

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY
COUNCIL held at the castle, Winchester on Wednesday, 20th March, 2019

Chairman:

* Councillor Peter Latham

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| * 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 Gary Hughes | * Present |

101. APOLOGIES FOR ABSENCE

Apologies had been received from Councillor's Jane Frankum, Marge Harvey and David Simpson. Councillor Harrison attended as a deputy for Councillor Simpson.

102. 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.

103. MINUTES OF PREVIOUS MEETING

It was noted that despite not being required for the meeting, deputy Members had remained on the attendance list as absent, which would be corrected for future meetings. The minutes of the last meeting were then agreed.

104. DEPUTATIONS

It was noted that there were six deputations and two County Councillors speaking as deputations. All deputations had a maximum of ten minutes each.

105. CHAIRMAN'S ANNOUNCEMENTS

Members were reminded that there was training due to take place after the meeting, which all Members were welcome to attend as a refresher should they wish to.

106. FOREST LODGE HOME FARM HYTHE

Councillor McEvoy was a deputation for this item and did not sit as a voting Member on the Committee

The Committee considered a report from the Head of Strategic Planning (item 6 in the minute book) regarding an application to vary conditions at Forest Lodge Farm in Hythe.

The Chairman introduced the item and confirmed that a site visit had taken place and that some members had attended previous visits to the site. The application was summarised, and it was confirmed that amendments to Conditions had been sought so a material screener could be used on site. Location and phasing plans of the proposed restoration were shown, along with photos of the site and temporary screeners in operation.

The Committee received two deputations on this item. Councillor Peter Armstrong from New Forest District Council and County Councillor Alexis McEvoy both spoke against the application. Cllr Armstrong told committee the great extent of local opposition to the application and several comments from local residents were read out to Committee. There were particular concerns regarding health and wellbeing in relation to noise and dust and it was felt that the owners were unneighbourly and inconsiderate of residents. Councillor McEvoy echoed some of the sentiments of Councillor Armstrong and shared concerns over whether the damping process to minimise dust had been tested. Councillor McEvoy chaired the liaison group and felt that it helped address some issues, but agreed that communication from the applicant could be better. Whilst the site appeared to be remote and in countryside, Councillor McEvoy reminded Committee that it was in fact near a densely populated residential area.

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

- The Environmental Health Officer at New Forest District Council had not objected as had no direct involvement with the application.
- Objections had been made regarding noise at the liaison meetings, but none had been investigated further.
- There had been no evidence of direct damage to the health of residents, but some residents did have conditions that could be exacerbated by noise and/or dust.
- Damping down was an enforcement issue, and one that could be investigated as the summer approached.

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

- Screening was currently done off site, and the movements incorporated as part of the allowance within the conditions.

- It was not known what type of screener would be installed should the application be approved.
- There had been no approval or permission given for the screener currently on site.
- There would be a lower volume of material going to and from the site should a screener be permitted.
- Noise assessments had found that the noise levels would not breach the existing permitted limits
- Hampshire County Council were currently behind the target established in the Minerals & Waste plan for soft sand
- Whilst some complaints had been received, these had all been since the application had been made, rather than being historical enforcement issues.

During debate, Members commented that at the Site Visit, the noise of the main road drowned out those of any operations on site. Whilst it was acknowledged that there were concerns regarding dust, some Members of the Committee were not convinced that having a screener on site would add to the dust levels.

In response to debate The Head of Strategic Planning suggested that the recommendation to committee could be updated to include additional Conditions that would be added to the recommended decision of the Committee were the Committee minded to grant, specifically;

- 1) That a written noise management plan is submitted and put in place.
- 2) That permitted development rights are excluded under Condition 19.

During debate it was discussed by members that a further Condition be added to the recommended decision;

- 1) That the size and type of screener to be used on site be specified and approved by Environmental Health before any screening operations could take place on the site.

This proposal was tabled as an amendment to the recommendation by Councillor Philpott and seconded by Councillor Grajewski and therefore went to the vote:

Favour: 8
Against: 4
Abstentions: 1

The amendment was therefore incorporated into the recommendation for the committee's vote

RESOLVED:

- A) The Head of Law and Governance was authorised to draw up Deed of Variation to the Section 106 Agreement (ref: 107848, signed 14 March 2017) to secure the dedication of a public right of way from west to east

across the site connecting with Footpath no. 3a (Solent Way) following completion of restoration of the site.

- B) Authority was delegated to the Director of Economy, Transport and Environment to GRANT permission subject to the conditions listed in Integral Appendix B, the additional conditions recommended by Officers in respect of noise management and exclusion of permitted development and the amendment passed by members for approval of the specifics of the screener to be used on site before screening operations could begin provided that by no later than 20 June 2019 all parties enter into the Deed of Variation to the Section 106 Agreement (ref: 107848, signed 14 March 2017) with the County Council.
- C) In event that the Section 106 Agreement is not completed by 20 June 2019, the Director of Economy, Transport and Environment was authorised to refuse planning permission for that reason.

Voting:

Favour: 9

Against: 3

Abstention: 1

107. BASINGSTOKE AD FACILITY DUMMER

The Committee considered a report from the Head of Strategic Planning (item 7 in the minute book) regarding an application to amend conditions at the Basingstoke anaerobic digestion facility in Dummer.

The Chairman summarised the report and gave Committee a brief history of the original application. The officer presented Committee with a location plan and it was confirmed that the site generated electricity for approximately 2500 homes. The new conditions would enable the applicant to have more flexibility over vehicle movements but it was noted that the HGV movements were the source of a majority of complaints from local residents. It was explained that the HGV's from the site constituted only 0.3% of the vehicles on the local roads and most of the breaches in 2018 were relating to vehicles arriving slightly too early or leaving site too late.

The Committee received six deputations on this item. Bill Holt and Stafford Napier both spoke as local residents against the application. They had concerns that smaller vehicles would not be used more as speculated and large HGV's would continue but in greater numbers. As the application was for permanent permission, it was agreed that it should be considered seriously before approved. Mr Holt also felt that the chart provided to Members showing the vehicle movements was flawed. Councillor Julian Jones from Dummer Parish Council spoke against the application and told Committee that the liaison meetings had been well attended by residents with concerns over the HGV's as well as odour. The main road was used by school children travelling to and from school and it was felt that they were in danger. Whilst there were cameras installed to monitor the HGV movements, there were frequent failures with the operations of these.

Councillor Terri Reid, Basingstoke & Deane Borough Council also spoke against the application on the grounds of the safety of pedestrians and, in particular, children, along Woodbury Road. The road was very long with HGV's travelling close to or on the speed limit and Cllr Reid told Committee how there had been an incident involving a child and a car a few days before the meeting. Simon Musther spoke on behalf of the applicant and told Committee how the management and policing of vehicles had greatly improved and how the hours of operation had been changed to avoid school pick-up and drop-off times, mitigating the risk to school children. The new average of 32 HGV movements proposed allowed the applicant to have flexibility whilst the industry was still in its infancy. There were no plans to have more movements of HGV's as this was not economical.

The local Hampshire County Councillor, Stephen Reid, thanked the applicant for their communication with local residents, which had been a significant improvement on the previous operator. Cllr Reid enforced the concerns of HGV's using a road heavily used by children and didn't feel the extra risk was justified in the application. As the numbers that made up the application could not be changed, Cllr Reid recommended that the application be refused.

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

- Whilst the hours of operation avoiding school drop-off and pick-up times, there were risks to children using the road at other times.
- There had been four accidents recently, all involving cars
- The operator confirmed smaller vehicles would be used locally to give the applicant flexibility and was also more economical.
- Biogen drivers were banned and fined if caught driving outside of the stated hours.

RESOLVED:

Planning permission was GRANTED subject to the conditions listed in integral appendix B.

Voting:

Favour: 14 (unanimous)

108. APPLICATION FOR DEREGISTRATION OF COMMON LAND AT BLACKBUSHE AIRPORT, IN THE PARISH OF YATELEY - UPDATE REPORT

The Committee received an information item regarding common land at Blackbushe airport (item 8 in the minute book).

The officer summarised the history of the land and application, which was due to go to a hearing in April, where the Hampshire County Council were remaining in a neutral position regarding the outcome. As there was no precedence for the case, there was significance at a national level. The County Council planned on attending the hearing to ensure that key legal points upon which the application hinges received comprehensive consideration at the inquiry, particularly given

the implications for other applications which the County Council (as the Commons Registration Authority) is likely to receive in the future.

Members were happy with the report and update.

Chairman,