

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY
COUNCIL held at the castle, Winchester on Wednesday, 18th April, 2018

Chairman:

* Councillor Peter Latham

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

*Present

51. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Dibbs and House.

52. 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.

53. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed.

54. CHAIRMAN'S ANNOUNCEMENTS

The Chairman confirmed that for clarity going forward, any significant amendments proposed to Conditions or recommendations were to be discussed and confirmed in writing by an officer before being voted on. In more complicated cases, the Chairman would use discretion as to whether a vote is done in principle first, to determine whether the synopsis of the change is one Committee wish officers to develop.

Any minor amendments could remain as being tabled verbally for voting.

55. **DEPUTATIONS**

It was confirmed that two deputations had been received for the meeting.

56. **DOWNTON MANOR FARM QUARRY, DOWNTON, MILFORD ON SEA**

Committee considered a report from the Head of Strategic Planning regarding two applications at Downton Manor Farm in Milford on Sea, one of which regarding an extension and the other to vary conditions.

Updates had been circulated, which were as follows:

1. Consultation comments on the Noise Assessment:

1.1 *Paragraphs 9.51-9.53 of the Regulatory Committee Report refer to the public representation [‘Lichfields on behalf of Shorefield Holidays Ltd’](#) made by Lichfield, the agent for the neighbouring Caravan park. This included a review of the Noise Assessment.*

1.2 *Paragraph 9.52 states that the applicant made return comments about this representation. Paragraph 9.53 states that these comments and the review of the Noise Assessment were sent to the Environmental Health Officer (EHO) for comment, which had not been received at the time of writing the report.*

1.3 *The EHO has now submitted their comments on the review,. The applicant has also submitted comments on the subject. The transcript of the responses from the EHO and the applicant have been posted for public view for both application 17/11396 and 17/11406 in a single document called ‘ Noise Assessment Review Commentary’ and can be found at this [link](#). This has been shared with the agent acting for the neighbouring Caravan Park.*

1.4 *The key issues identified by the Noise Assessment Review that the EHO highlighted for further consideration in their comments are:*

- i) An anomaly associated with the background data; and*
- ii) A question over the integrity of the background levels.*

1.5 *The final response from the applicant’s agent and their noise consultant identify the anomaly (i) as a clerical error and that amending the error does not result in a change to the conclusions of the report. The response goes on to explain the use of a monitoring period of a week (5 days) to create the background levels and so, in their view, a worst case scenario (for the operation) has been considered and that the background noise level used is representative of the receptor location (ii).*

1.6 *Therefore, it is the view of the Minerals Planning Authority that the corrected value in the noise assessment does not alter the findings or conclusions of the Noise Assessment. It therefore is not a substantive change to the document or to the Environmental Statement and so can be considered without additional public consultation. This does not therefore*

alter the commentary or recommendations of the Regulatory Committee Report.

1. **Further public representation**

Yesterday, 17.04.18, we received a further public representation from the planning agent acting on behalf of Shorefields Holiday Park, the neighbour to the site.

This continues to raise concerns regarding the noise assessment submitted as part of the application 17/11406, vibration and the amenity impacts of these on the caravan park.

- The MPA has received consultation response from NFDC EHO. This response is for no objection with conditions to control noise and dust;
- With respect to vibration, this is not considered a significant issue for the sand and gravel extraction operation proposed and was not identified as such by the EHO consultation response;
- With respect to the noise assessment, re-consultation with the EHO and the agent has been carried out following the submission of the noise assessment review on behalf of the neighbouring holiday park. The EHO's consultation response is for no objection with conditions, therefore the MPA is satisfied with the assessment that has taken place on this issue.

It is noted that the neighbour requests the following:

1. Consideration to restrict operating hours on the proposed extraction area to 0900-1800 Monday to Friday, excluding Public holidays; and
2. Comments to the proposed conditions.

2. **17/11392 –revisions to conditions**

i) Revision of condition 17 to now read:

17. The site shall be worked in accordance with the approved Phasing/Working Plans, drawing numbers 26G-01-04 Rev A, 26G-01-05 Rev A, 26G-01-06 Rev A, 26G-01-07 Rev A, 26G-01-08 Rev A, 26G-01-09 Rev A, 26G-01-10 Rev A, 26G-01-11 Rev A, 26G-01-12 Rev A, 26G-01-13 Rev A, 26G-01-14 Rev A. Minerals Extraction shall be carried out sequentially in phase number order as shown on the Proposed Extraction Phasing Plan, drawing 26-G-01-04 Rev A. There shall only be extraction in one phase area at any one time. There shall not be more than two phases unrestored at any one time.

Reason: In the interest of the satisfactory working and public amenity in accordance with Policies 6 (South West Hampshire Green Belt), 8 (Protection of soils) and 9 (Restoration of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

ii) Revision of condition 17 to now read:

19. Prior to commencement of the restoration of phase 3, a revised detailed Restoration and Management Scheme shall be submitted to and approved in writing by the Minerals Planning Authority. Phase 1 shall be restored to ecological habitat and flood attenuation. All other phases (2-11) are to be restored to agricultural use with woodland and hedgerows. All restoration and aftercare shall be in accordance with the Restoration and Management Scheme, the Revised Restoration Plan, drawing 26G-01-15 Rev B, and documents submitted and approved under condition 20 (Restoration planting).

Reason: In the interest of the satisfactory working and restoration of the site in accordance with Policies 6 (South West Hampshire Green Belt) and 9 (Restoration of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

iii) Revision of condition 26 to say Minerals Planning Authority, not Waste Planning Authority. Condition 26 to now read:

26. Notwithstanding the provisions of Parts 4, 7 and 16 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order):

- (i) fixed or mobile plant or machinery, buildings, structures and erections or private ways shall not be erected, extended, installed or replaced at the site without the prior agreement of the Minerals Planning Authority in writing; and*
- (ii) no telecommunications antenna shall be installed or erected without the prior agreement of the Minerals Planning Authority in writing.*

Reason: In the interest of the protection of the amenities of the area in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

iv) Revision of condition 29 to remove 'against'. Condition 29 to now read:

29. Prior to commencement of the soil stripping of phase 3, as shown on the Proposed Extraction Phasing Plan, drawing 26-G-01-04 Rev A, a scheme considering the entire site for additional foraging and commuting bat installations, such as bat boxes, to mitigate impact on bats during the works, shall be submitted to and approved in writing by the Minerals Planning Authority. These shall be installed, in accordance with the scheme and qualified ecological guidance, prior to commencement of the soil stripping of phases of the development to provide biodiversity enhancements to the habitats for bats in the short term until restoration is established.

Reason: To ensure the welfare of protected species in accordance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) and in accordance with Policy 3 (Protection of habitats and species) of the Hampshire Minerals and Waste Plan (2013). This is a prior commencement condition to ensure protection of biodiversity.

3. 17/11406 –revisions to conditions

i) Revision of condition 3 to now read:

3. All noise mitigation bale walls as shown on the Working and Restoration Scheme drawings 26G-01-05 Rev A, 26G-01-06 Rev A, 26G-01-07 Rev A, 26G-01-08 Rev A, 26G-01-09 Rev A, 26G-01-10 Rev A, 26G-01-11 Rev A, 26G-01-12 Rev A, 26G-01-13 Rev A, 26G-01-14 Rev A, and those required by conditions 4 and 5 (Noise mitigation), shall be fully installed before commencement of soil stripping prior to extraction of the relevant phase and shall be retained until completion of placing top soil for the restoration of that phase. The bale walls shall be constructed, maintained and removed in accordance with the Noise Mitigation Bale Wall Design

Statement and the Noise Mitigation Bale Wall Design drawing and condition 7 (Bale wall ecology).

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

ii) Revision of condition 3 to now read:

8. The development hereby permitted shall allow for a 9 metre wide buffer zone between the edge of mineral extraction and the site boundary woodland and hedgerows and shown on the Working and Restoration Scheme drawings, 26G-01-05 Rev A, 26G-01-06 Rev A, 26G-01-07 Rev A, 26G-01-08 Rev A, 26G-01-09 Rev A, 26G-01-10 Rev A, 26G-01-11 Rev A, 26G-01-12 Rev A, 26G-01-13 Rev A, 26G-01-14 Rev A, and the Noise Mitigation Bale Wall Design drawing. The buffer zone shall include a retained grass strip a minimum of 1 metre wide adjacent to the edge of the site boundary woodland and hedgerows. This grass strip shall be maintained as undisturbed grass and the access route for vehicles and machinery for the construction and maintenance of bunds and bale walls shall not encroach into it.

Reason: To provide a buffer zone and foraging/commuting habitat for reptiles in accordance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) and in accordance with Policy 3 (Protection of habitats and species) of the Hampshire Minerals and Waste Plan (2013).

The officer summarised the applications and Committee was shown a location plan of the site and surrounding area. The material changes were also highlighted on a plan of the site, along with current and proposed phases of development.

Committee received two deputations on this item. Helen Ashby-Ridgway spoke on behalf of the neighbouring holiday park to the site. Whilst the park had no intentions to stop operations on the site, they did wish to ensure that impact on guests was kept to a minimum with the extension putting the working area very close to the boundary line. There were concerns that the normal assessments regarding noise were not a fair representation due to the thin insulation on caravans and chalets. There were also questions regarding the baseline data used to do the analysis.

Nick Dunn and Robbie Flower address Committee on behalf of the application, and confirmed that it was a local family business with good links to the community. They had always strived to improve the areas that had been worked with lakes and landscaping to encourage wildlife. The applicant had been open with the holiday park in discussions and done a lot of local consultation, and were disappointed that late objections had been made. The applicant was happy that the baseline used for the noises assessments was reliable and was the same basis used for assessments done in 2003 and 2009.

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

- A liaison panel was in existence, which restarted about a year previous.
- The location of the bale wall was concerned and constructed with elephant grass grown on site, which was naturally fire resistant and had a long shelf life.

- There was a delay in starting operations on site, and as there were already plans to work further, it was decided that it made sense to extract more whilst there was the opportunity.
- Vehicle limits remain regardless of the volume transported on them
- The holiday park had no concerns with the current operation, only future potential for problems as a result of the expansion.

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

- There had been a clerical error with the readings, which had listed 40dB instead of 40.1dB.
- Steps had already been taken to minimise noise, and this would be monitored going forward.
- Bale walls were used to screen visually as well as just noise and they had been found to be very effective.
- The Hampshire Minerals and Waste Plan allows for a 7 year land bank, however this was currently only at 5.31 due to lack of resource, which was a material consideration to the application.

During debate, Members agreed that the area was suitable for expansion and preventatives were in place to minimise the impact.

RESOLVED:

Planning permission was granted for both planning application 17/11406 and 17/11392, subject to a Section 106 [S106] agreement for the provision of a permissive footpath, the conditions listed in integral Appendix B (17/11392) and integral Appendix C (17/11406) and the updates circulated at the meeting, listed above.

Voting:

Favour: 12

Against: 0

Abstentions: 2

Chairman,