

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

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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 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 that 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 gasses differed in summer and winter
- The gasses 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,