

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY  
COUNCIL held at the castle, Winchester on Wednesday 15 May 2024

Chairman:

\* Councillor Peter Latham

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|--------------------------------|-----------------------------|
| * Councillor Lance Quantrill   | * Councillor Stephen Parker |
| * Councillor Lulu Bowerman     | * Councillor Roger Price    |
| * Councillor Steven Broomfield | * Councillor Kim Taylor     |
| * Councillor Mark Cooper       |                             |
| * Councillor Rod Cooper        |                             |
| Councillor Michael Ford        | *Present                    |
| Councillor Pal Hayre           |                             |
| * Councillor Keith House       |                             |
| Councillor Adam Jackman        |                             |
| * Councillor Lesley Meenaghan  |                             |
| * Councillor Sarah Pankhurst   |                             |

**166. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Mike Ford and Pal Hayre.

**167. 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 5 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.

**168. MINUTES OF PREVIOUS MEETING**

The minutes of the last meeting were reviewed and agreed.

**169. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman confirmed that there would be breaks during the meeting, and reminded Members to not converse with deputations or observers whilst these took place.

## 170. DEPUTATIONS

It was confirmed that 10 deputations and four County Councillors had been received for the meeting.

## 171. HAMBLE AIRFIELD

***Proposed extraction of sand and gravel, with restoration to grazing land and recreation using imported inert restoration materials, the erection of associated plant and infrastructure and the creation of a new footpath and access onto Hamble Lane at Hamble Airfield (Application No. CS/22/92277 Site Ref. EA112)***

*Councillor Lance Quantrill declared a personal interest as a Member of the River Hamble Harbour Management Committee.*

*Councillor Rod Cooper declared a personal interest as a Member of the River Hamble Harbour Management Committee and berth holder on the River Hamble.*

*Councillor Roger Price declared a personal interest as a deputy Member of the River Hamble Harbour Management Committee.*

*Councillor Mark Cooper declared a personal interest as a Member of the River Hamble Harbour Management Committee.*

*Councillor Keith House declared a personal interest as a Member of the River Hamble Harbour Management Committee and Leader of Eastleigh Borough Council.*

*Councillor Stephen Broomfield declared a personal interest as a deputy Member of the River Hamble Harbour Management Committee.*

The Committee considered a report from the Assistant Director of Waste and Environmental Services (item 6 in the minute book) regarding the proposed extraction of sand and gravel at Hamble Airfield.

The report and application was summarised by the lead officer and Members were taken through aerial and elevation photographs, depicting the location of the site, the surrounding area and proposal plans. The Committee was also taken through the details of the proposed access to the site, restoration plans and viewpoints into the site area, including from across the river.

Consultation responses and representations were summarised and it was confirmed that Eastleigh Borough Council had objected to the proposals. Members learned that a very late response had been received the evening before from Natural England which included an objection on the Habitats Regulation Assessment regarding air quality impacts on the nearest national ecology designations. Officers reported that Natural England had never raised concerns on this matter previously in the planning process and that Planning Officers and the County Ecologist had doubts that the objection could be upheld

due to concerns that Natural England had not reviewed the correct information when providing their response. Officers highlighted that members may be minded to consider an additional reason for refusal should they wish to.

Key issues associated with the planning application were highlighted, along with the concerns of the security of supply of the landbank with currently over 50% of permitted reserves being provided by one site in the New Forest and many other permitted sites not currently being operational.

An update report had been published and provided to Committee and this was summarised by the officer.

The Committee received deputations from Paul Holmes MP, Matthew Waters and Jan Freeman (on behalf of Hamble Peninsular Residents Group (HPRG)), Cllr Chris Jones and Steve Tilbury (on behalf of Hamble Parish Council), Dr Mark Thomson and Professor Sir Stephen Holgate (on behalf of Blackthorn Health Centre), Tony Clothier and Richard Andrews (on behalf of Water Environment Ltd), Hannah Craggs, Oscar Hill, Louisa Cambridge and Christian Walton (on behalf of The Hamble School and Hamble Primary School), Alex Ryding, Keith Butler and Clive Rendle (on behalf of CooperVision) and Kris Mitra, on behalf of Genesis Town Planning Ltd.) who all spoke in support of refusing the application and also raised wider concerns.

Emma Pearman, Bob Thomas, Dr Robert Storey and Ben Howard spoke on behalf of the applicant in favour of the application and against the proposed refusal.

County Councillors Rupert Kyrle, Prad Bains, Alex Crawford and Malcolm Wallace also addressed Committee to share their concerns regarding the location of the application.

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

- It was felt that a smaller site on a smaller scale wouldn't change concerns regarding air quality.
- The height of the bunds was not felt to provide mitigation.
- The respiratory and cardiovascular health of residents in the local area was felt to be around the national average.
- There was a marine Special Protection Area (SPA) around 280mtrs to the north east of the site that had not been accounted for.
- It was estimated that over 50% of the secondary school students either walked or cycled to school.
- Following a survey undertaken by HPRG, 48% of local businesses had said they would consider relocating should the application be approved.
- Silicosis was not a risk or concern in working on the site and Cemex employees were not required to wear any additional PPE in relation to this aspect.
- It was not unusual for such a site to be close to a school or residential area and there had been no problems at other similar sites operated by Cemex elsewhere.

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

- An additional recommendation could be included regarding air quality and the response from Natural England, but it was reported that officers would not be able to defend the position taken by Natural England. Natural England would be responsible for defending it in the event of an appeal by the applicant.
- The site operations (including the restoration process and filling with inert material) would be monitored by the County Council Monitoring and Enforcement team as part of the proactive monitoring of quarry sites.
- Despite many issues being raised during deputations, officers were confident that the report was accurate and any additional reasons for refusal would not be defensible at appeal.
- Whilst officers recognised the concerns around silicosis, advice had been sought and there were no concerns around risk associated with the sand and gravel extraction proposed.
- Feasibility work undertaken by the Highway Authority had established that a £500k investment to improve walking and cycling in the area would be sufficient.
- Police and Fire Services were not statutory consultees but their comments were received and considered and were covered as part of the representations section of the report.

Following questions of officers, Councillor Keith House made four amendments, which were put forward to the Committee:

Amendment 1 - strengthening of recommendation b)

*Proposed by Councillor Keith House and seconded by Councillor Rod Cooper*

**On the basis of the information before the Minerals and Waste Planning Authority, the proposal is considered to be contrary to Policy S11 (Transport Infrastructure) of the Eastleigh Borough Local Plan (2022), Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013) in so far as the identified adverse impact of the development on the highway network would not be satisfactorily mitigated and the development would not promote sustainable transport modes.**

*Reason: The proposal is considered to be contrary to Policy S11 (Transport Infrastructure) of the Eastleigh Borough Local Plan (2022) and Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013) in so far as the identified adverse impact of the development on the highway network would not be satisfactorily mitigated and the development would not promote sustainable transport modes.*

Whilst some Members felt that this was already covered in the existing report and there was a risk of diluting valid reasons for refusal, others felt that this strengthened the reason for refusal should the application go to appeal. Officers reinforced that there were no severe impacts identified regarding highway impacts and therefore would be a difficult reason to defend should it go to appeal.

**Favour: 6**  
Against: 5  
Abstentions: 1

Amendment 2 – Additional recommendation c)

*Proposed by Councillor Keith House and seconded by Councillor Sarah Pankhurst*

**On the basis of the lack of an immediate need for additional minerals extraction (based on the National Planning Policy Framework (2023), adopted and emerging minerals and waste plans), the outstanding issues with the planning application (e.g. traffic and highways, air quality) and the objections to the emerging minerals and waste plan Hamble Airfield site allocation, the principle of development cannot be supported at this time.**

*Reason: This will enable the planning application to be subject to the further assessment required to determine its suitability; and the principle of the site allocation to be reconsidered through the emerging minerals and waste local plan.*

Officers highlighted that the emerging update to the Hampshire Minerals and Waste Plan could not be taken into account when determining the planning application. KC advice confirmed this position and this is reflected in the officers report. Members were required to use the currently adopted Hampshire Minerals and Waste Plan (2013) when determining the planning application.

Favour: 4  
**Against: 8**

Amendment 3 – Additional recommendation d)

*Proposed by Councillor Keith House and seconded by Councillor Stephen Broomfield*

**The proposal conflicts with Policy S5 (New Development in the Countryside) and Policy S6 (Protection of Settlement Gaps) of the Eastleigh Local Plan (2022) due to the urbanising effect of the proposed site entrance, loss of mature trees and gravel extraction compound and activities detrimental to the character of the countryside.**

*Reason: On the basis of the information before the Minerals and Waste Planning Authority, the proposal is considered to be contrary to Policies S5 (New Development in the Countryside) and S6 (Protection of Settlement Gaps) of the Eastleigh Local Plan (2022) due to the urbanising effect of the proposed site entrance, loss of mature trees and gravel extraction compound and activities detrimental to the character of the countryside.*

Whilst concerns were acknowledged, the Committee was reminded that this was not something that could be defended at appeal as the proposal was not considered to be contrary to Policy 5 (Protection of the Counteyside) of the

Hampshire Minerals and Waste Plan (2013) as well as Policies S5 (New Development in the Countryside) and S6 (Protection of Settlement Gaps) of the Eastleigh Local Plan (2022) as highlighted in the report.

Favour: 6

**Against: 6\***

\*Chairman's vote meant that this amendment was refused

Amendment 4 – Additional Recommendation e)

*Proposed by Councillor Keith House and seconded by Councillor Sarah Pankhurst*

**On the basis of the information before the Minerals and Waste Planning Authority, the proposal is not considered to be in accordance with Policy 3 (Protecting habitats and species) of the Hampshire Minerals and Waste Plan (2013) and Policy DM11 (Nature conservation) of the Eastleigh Borough Local Plan (2022) as it has not been demonstrated beyond reasonable scientific doubt that the air pollution would not lead to adverse effects on designated sites alone, or in combination with other plans or projects.**

*Reason: The proposal is considered to be contrary to Policy 3 (Protecting habitats and species) of the Hampshire Minerals and Waste Plan (2013) and Policy DM11 (Nature conservation) of the Eastleigh Borough Local Plan (2022) as it has not been demonstrated beyond reasonable scientific doubt that the air pollution would not lead to adverse effects on designated sites alone, or in combination with other plans or projects.*

This amendment was in response to the very late concerns raised by Natural England around air quality.

**Favour: 11**

Against: 1

During wider debate of the application, the Committee noted that it had been a very long process and comprehensive report and officers were praised for their work. Members acknowledged the deputations made and the concern of local residents that the location was not suitable for the site.

In summarising the discussions and comments made, the lead officer clarified that there had been additional justifiable reasons for refusal they would have been incorporated as part of the recommendation put to Committee. Whilst silicosis concerns were recognised, legal advice had been sought and it was not something that was a risk in mineral developments such as the one being considered.

RESOLVED

1. Subject to confirmation that the Secretary of State does not intend to call-in

the planning application for determination, that planning permission be REFUSED for the below reasons and as outlined in **Appendix A**:

- a) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in unacceptable flooding impacts contrary to the requirements of Part h of Policy 10 (Protecting public health, safety and amenity) and Policy 11 (Flood risk and prevention) of the Hampshire Minerals and Waste Plan (2013) as well as Policy DM5 (Managing flood risk) of the Eastleigh Borough Local Plan (2022);
  - b) On the basis of the information before the Minerals and Waste Planning Authority, the proposal is considered to be contrary to Policy S11 (Transport Infrastructure) of the Eastleigh Borough Local Plan (2022), Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013) in so far as the identified adverse impact of the development on the highway network would not be satisfactorily mitigated and the development would not promote sustainable transport modes.
  - c) On the basis of the information before the Minerals and Waste Planning Authority, the proposal is not considered to be in accordance with Policy 3 (Protecting habitats and species) of the Hampshire Minerals and Waste Plan (2013) and Policy DM11 (Nature conservation) of the Eastleigh Borough Local Plan (2022) as it has not been demonstrated beyond reasonable scientific doubt that the air pollution would not lead to adverse effects on designated sites alone, or in combination with other plans or projects.
2. On the basis of the above reasons, the proposal, in its current form, is considered to be contrary to Policy 1 (Sustainable minerals and waste development) of the [Hampshire Minerals and Waste Plan \(2013\)](#) (HMWP (2013)). Therefore, the proposal does not constitute a sustainable minerals development.

Voting

Favour: 12 (unanimous)

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Chairman,