

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY  
COUNCIL held at the castle, Winchester on Wednesday 19th June, 2019

Chairman:

\* Councillor Peter Latham

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

\*Present

**130. APOLOGIES FOR ABSENCE**

All Members were present and no apologies were noted.

**131. 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.

**132. MINUTES OF PREVIOUS MEETING**

Following a report at the previous meeting on major projects, Members requested that regular updates come to Committee on the projects discussed and progress on them. The minutes of the last meeting were reviewed and agreed.

**133. DEPUTATIONS**

It was confirmed that there were six deputations for the meeting, equating to 10 minutes each to speak.

134. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman thanked Councillor Judith Grajewski and Councillor David Simpson for their time and contribution to the Regulatory Committee and looked forward to welcoming Councillor Simpson back as a deputy Member. The Chairman also welcomed Councillor Jan Warwick and Councillor Wayne Irish as full Committee Members, and extended a further welcome to Councillor Lance Quantrill as the new Vice Chairman of the Committee.

135. **LAND AT ROESHOT CHRISTCHURCH**

*Application for extraction and processing of minerals, importation and treatment of inert materials, the erection of a concrete batching plant, workshop, offices, weighbridge and internal access to the A35 with progressive restoration using residual inert materials to agriculture, woodland and grassland at land at Roeshot, Christchurch. (Application No. 16/10618) (Site Ref: NF269)*

The Committee considered a report from the Head of Strategic Planning (item 6 in the minute book). The Chairman introduced the item, confirming that two site visits had taken place by the Committee in 2016 and 2017. There had been a delay with the application due to flood risk discussions taking place with the Environment Agency (EA) and subsequent remodelling being done, but following the extra research, the EA had withdrawn their objection to the application.

The officer confirmed that an update paper had been circulated and published on the website, which detailed changes to conditions 1- 5 inclusive. A location plan of the area was shown, depicting the border of a Site of Specific Scientific Interest (SSSI), the nearby A35 and railway line, which was to the southern boundary of the site. In site photographs, Members were reminded of the high railway embankment that screened the site to the south, as well as the vegetation across the site, a lot of which would be retained as part of the application.

There are no objections from consultees, the majority of objections received were concerned with the potential impact of increased HGV movements on the A35 which is already very busy. The Highways Authority raised no objections as it is considered the A35 has the capacity to accommodate the marginal increase in HGV movements generated.

A lot of ecological work had been done on the site, with an ecological mitigation plan being developed.

It was confirmed that the site would contribute to the County Council landbank requirement for sand and gravel.

The Committee received one deputation on this item from Douglas Symes, speaking on behalf of the applicant, who confirmed that Suitable Natural Alternative Green Spaces (SANGS) were being established on the estate. However, the existing Rights of Way were being used to fly tip and arson had occurred at Burton Common, an area of ancient woodland. The Estate are therefore reviewing the existing rights of way which could have a bearing on the

Estate's stance on the proposed Section 106 Agreement with potential improvements to limiting access or improved security. Mr Symes confirmed that the five-year extension had been sought to allow time to find a suitable mineral partner, put in place the necessary legal agreements and update ecological surveys. The Planning team were thanked for their assistance with the application.

During questions of the officers, it was confirmed that rail had been investigated in detail for the movement of mineral, but this was not economically viable due to the height of the embankment and the ease of distributing mineral to where it was required. It was noted that in paragraph 37 of the Conditions, the details regarding the groundwater level would be finalised through delegation to the officer.

The Head of Strategic Planning confirmed that in Paragraph 38 in the Conditions would be amended from "The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction" to "The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of **operation**"

During debate, Members agreed that the proposed vehicle movements for the site seemed an appropriate number.

**RESOLVED:**

- a. It was approved by Committee that the Head of Law and Governance be authorised to draw up a Section 106 Agreement to secure the Ecological Protection and Restoration, the revised Repair and Maintenance Scheme for Watery Lane (Byway Open to All Traffic (BOAT number 737) and permissive path.
- b. That delegated authority be given to the Head of Strategic Planning to finalise the details in paragraph 37 of the Conditions regarding groundwater.
- c. Provided that by 31 December 2019 all parties enter into the Section 106 Agreement with the County Council, it was agreed by Committee that authority be delegated to the Director of Economy, Transport and Environment to GRANT permission subject to the update paper and amended conditions listed in Appendix A'
- d. In event that the Section 106 Agreement was not completed by 31 December 2019 then the Director of Economy, Transport and Environment was authorised to refuse planning permission for that reason.

Voting (recommendations taken separately):

Favour: 16 (unanimous)

136. **LAND ADJACENT A339 MANOR FARM MONK SHERBORNE**

*Development of chalk quarry with reinstatement to agriculture using imported inert materials, together with ancillary development include site office, wheel wash, weighbridge, new access and drying shed at Land adjacent A339, Basingstoke Road, Manor Farm, Monk Sherborne RG26 (EIA) (Application No. 18/01064/CMA) (Site Ref: BA176)*

The Committee considered a report from the Head of Strategic Planning (item 7 in the minute book) regarding an application for an existing chalk quarry. Photos of the proposed access point at Basingstoke Road and Kingsclere Road junction were shown and it was confirmed that due to safety with parking, there had not been a site visit by Members.

There were objections to the application from the Highways Authority as well as the Flood Authority and the application was recommended for refusal based on inadequate access to the site; causing safety concerns, significant adverse impact upon the distinctive character of the landscape and also failure to demonstrate that the proposed development meets policy 11 (Flood Risk and Prevention).

There was one combined deputation on this item on behalf of the applicant. Alison Crooks told Committee how there had been no public objections to the application and that the drainage issues had been addressed to mitigate concerns regarding flooding. An alternative access had been proposed but this was felt inappropriate due to the additional impacts on the landscape. There were concerns over the risk to the business if the application was rejected both regarding the impact on employees and the farms that used the mineral. Mike Delgarno told Committee how the business had been running for over 30 years and the quarry income would be detrimental in keeping employees at the site. Tom Ormisher spoke from the National Farmers Union and raised his concerns regarding the farms that would be affected should the application be refused and that Policy 23 in the Minerals and Waste Plan recognised the need for agricultural chalk. The quarry provided a local supply of chalk, which was particularly important considering the potential impacts of BREXIT.

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

- A landscape visual impact assessment had been sent and other fields had been looked at regarding access
- The impact on highways had been researched and an impact assessment had been done alongside a safety audit
- It was felt that matters could be resolved if there was more time

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

- The access proposed was too close to the road junction and could not be moved further along the road due to visibility issues with dips in the road, as well as substantial hedgerow growth on third party land.
- An alternative routing for vehicles and access to the site had been suggested to the applicant, but this had not been pursued.
- There were no reported accidents along the road.

The Head of Strategic Transport confirmed that a lot of time had been invested by officers to try and make the proposals work and the decision to refuse the application had not been taken lightly.

Members agreed that whilst there were justified safety concerns, the quarry was of great importance and it was in the interests of the County and local farms that it remained open if possible.

Councillor Roger Price proposed that the application be deferred to allow the applicant more time to rectify the issues and also for officers to look at a potential site visit. This was seconded by Councillor Rod Copper and put to the vote.

Favour: 11

Against: 5

RESOLVED:

That the application be deferred until October 2019 to allow more information to be collated from the applicant and give more opportunity for the current issues to be rectified.

#### 137. **LITTLE BUSHYWARREN COMPOST SITE ELLISFIELD**

*1) Variation of conditions 2 and 14 of planning permission BDB/56369*

*(No.18/03065/CMA);*

*2) Variation of condition 2 of planning permission 14/00398/CMA*

*(No.18/03067/CMA);*

*3) Variation of condition 3 of planning permission 15/03422/CMA*

*(No.18/03069/CMA); and*

*4) Variation of condition 5 of planning permission 17/03430/CMA*

*(No.18/03073/CMA)*

*to enable the continued use of the site for composting and other ancillary uses at Little Bushywarren Compost Site, Bushywarren Lane, Ellisfield RG25 2NS (Site Ref. BA103)*

***As a previous Chairman of Project Integra, Councillor Roland Dibbs abstained from voting on this item.***

The Committee considered a report from the Head of Strategic Planning (item 8 in the minute book) which considered four separate planning applications for

variation of the conditions on previous temporary permissions to enable the continued use of the site for composting and other ancillary uses beyond 2025 up to 31 December 2030 inline with the updated Veolia contract.

A location plan was shown with local areas of interest highlighted. Photos of the site were shown along with machinery, as well as of the access to and from the site.

It was confirmed that Ellisfield Parish Council had objected to the variations, but no other statutory consultees had issues with the proposals.

It was confirmed that HCC Ecology and Landscape officers both require the site's restoration, aftercare and ecological mitigation conditions to be updated and submitted within 6 months, if planning permission is granted today.

Local Member raises concerns and wishes Committee to determine applications. 36 objections received stating site unsuitable for long-term/permanent composting use, lack of restoration scheme/ecological mitigation provided being breach in planning control, unacceptable odour, lighting and litter levels, road safety concerns and damage to highway.

The proposed conditions were on pages 110-119 of the pack, which would be imposed if the application was to be approved although some would require further updating before being change, as per the update report

An update report had been circulated and published online, which provided clarification from the application on objections relating to odour and traffic. There were also some minor amendments including that to Conditions 10 and 12 on application 18/03065/CMA..

The Committee received four deputations on this item. Patricia Pegg, a local resident, told Committee how the site was in a highly sensitive area with significant ecological importance and previously allocated as an area unsuitable for permanent development. There was concern over the decline in dormice in the area and fears that the adjacent ancient woodland was contaminated because of operations on the site.

Susan Deane spoke as the nearest living resident to the site, and also on behalf of the Ellisfield Village Association. Mrs Deane stated that the site was not suitable for permanent development and temporary permissions had gone on for long enough already following a previous extension. The number of vehicle movements caused concern, as well as the weighbridge, which caused delays in vehicles getting onto the site. The smells from the site had increased over the years and was an issue regularly brought to the liaison panel but was not something that had/could be mitigated. There had also been complaints from residents that they had not been consulted regarding the 2021-2025 extension.

Gordon Dunse spoke on behalf of Ellisfield Parish Council against the proposals and reiterated that the previous extension had not gone out to consultation. Mr Dunse also had concerns that a restoration plan had not been submitted in October 2018 as it should have.

Simon Mckee was in attendance at the meeting to speak on behalf of the applicant. He confirmed that the extension was to fulfil the requirements of

Project Integra<sup>1</sup> and that the site managers were proactive with issues and concerns raised by residents. The waiting vehicles were not Veolia's, but external partners and customers had been informed to not arrive at the site early and cause obstruction on the road. Veolia regularly reviewed woodland and environmental schemes for the area but were happy to look at these again if the application was approved to see whether they could be improved.

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

- Veolia did attend most liaison panel meetings, which were a good forum for discussions;
- The smell mentioned by local residences had been investigated and generally dispersed before causing issue, but in certain conditions turning was kept to minimum to help manage odour. The smell was not down to chemicals, only the composting process.

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

- No highways incidents from the last 10 years were recorded in relation to the HGV's going to and from the site;
- The site had expanded via planning permissions since its establishment from processing 16,000 tonnes per annum to 75,000 tonnes per year.
- The applicant was seeking to update the conditions around restoration at the same time as seeking the extensions of time, which is why a restoration plan had not been submitted at the end of 2018.
- Composting was a sustainable activity in the interest of Hampshire and its residents.

RESOLVED:

- a). Planning permission was GRANTED for planning application 18/03065/CMA (variation of Conditions 2 and 14) subject to the conditions listed in Appendix A1 and amendments listed in the update report.

Vote:

Favour: 14

Abstentions: 2

- b). Planning permission was GRANTED for planning application 18/03067/CMA (variation of Condition 2) subject to the conditions listed in Appendix A2.

Vote:

Favour: 15

Abstentions: 1

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<sup>1</sup> Project Integra is a partnership working to provide an integrated approach to the collection, treatment and disposal of municipal waste in Hampshire. This covers around 750,000 households and over 800,000 tonnes of waste a year.

- c). Planning permission was GRANTED for planning application 18/03069/CMA (variation of Condition 3) subject to the conditions listed in Appendix A3.

Vote:

Favour: 15

Abstentions: 1

- d). Planning permission was GRANTED for planning application 18/03073/CMA (variation of Condition 5) subject to the conditions listed in Appendix A4.

Vote:

Favour: 15

Abstentions: 1

#### 138. **HAMPSHIRE MINERALS AND WASTE PLAN REVIEW**

The Committee received an information report from the Head of Strategic Transport regarding the Hampshire Minerals and Waste Plan review.

The review had been done in conjunction with Southampton City Council, Portsmouth City Council, South Downs National Park and New Forest National Park and collated five years worth of data.

Members learned that some supply targets were not being met; for example, silica sand and brick makings clay/chalk, but policies were enabling and gave opportunity for more sites to come forward in future.

Whilst there were some areas marked for review, there were no issues that needed to be urgently addressed before a further review in 2020.

A workshop event was scheduled for the 25 September 2019, which Members were welcome to attend.

The Committee thanked officers for their work with the review.

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Chairman,