

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY
COUNCIL held at The Castle, Winchester on Wednesday 16th October, 2019

Chairman:

* Councillor Peter Latham

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

*Present

157. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Carter, R. Copper, Harvey and McEvoy. Councillor Hayre attended as a deputy for Councillor Carter.

158. 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.

159. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed.

160. DEPUTATIONS

There were no deputations for the meeting.

161. CHAIRMAN'S ANNOUNCEMENTS

The Chairman confirmed plans for an upcoming minibus trip that would cover multiple sites and have a focus on waste.

There had been a Minerals and Waste event recently that had been well attended by Members and a further review of the Minerals and Waste Plan would happen in due course and a briefing for Members was scheduled for March 2015. The Chairman and Vice Chairman thanked officers for the event.

162. APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER TO RECORD FOOTPATHS AT TOP FIELD, SPRINGVALE PARISH OF KINGS WORTHY

The Committee considered a report from the Director of Culture, Communities and Business Services (item 6 in the minute book) regarding an application for a Definitive Map Modification Order (DMMO) to record footpaths at, and adjoining to, Top Field, in Kings Worthy.

The officer introduced the item and went through the history of the current application, which was submitted in 2017. This required an examination of the full evidence from the period 1997-2017, when the first application for public footpaths at this location was received. The history of attempts to record rights to access the land is complex, and two Inquiries had already been held since the 2005 unconfirmed Order had been applied for in 1997. With the most recent application, evidence for seven separate paths had emerged, many of which were clearly visible on supporting aerial photographs that were attached to the report.

There are several owners of the land in question, and a tenant farmer produced evidence of how some of the land has been managed. A photograph of a fence close to the active London railway line was shown to the Committee, which was regularly maintained by Network Rail and supported a recommendation that the claim for public rights over a part of the dismantled railway line route be refused. User evidence was shown to the Committee, and the effects of common law on part of one of the paths where there had been less than twenty years' use (thereby not meeting the requirement under section 31 of the Highways Act 1980) was explained, in which the onus is placed on an applicant to show that the landowner acquiesced in public use of the path. It was recommended that this part of the path did meet the requirements of common law.

The officer, Sylvia Seeliger, was thanked on behalf of Councillor Porter, the local Member, for her work on the application.

Members accepted the findings of the report and there were no questions or debate.

RESOLVED:

It was approved that Orders be made to record a number of the paths that are the subject of the application on the Definitive Map and Statement and that one

path, and part of another, be refused, as follows:

- a) A Definitive Map Modification Order (DMMO) be made to record the route, shown on the Committee Plan between A-B as a public footpath, with a width of at least 1 metre.
- b) A DMMO be made to record the route, shown on the Committee Plan, between C-D as a public footpath, with a width of at least 1 metre.
- c) A DMMO be made to record the route E-F as a public footpath, with a width of at least 1 metre.
- d) A DMMO be made to record the route L-K as a public footpath, with a width of at least 1.5 metres wide.
- e) A DMMO be made to record the route J-M as a public footpath, with a width of 6 metres.
- f) A DMMO be made to record the route N-M as a public footpath, with a width of at least 1 metre wide.
- g) The application to record G-H as a public footpath was refused.
- h) The application to record I-M as a public footpath was refused.

Voting:

Favour: 12 (unanimous)

163. **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 (**Application 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 (**Application 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 (**Application 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 extensions of time to various conditions at Blue Haze Landfill Site in Somerley.

The Chairman summarised the purpose of the report, explaining that extra time was required due to the complexity of the applications and the various landowners involved.

Members were happy with the proposals and there were no questions.

RESOLVED:

1. An extension of time until 31 January 2020 was agreed for the satisfactory completion of the Deed of Variation to the Section 106 agreement for permission 19/10066 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); and
 - off-site heathland works within Plumley Wood.
2. Extensions of time were given until the same date for the determination of applications 19/10064 and 19/10063, as both are dependant on 19/10066 to be valid.
3. Upon completion of the Deed of Variation, it was agreed that authority be delegated to the Director of Economy, Transport and Environment to grant permission in all other respects in accordance with the resolution for planning applications 19/10066, 19/10064 and 19/10063 made at the meeting held on 17 April 2019.

Voting:

Favour: 12 (unanimous)

164. **MONITORING AND ENFORCEMENT UPDATE**

The Committee received a report from the Head of Strategic Planning (item 8 in the minute book), which updated Members on the Monitoring and Enforcement work undertaken by Strategic Planning during the period May 2019 – September 2019.

It was confirmed that an appeal against a refusal regarding lorry movements at Courtwood Farm in Fordingbridge had taken place in September, and the outcome was due in the near future.

The 24 hour working that was refused at Committee for Waterbrook had also been appealed. Whilst the appeal had been dismissed, it was for different reasons to those put forward my Committee and instead relating to there being no Section 106 Agreement, in which lorries could be routed.

RESOLVED:

The Regulatory Committee noted the report.

Chairman,