDC. The soils and material tipped elsewhere is to be removed and the land reinstated.

Site Monitoring

11. Chargeable sites – under the [Town and Country Planning \(Fees for Applications and deemed applications\) \(Amendment\) \(England\) Regulations 2006](#) the County Council is able to charge fees for the monitoring of quarries and landfill sites in the County. Fees are charged for a set number of monitoring visits, the number of visits being dependent on the stage of operations at each site; whether operational, in aftercare or inactive. The number of visits is agreed with each operator and is in line with an assessment of each site made by the County Council. Active sites are charged at £397 per visit for between four and eight visits per year. Sites in aftercare are charged at £397 for one visit per year. Inactive sites are charged £132 for one annual visit.
12. There are now 25 active sites, 12 in aftercare and 5 dormant sites liable for chargeable visits. The County Council previously undertook monitoring of 2

active sites for South Downs National Park Authority, but it has now taken back responsibility for these sites.

13. During this period all chargeable visits were undertaken, bringing in approximately £9,500 in fees.
14. Non-chargeable sites – these include waste processing sites, wastewater and treatment works and metal recyclers. These vary from the large Energy Recovery Facilities (ERF) and Materials Recovery Facilities (MRF) to the smaller scale recycling and transfer facilities and updating existing wastewater treatment works. The larger developments attract much attention in their locality and require regular monitoring to ensure that the local amenity is not impacted, whereas the smaller, built developments require monitoring during construction and implementation, but once up and running need less regular attention and these sites only get further visits should complaints be received. Matrix working arrangements have been made with Waste & Resource Management that their officers undertaking visits to waste sites operating under the County's waste contract also look at planning issues to provide greater coverage.

Liaison Panels

15. During this period Liaison Panel meetings were held for the following sites: -
 - (a) Basingstoke AD Plant, Carousel Dairy, Farleigh Wallop.
 - (b) Humbly Grove Oilfield.
 - (c) Frith End Sandpit, Kingsley.
 - (d) Mortimer Quarry, Mortimer West End.
 - (e) Forest Lodge Home Farm Quarry, Hythe.
 - (f) A303 Recycling Facility, Longparish.
 - (g) Little Bushywarren Composting Facility & Herriard AD Plant, Herriard.
 - (h) Roke Manor Quarry, Nr Romsey.
 - (i) Squabb Wood Landfill, Nr Romsey.

Development Management

Planning Condition (Article 27) applications:

16. Where conditions of new permissions require details to be submitted and approved for the proper implementation and control of the development, Article 27 applications are required. Under the [Town and Country Planning \(Fees for Applications and Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012](#), a fee per submission is required for the discharge of any details submitted. This is now £116 per submission.
17. During the period, Article 27 applications were received and approved or are being determined for 8 planning permissions, totalling £928.
18. As detailed previously, following adoption of the Protocol for Dealing with Breaches in Planning Control relating to Development Undertaken by the County Council under Regulation 3 of the [Town and Country Planning General Regulations 1992](#), enforcement updates now also include

information on Article 27 applications for County Council developments and any breaches of planning control.

Non-Material Amendments (NMAs):

19. Non-Material Amendments (NMAs) are minor changes to the operation of authorised sites that can be agreed by an application for non-material amendment if the change has no substantial impact on the local amenity. Such an application requires a fee but does not involve general consultation and determination by Committee.
20. Over the period one NMA was determined: -
 - (a) Attwoods Drove Farm, Attwoods Drove, Compton SO21 2AY - building width and ridge height reduced.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

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HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date of Decision:	15 May 2019
Decision Title:	Safety of Sports Grounds Policy
Report From:	Head of Emergency Planning & Resilience

Contact name: Ian Houlton

Tel: 01962 846840

Email: ian.houlton@hants.gov.uk

1 Executive Summary

- 2 The purpose of this paper is to seek Member's approval for the revised Safety at Sports Grounds Policy Document, contained at Appendix 1. A revision has been undertaken due to officer changes within the Emergency Planning & Resilience Team and the Government has recently revised their Guidance Document, The Green Guide, referred to a paragraph 2.6 of the Policy Document at Appendix 1.
- 3 Other changes have been made to reflect the County Council's Constitution particularly in relation to delegated powers. Other than that; no substantive changes have been made to the Policy Document.
- 4 This paper seeks to: provide an overview of the requirements of the Safety at Sports Grounds Act 1975 and the Fire Safety and Safety at Places of Sport Act 1987; provide a progress update as to how Hampshire County Council is discharging its responsibilities under those acts; provide an assessment of the key risks that may affect the programme of work and identify mitigation to reduce those risks ; and sets the background to the development of the revised Policy Document.

5 Contextual information

Responsibility for this work area is discharged by the Emergency Planning & Resilience Team (EPRT). The EPRT works to a Policy Document, previously approved by this Committee, setting out how activity in this area will be addressed.

6 Finance

The County Council is allowed to recharge the Operators of Sports Grounds for the issuing of a Safety Certificate charges are levied on a cost recovery basis for Officer time spent on the Production and maintenance of each Safety Certificate.

7 Legislation

Under the following legislation, the county council is responsible for:

8 Safety at Sports Ground Act 1975 (As amended)

- Issuing a General Safety Certificate for each designated sports ground within the county containing such terms and conditions as the local authority consider necessary or expedient to secure reasonable safety at sports grounds
- Serving a prohibition notice in respect of a sports ground if the authority consider that the admission of spectators to the sports ground involves or will involve a high risk to them, so serious that until steps have been taken to reduce the risk to a reasonable level, admission of spectators to the ground or that part of the ground ought to be prohibited or restricted
- Issuing a special safety certificate where appropriate, that is signed by the Director of Transformation and Governance as the designated officer

9 Fire Safety and Safety at Places of Sport Act 1987

- Issuing a General Safety Certificate signed by the designated officer, for each regulated stand within the county containing such terms and conditions as the local authority consider necessary or expedient to secure the reasonable safety in the stand when it is in use for viewing the specified activity or activities at the ground

10 Grounds to which legislation applies

The legislation is applicable to the following grounds as follows:

- One designated ground – having accommodation for more than 10,000 spectators - being the Ageas Bowl cricket ground
- The five grounds with regulated stands – those having covered stands for more than 500 spectators - being Farnborough Town FC, Basingstoke Town FC, Havant and Waterlooville FC, Eastleigh FC, Aldershot FC and Thruxton Motor Circuit

11 Risk Assessment

A risk assessment was undertaken in conjunction with the Corporate Risk Manager identifying the key risks associated with this programme of work. Mitigation actions were identified and implemented. The original risk rating together with the risk rating post mitigation is detailed at Appendix 2. The Risk Register is reviewed regularly and any further mitigation undertaken.

12 Safety Advisory Groups

Safety Advisory Groups are well established at all grounds. The primary purpose of the Safety Advisory Group (SAG) is to provide specialist advice to

the local authority so that it may effectively discharge its responsibilities under the 1975 and 1987 Acts.

13 Policy document

In line with a recommendation from the Sports Ground Safety Authority (SGSA), a policy document has been prepared, and is attached at Appendix 1. This document includes the specific responsibilities of particular individuals and other SAG contributing agencies and incorporates the existing terms of reference for the management of Safety at Sports Grounds within Hampshire. It has been approved by the SGSA. A summary of HCC policy aims and objectives are:

14 HCC Policy aims

To ensure the reasonable safety of spectators attending any of the sports grounds in Hampshire falling within the scope of the Safety at Sports Ground Act 1975.

15 HCC Policy objectives

- To ensure that spectator safety is of the highest attainable standard at all sports grounds but particularly those which are designated or have regulated stands in Hampshire
- To establish and manage the Safety Advisory Groups (SAG) for the designated ground of The Ageas Bowl
- To establish and manage SAGs for those grounds having a regulated stand: Farnborough Town FC, Basingstoke Town FC, Havant and Waterlooville FC, Eastleigh, Aldershot FC and Thruxton Motor Circuit
- To establish any ad hoc SAGs as required
- To establish an annual review of the General Safety Certificate for each of the designated grounds
- To establish a review of the General Safety Certificate for each of the regulated stands every 2 years
- To foster, encourage and promote a safety culture within sports grounds in Hampshire

16 Training

A training need was identified with regard to Emergency Planning Officers in order that they would be able to discharge their responsibilities effectively under the current legislation.

Training has therefore been provided to officers at the Emergency Planning College. The training attended - Working In Safety Advisory Groups – was provided by the Emergency Planning College in association with the SGSA. The training covered: legislation, SAG roles and responsibilities, guidance with regard to safe capacities and guidance with regard to safety certification.

In addition, both advice and guidance with regard to the processes and procedures to be followed in discharging the responsibilities under the acts has been provided by the regional SGSA Inspector who is fully aware of the change of responsibilities at HCC.

17 Recommendation(s)

- 18 That Members approve the Safety at Sports Grounds Policy Document attached at Appendix 1.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	
Corporate Business plan link number (if appropriate):	
Maximising well-being:	
Corporate Business plan link number (if appropriate):	
Enhancing our quality of place:	
Corporate Business plan link number (if appropriate):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because: Doing so is demonstrative of good governance within the County Council and to meet legislative requirements.	

Other Significant Links

Links to previous Member decisions:		
<u>Title</u> Regulatory Committee https://www.hants.gov.uk/aboutthecouncil/councillors/meetings-archive/council-meeting-decision?item_id=4952	<u>Reference</u>	<u>Date</u> June 2013
Direct links to specific legislation or Government Directives		
<u>Title</u> Safety at Sports Grounds Act Fire Safety & Safety at Places of Sport Act		<u>Date</u> 1975 1987

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

n/a

2. Impact on Crime and Disorder:

n/a

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

n/a

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts

n/a



Emergency Planning & Resilience Team Safety at Sports Grounds Policy Document

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Document Author: Nathan Jeffery

Document Authoriser: I Hoult

[illegible]

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1.0 INTRODUCTION

1.1 Overview

This document has been produced by Hampshire County Council and is the agreed policy and procedure for managing Safety at Sports Grounds within the County of Hampshire. Under the [Safety at Sports Grounds Act 1975](#), the county council is responsible for issuing and enforcing a safety certificate in respect of sports grounds designated by the Secretary of State. These are sports grounds that in his opinion have accommodation for more than 10,000 spectators or 5000 in the case of a Premiership or Football League ground in England or Wales. The document also applies to the safety certification of stands regulated in Hampshire under the [Fire Safety and Safety at Places of Sport Act 1987](#)

1.2 Purpose of document

The policy document provides an overview of policy and terms of reference for the management of Safety at Sports Grounds within Hampshire. It also clarifies the roles and responsibilities of the organisations and agencies involved

1.2 Policy aim

Hampshire County Councils policy aim, working in conjunction with its partner agencies is to ensure the reasonable safety of spectators attending any of the sports grounds in Hampshire falling within the scope of the Safety at Sports Ground Act 1975.

1.3 Policy objectives

Hampshire County Councils policy objectives are to:

- To ensure that spectator safety is of the highest attainable standard as is reasonably practical at all sports grounds but particularly those which are designated or have regulated stands in Hampshire
- To establish and manage the Safety Advisory Groups (SAG) for the designated grounds listed at [Appendix A](#)
- To establish and manage SAG for those grounds having a regulated stands listed at Appendix A
- To establish any ad hoc SAG as required
- To establish an annual review of the General Safety Certificate for each of the designated grounds
- To establish a review of the Safety Certificate for each of the regulated stands every 2 years unless capacity exceeds 2000 when a review will take place annually
- To foster, encourage and promote a safety culture within sports grounds in Hampshire

1.4 The Safety Certificate

The safety certificate is part of a total, integrated system for managing health and safety at sports grounds. While the local authority (Hampshire County Council) is responsible for issuing the safety certificate, safety cannot be achieved by one agency acting in isolation. The local authority has a statutory responsibility to consult with Police, Fire and Building Control authorities. This duty will be

discharged through the Safety Advisory Group (SAG) which is a multi agency advisory group consisting of officers of the Local Authority and representatives from Hampshire Constabulary, Hampshire Fire and Rescue Service, NHS Ambulance Service, representatives from the club concerned including their safety officer, representatives from planning control authorities, together with any other interested parties that the chair of the SAG considers appropriate. The primary function of the SAG is to provide specialist advice to the Local Authority

The safety certificate will contain the terms and conditions that the local authority considers necessary or expedient to secure the reasonable safety of spectators at sports grounds when it is being used for the activities specified in the certificate. The primary responsibility for the safety of spectators at the sports ground rests at all times with the sports ground management and will not be assumed by the local authority.

1.5 Consultation

This policy document has been consulted on with both the Emergency Services and the Sports Ground Safety Authority.

1.6 Definitions

The Safety at Sports Grounds Act 1975 defines a sports ground as 'A place where sports or other competitive activities take place in the open air, where accommodation has been provided for spectators, consisting of artificial structures or of natural structures artificially modified for the purpose'

The Fire Safety and Safety at Places of Sport Act 1987 defines regulated stands. The local authority decides which stands are regulated. A Regulated Stand is defined as 'Any covered stand with accommodation for 500 or more spectators whether seating or standing' The determination calculation for Regulate Stands is outlined in the Home Office circular 97/88, in brief this is calculated as:

- Number of seats or marked places on bench seats in seated areas
- Number of places available on bench seats allowing 530mm per person
- Number of spectators who can be accommodated on a terraced or sloping viewing area at a rate of 2.7 per square metre after disregarding gangways, stairways and landings, or
- Number of spectators who can be accommodated in front of two metres of a flat standing area at a rate of 2.7 metres

This calculation is determination calculation and not a safe capacity which would be calculated using the current edition of the Guide to Safety at Sports Grounds (Green Guide)

2.0 POLICY

2.1 Legislative duty

Hampshire County Council has a statutory duty under:

2.1.1 Safety at Sports Ground Act 1975 (As amended)

- To issue a General Safety Certificate for each designated sports ground within the county containing such terms and conditions as the local authority consider necessary or expedient to secure reasonable safety at sports grounds
- To serve a prohibition notice in respect of a sports ground if the authority consider that the admission of spectators to the sports ground involves or will involve a high risk to them, so serious that until steps have been taken to reduce the risk to a reasonable level, admission of spectators to the ground or that part of the ground ought to be prohibited or restricted
- To issue a special safety certificate where appropriate

2.1.2 Fire Safety and Safety at Places of Sport Act 1987

- To issue a General Safety Certificate for each regulated stand within the county containing such terms and conditions as the local authority consider necessary or expedient to secure the reasonable safety in the stand when it is in use for viewing the specified activity or activities at the ground

2.2 Designated Officer (Director of Transformation and Governance)

Hampshire County Council's Director of Transformation and Governance is the designated officer under the County Council's Constitution for this function. The Director of Transformation and Governance will act as lead officer to ensure that the requirements of the Safety at Sports Ground Act 1975 are met. Specifically:

- to issue and amend General Safety Certificates
- to issue, suspend and withdraw prohibition notices

For both the above, Hampshire Constabulary, Hampshire Fire and Rescue Service and NHS Ambulance Service will be consulted.

2.3 Lead Officer (Head of Emergency Planning & Resilience)

The Head of Emergency Planning & Resilience acts as lead officer; chairs all the SAG's both at designated grounds and those having regulated stands; and is authorised to devolve his authority to those officers both employed by HCC and SAG to carry out the functions set out in this policy document. Other EPRT officers will support this management role as required and a nominated Emergency Planning Officer will provide the secretariat to the SAGs.

2.4 Consultation

In imposing terms and conditions for spectator safety, Hampshire County Council is required to consult with Hampshire Constabulary, Hampshire Fire and Rescue Service and NHS Ambulance Service

2.5 Grounds to which legislation applies

The legislation is applicable at the locations listed in Appendix A

2.6 Guidance

The Department for Culture, Media and Sports has issued guidance on the subject, '[A guide to Safety at Sports Grounds](#)' (Known as the Green Guide). Hampshire County Council and SAG partners will utilise and apply the advice and guidance contained within the Green Guide.

The Sports Ground Safety Authority has issued guidance on the Safety Certification process. This guidance is applied.

Guidance is also issued from time to time in relation to non sporting activities taking place in sports grounds such as concerts and mass meetings. The SAG's will consider such guidance and take advice as appropriate to the circumstances.

2.7 Inspections

The achievement of reasonable safety is a continuous process that requires monitoring and inspections by appropriate members of each SAG. The inspection programme is as follows:

- For designated grounds a match day safety inspection will be undertaken at least once a year/season
- For regulated stands with a capacity of more than 2000 spectators a match day inspection will be undertaken at least once per year.
- For regulated stands with a capacity of less than 2000 spectators a match day inspection will be undertaken biennially

Those persons undertaking the inspections should be suitably qualified and competent to undertake inspections on the aspects they have been asked to inspect and report on. Best practice suggests that a team approach with a cross section of the SAG participating in the inspection.

Results of any inspections will be produced in a written report and supplied to the Lead Officer, who will liaise with the club management and/or SAG. A match day checklist is attached at [Appendix B](#) to this policy document.

3.0 SAFETY ADVISORY GROUPS

3.1 Safety Advisory Groups (SAG)

Hampshire County Council will establish SAG's to provide specialist advice in relation to safety at sports grounds, including determining the terms and conditions of each General Safety Certificate and monitoring their implementation. These are multi agency groups and are chaired by the councils lead officer in relation to Safety at Sports Grounds.

3.2 Terms of reference

The SAG's have been established to:

- Advise Hampshire County Council on specialist policies and procedures to be adopted in the implementation of the Acts and associated regulations and guidance
- Monitor the implementation of General and Special Safety Certificates
- To receive and approve where applicable, all proposals for alterations to the designated sports ground and regulated stand and the implications such alterations might have

A copy of the terms of reference for SAG's is found at [Appendix C.](#)

3.3 Safety Advisory Groups Objectives

The SAG's will seek to

- Promote a safety culture within sports grounds
- Support and advise the management or operators of designated sports grounds, regulated stands and other sports grounds on measures to improve all aspects of spectator safety
- Work to ensure that sports grounds are safe for spectators

3.4 Membership of Safety Advisory Groups

The SAG will consist of the following core members and invited representatives.

3.4.1 Core members

The core members are those authorities who Hampshire County Council is required to consult under sports ground and licensing legislation as recommended in paragraph 31 of the final report into the Hillsborough Stadium disaster i.e.

- Local Authority as Chair
- Hampshire Constabulary
- Hampshire Fire and Rescue Service
- NHS Ambulance Service
- Borough or District Building Control

3.4.2 Invited representatives

Persons invited to SAG meetings to offer advice are not party to the decision making processes of the group. :

3.4.2.1 Invited to all meetings

The following are considered to be those organisations that should be invited to all SAG meetings as contributors:

- Sports ground representation – Certificate holder or Safety Officer
- Event organiser if applicable
- Sports Ground Safety Authority

3.4.2.2 Invited to SAG meetings as appropriate

The following may be invited to all SAG meetings or as appropriate:

- First Aid providers
- Emergency Planning Team
- Primary Care Trust
- Legal Representation
- Local Authority licensing/ Environmental Health/ Highways
- Elected members
- Local supporters representation

Membership of each designated ground SAG is found at [Appendix D](#) and [Appendix E](#).

3.5 Meeting frequency

- A Safety Advisory Group for the designated football ground will meet at least three times per year, schedule at [Appendix F](#)
- A Safety Advisory Group for the designated cricket ground will meet at least three times per year – Appendix F
- A Safety Advisory Group for each of the regulated ground will meet biennially – Appendix F, unless the stand capacity exceeds 2000 then annually

3.6 Main activities of Safety Advisory Group

Within the Terms of Reference outlined at Appendix C, the SAG will:

- Receive and discuss proposals for alterations to a sports ground or regulated stand and consider implications of holding activities there other than specified activities as included on the certificate
- Share experiences following attendance at specified activities
- Consider aspects of and possible changes to the terms and conditions in the General Safety Certificate
- Inspect the designated sports ground – [Appendix G](#)
- Discuss all aspects of spectator safety and changing requirements
- Undertake the same activities in relation to regulated stands
- Ensure that appropriate reports are produced and discussed with respect to alterations, inspections and any other issues

4.0 ROLES AND RESPONSIBILITIES

4.1 Role of designated officers – Director of Transformation and Governance

- To oversee the lead officer's role in ensuring that Hampshire County Council properly discharges its responsibility under Safety at Sports Ground legislation
- To ensure that the Elected Members of the Regulatory Committee are kept informed of Safety at Sports Ground activities
- To be the authorising signatory for General and Special Safety Certificates
- In the event of clear division or dispute emerging from a SAG on safety matters, to oversee that any decision reflects the policies of Hampshire County Council
- To nominate the Head of Emergency Planning & Resilience to act as his representative in the discharge of the responsibilities outlined in this document

4.2 Role of the Lead Officer – Head of Emergency Planning & Resilience

- To ensure that Hampshire County Council properly discharges its responsibilities under the Safety at Sports Grounds Act 1975
- To manage the day to day activities of Safety at Sports Grounds Act 1975 work for Hampshire County Council
- To ensure that each SAG undertakes activities as appropriate to determine the terms and conditions of the General Safety Certificate and Special Safety Certificates and monitor their implementation
- To chair meetings of each SAG for designated grounds and ensure that decisions taken by the SAG are implemented
- To chair meetings of each SAG for regulated stands and ensure that decisions taken by the SAG are implemented
- To ensure that membership of each SAG reflects the interests of all parties as recommended in the Taylor report. (Final report by the Rt Hon Lord Justice Taylor following the inquiry into the Hillsborough Stadium Disaster in 1989)
- To oversee the issue and amendment of both General and Special Safety Certificates
- To advise on safe capacities for sports grounds in liaison with Hampshire Fire and Rescue Service and where appropriate a chartered civil engineer
- To draft , issue, suspend and withdraw prohibition notices under section 10 of the Safety at Sports Grounds Act 1975
- To initiate prosecutions authorised by Hampshire County Council for breach of the conditions of either a General or Special Safety Certificate and for any other offences under the Act
- To act in a coordinating role for all members of a SAG and be responsible for organising meetings and inspections as appropriate
- To attend on match days as appropriate to observe and understand the operation of the ground or to undertake inspections on aspects that the lead officer is suitably qualified to conduct
- To keep the designated officer informed of relevant issues

- To deputise for the designated officer in any of his functions

4.3 Role of Support Officer & Other Officers in the EPRT

To deputise for the lead officer as follows:

- To chair meetings of each SAG for designated grounds as directed and ensure that decisions taken by the SAG are implemented
- To chair meetings of each SAG for regulated stands as directed and ensure that decisions taken by the SAG are implemented
- To act in a coordinating role for all members of a SAG and be responsible for organising meetings and inspections as appropriate
- To attend as directed on match days as appropriate to observe and understand the operation of the ground or to undertake inspections on aspects that the lead officer is suitably qualified to conduct
- To keep the lead officer informed of relevant issues

4.4 Role of Support Officer – Emergency Planning & Resilience Officer

- To organise meetings of SAGs as required
- To coordinate and prepare agenda papers and supporting paperwork
- To take minutes and circulate to all members of the SAG and other interested parties
- To research and collate any information that may assist the SAG chair
- To ensure accurate documentation of all decisions and actions and pursue the action owner where necessary
- To advise the lead officer on any response required to interested parties and stakeholders
- To establish and maintain filing systems for SAG documentation

4.5 Role of SAG liaison officer – Hampshire Fire and Rescue Service

- To advise SAG and/or Hampshire County Council on fire safety matters referred to in the Green Guide including:
 - Means of ingress and egress to and from sports grounds
 - Width of all routes, staircases, gates and vomitories
 - Positioning of signage
 - Determining the provision of fire fighting resources and water supplies
 - Control of flammable materials and storage areas in sports grounds
 - Control of heating installations in sports grounds
 - Control and location of catering and merchandising outlets and other installations and provisions including temporary demountable structures
- Attend meetings of the Safety Advisory Group
- To select fixtures and arrange pre match inspections at each ground by a Fire Officer and report findings and actions to the chair of SAG or Lead officer bearing in mind that the operations of the sports ground and its

installations and the responsibility for spectator safety lie with the holder of the General Safety Certificate

- Attend annual inspections of the sports ground and advise as appropriate
- To provide a Fire Officer to attend multi agency control rooms on selected match days as appropriate to observe and understand the operation of the ground and fulfil the role of Emergency Services Liaison Officer (Fire)

4.6 Role of Liaison Officer from Hampshire Constabulary

- To attend and advise the Safety Advisory Group for the designated ground or regulated stand
- To assist the local authority with the content and formulation of the General Safety Certificate
- To constantly monitor by means of attendance and observation the provision of safety measures provided by the club in question in terms of stewarding effectiveness and provision of police services
- To identify, inform and advise other agencies that have responsibility for crowd safety on any deficiencies that come to light
- To provide or obtain specialist advice from a police perspective at all stages of development or redevelopment of a sports ground
- To attend annual inspections of the sports ground and advise on crowd management signage, traffic management and public order issues as appropriate
- To provide a control room commander on selected matchdays

4.7 Role of SAG Liaison Officer NHS Ambulance Service or the organisation providing first aid cover

- To advise on health and first aid matters as referred to in the Green Guide
- To act as a point of reference for first aiders attending specific incidents
- To attend Safety Advisory Group meetings
- To attend on selected match days as appropriate to observe and understand the operation of the ground or to undertake inspections on aspects that the liaison officer is suitably qualified to report on
- Attend annual inspections of the sports ground and advise on health issues as appropriate
- To provide Ambulance officer to attend multi agency control rooms as appropriate. NB If NHS Ambulance Service are attending a fixture then it is likely that voluntary organisations will take direction from Senior Ambulance Officer

4.8 Role of SAG Liaison Officer from District or Borough

- To advise on building control issues in relation to the sports ground
- To advise on environmental health issues in relation to the sports grounds
- To advise on licensing issues in relation to the sports grounds

- To coordinate between the Safety Advisory Group and the District or Borough council on issues such as town and country planning
- Attend meetings of the Safety Advisory Group
- Attend annual inspections of the sports grounds and advise on safety issues as appropriate
- To attend on selected match days as appropriate to observe and understand the operation of the ground or to undertake inspections on aspects the liaison officer is suitably qualified to report on

4.9 Role of Sports Ground Safety Authority

The core functions of the Sports Ground Safety Authority as set out in the Football Spectators Act 1989 are to ensure the implementation of government policy concerning the safety and comfort of spectators at designated football matches (As developed from the final report by the Rt Hon Lord Justice Taylor following the inquiry into the Hillsborough Stadium Disaster in 1989) and specifically in relation to Local Authorities to:

- Keep under review the discharge by the local authority of their functions under the Safety at Sports Grounds Act 1975 in relation to sports grounds at which designated football matches are played
- Offer guidance on good practice issues relating to the organisation of safety advisory groups
- Where possible to attend meetings of each of the Safety Advisory Groups
- Where possible to attend annual inspections of the designated sports grounds
- Where appropriate to advise on crowd management and safety issues

4.10 Role of Holder of General Safety Certificate at Designated Sports Grounds or Holder of Safety Certificate at a Regulated Stand

- To be responsible for the safe operation of the sports ground including crowd safety and movement, segregation, entering, exiting , ticketing and stewarding
- To bring to the attention of the lead officer any observations of concern in relation to technical equipment e.g. turnstile operation, lighting etc
- To ensure that all terms and conditions of the General Safety Certificate are complied with
- To complete the annual self assessment questionnaire to assess the grounds compliance with the General Safety Certificate
- As required to provide relevant information as contained within the terms and conditions of the General Safety Certificate to the SAG and/or Hampshire County Council
- To notify the local authority of any developments, proposals, changes or proposed installations including temporary demountable structures at the sports ground that may affect the safety of spectators
- To action if appropriate any professional recommendations or requirements advised by the SAG or Hampshire County Council

- To attend meetings of the Safety Advisory Group
- To attend annual inspections of the sports ground

APPENDIX A – DESIGNATED GROUNDS AND REGULATED STANDS

Designated Sports grounds in Hampshire requiring a General Safety Certificate

- The Ageas Bowl

Regulated stands in Hampshire requiring a safety certificate

- Farnborough Town FC
- Basingstoke Town FC
- Havant and Waterlooville FC
- Thruxton Motor Circuit
- Aldershot Town Football Club
- Eastleigh FC

APPENDIX B – MATCH DAY INSPECTION REPORT

Ref	Item	Comments	Name of observer
1	Date, match, time of arrival, time of briefing and start time		
2	SAG members present		
3	Key points from briefing		
4	Attendance figures 15 minutes before start At start 30 minutes after start Actual declared		
5	No of first aid staff on duty		
6	No of stewards on duty including contractors		
7	No of police on duty and rank		
8	Any other Emergency Services		
9	Any persistent standing		
10	Any faults seen or highlighted by staff		
11	Check any incident locations reported from last SAG		
12	Any other issues		

APPENDIX C – SAFETY ADVISORY GROUP – TERMS OF REFERENCE

The Terms of Reference of XXXX Safety Advisory Group (SAG) are as follows:-

- To advise the Local Authority in the exercise of its powers under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987 in respect of the safety certification. *(delete as appropriate)*.
- To advise the Local Authority in the exercise of its powers under the Licensing Act 2003 *(delete as appropriate)*.
- To advise the Local Authority as the enforcing authority as defined in the Health and Safety (Enforcing Authority) Regulations 1998 for enforcement of the relevant statutory provisions.
- To advise the Local Authority in relation to its duty of care regarding sport grounds/ public events *(delete as appropriate)* that do not require to be Certified/ Licensed
- To provide advice and assistance to sports grounds certificate holders, event license holders and event planners on public safety related issues.
- To provide a forum within which the Local Authority and other agencies may develop a co-ordinated approach to spectator safety.
- Consider aspects of and possible changes to the terms and conditions in the General/Special Safety Certificate/ Licensed Conditions *(delete as appropriate)*.
- To receive and discuss all proposals for new sports grounds and public events *(delete as appropriate)*, alterations to existing designated Sports Grounds/ public events *(delete as appropriate)*,
- To receive any relevant reports in relation to matters found during inspections by Group members.
- Monitor that any matters raised by the Group have been reported to the Local Authority, other relevant Authority, or Club and that these matters are reported back to the Group.
- To discuss any significant incident with potential safety implications or “near miss” at a sports ground/public event *(delete as appropriate)*.
- To receive notification of the issue of any prohibition notice and any prosecutions under sports grounds /events legislation *(delete as appropriate)*.
- To consider the advice published in all available guidance documents

APPENDIX D – MEMBERSHIP OF ALDERSHOT TOWN SAFETY ADVISORY GROUP

Core

- Hampshire County Council
- Hampshire Constabulary
- Hampshire Fire & Rescue
- Rushmoor Borough Council (Building Control)

Invited

- Aldershot FC Certificate Holder, Chief Executive, Directors
- Aldershot FC Match Day Safety Officer
- St. John Ambulance
- Sports Ground Safety Authority

APPENDIX E – MEMBERSHIP OF AGEAS BOWL SAFETY ADVISORY GROUP

Core


- Hampshire County Council
- Hampshire Constabulary
- Hampshire Fire & Rescue
- NHS Ambulance Service
- Southampton & Eastleigh Building Control Partnership

Invited

- Sports Ground Safety Authority
- Ageas Bowl PLC
- Paris Smith Solicitors
- Eastleigh Borough Council

ACKNOWLEDGEMENTS

Thanks are extended to the Sports Ground Safety Authority and Nottinghamshire County Council for their advice in preparing this document

RISK ASSESSMENT FORM					Risk Score	Rating	 Hampshire County Council			
Organisation / department / function / project: Safety at Sports Ground Service					15-25	High				
					8-14	Medium				
					1-7	Low				
Business Objective: Provision of efficient service meeting the requirements of the Safety at Sports Grounds Act 1975 & Fire and Safety at Places of Sport Act 1987										
Completed by: Ian Hoult, Peter Andrews					Date completed: 11.03.19	Date reviewed: 11.03.19				
No	Risk Description (Threat/Opportunity to achievement of business objective)	Initial Assessment of Risk [As 02.04.09]			Risk Control Measures	Assessment of Current Risk [With control measures implemented]			Timescale/ Review	
		Likelihood (Probability)	Impact (Severity)	Risk Score		Likelihood (Probability)	Impact (Severity)	Current Risk Score	Risk Level	
		[L]	[I]	[L x I]		[L]	[I]			
1	Risk that processes are unclear and inconsistent leading to errors and certificates being issued inappropriately.	4	5	20	Suite of proforma documents in place using best practice from other issuing Authorities. Agreed processes in place that meet FLA requirements.	2	3	6	Low Threat	Quarterly
2	Risk that staff lack sufficient competency and experience to carry out efficient service.	5	5	25	Team have attended FLA training course. Clear responsibility lines agreed within EPU. Higher level of confidence in existing controls when compared to those in operation at other issuing organisations.	2	3	6	Low Threat	Quarterly
3	Risk that information provided by venues is incorrect or incomplete leading to certificates being issued inappropriately.	4	4	16	Building clear & good relationships with venue representatives with reputation for competency. Increased competency of team through training.	2	3	6	Low Threat	Quarterly
4	Risk that the roles and responsibilities between different regulatory bodies are unclear leading to errors in certificate issuing.	4	5	20	Terms of Reference for Safety Advisory groups are in place with clear roles & responsibilities; along with supporting documentation.	2	3	6	Low Threat	Quarterly
5	Risk that the media misunderstand HCC's role and criticise the CC for issues that are not HCC's responsibility in the event of an incident, damaging HCC's reputation.	5	3	15	Clear documentation in place. Improved competency. So, EPU clear about limit of responsibility, which is clearly documented.	2	3	6	Low Threat	Quarterly
6	Risk that the income received is insufficient to meet the costs of providing the service leading to budget pressure to EPU.	3	4	12	Fee levels in place, with effective budget monitoring in place.	1	2	2	Low Threat	Quarterly
7	Risk that other organisations that HCC is reliant on do not sufficiently prioritise sufficient resources at the right level and do not provide sufficiently robust challenge to sports ground's self assessments. (new risk 09.07.09)	4	4	16	Agencies cognisant of their responsibilities. Good, professional relationships in place. Agencies are compliant.	2	4	8	Medium Threat	Quarterly