

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY
COUNCIL held at the castle, Winchester on Wednesday, 18th March, 2020

Chairman:

* Councillor Peter Latham

* Councillor Lance Quantrill
* Councillor Christopher Carter
Councillor Mark Cooper
Councillor Rod Cooper
Councillor Roland Dibbs
Councillor Jane Frankum
Councillor Marge Harvey
Councillor Keith House

* Councillor Gary Hughes
* Councillor Wayne Irish
* Councillor Alexis McEvoy
Councillor Neville Penman
* Councillor Stephen Philpott
* Councillor Roger Price
* Councillor Jan Warwick

*Present

182. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mark Cooper, Rod Cooper, Roland Dibbs, Jane Frankum, Marge Harvey and Keith House.

183. 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.

184. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed.

185. DEPUTATIONS

It was confirmed that there were two deputations present for the meeting, which would have a maximum of 10 minutes to address the Committee.

186. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

187. **UNIT 5-6 WATERBROOK ESTATE WATERBROOK ROAD ALTON
(APPLICATION NO. 51471/007 SITE REF: EH156)**

It was confirmed that this item had been withdrawn from the agenda at the applicant's request and would come to a future meeting.

188. **KINGSLEY QUARRY, BORDON**

Eastern extension of the existing sand extraction area, extend the end date of quarry operations and restoration and amend the approved restoration schemes at Kingsley Quarry, Bordon, Hampshire (EIA) (No. 51188/003) (Site Ref: EH025)

The Committee considered a report from the Head of Strategic Planning regarding an application for an extension to the sand extraction area, and extension to the end date for quarry operations and amendments to the restoration schemes.

The Officer introduced the item and the Committee was shown aerial photographs of the site and its location. Access routes were highlighted, as well as the pipeline used to move materials between the extraction and processing site areas.

The constraints for the application were shown, including the nearby South Downs National Park (SDNP) and various watercourses. The dredger used to remove mineral from the lake was shown, along with photos of the dredger in operation. Photos of the proposed extension area were also shown. The former railway embankment within the proposed extension area included many trees in poor condition that would require removal, and it was proposed that more tree planting would take place as part of the application.

There were no plans to change any of the operational conditions at the site and the export of sand would continue using the main access to the site. Proposed restoration plans for the entire site were also shared with the Committee.

It was confirmed that there is a 10 year requirement to plan for the extraction of silica sand at each silica sand site to meet national planning policy as well as the policies of the adopted Hampshire Minerals and Waste Plan (2013). This is different to the 7 year land bank requirement for sharp sand and gravel and soft sand quarries. Currently, Kingsley and Frith End Quarry are the only two Hampshire sites able to extract and process silica sand.

The Committee received two deputations on this item.

Steve Lamb spoke on behalf of the applicant, emphasising the importance of the sand processed at the site, a lot of which was used by Premiership football clubs and high end sporting venues/events. The dredger used was silent with no noise implications. Kingsley had almost depleted its reserves and so it was crucial that operations started again as soon as possible. The applicant had consulted with many different partners and was looking to implement liaison meetings again with the local community.

Councillor Mark Kemp-Gee addressed Committee on behalf of the Parish Council. It was felt important that the applicant liaise and get involved with the community in order to build and maintain a positive relationship. The Parish Council did not object to the application, but wanted implications for the local community to be mitigated – predominantly lorries travelling through, which was felt to be the biggest issue to residents. There were particular concerns for parents with young children and also older people with the size of lorries and frequency they went through the village. Councillor Kemp-Gee proposed that the output of sand be restricted to 100,000 tonnes per annum and concrete crushing limited to 5,000 tonnes per annum.

During questions of deputations, the following points were clarified:

- Kingsley was situated on a main road network and vehicles relating to the Tarmac operation formed a very small percentage of overall traffic.
- Concrete crushing had been considered and found to be acceptable and there were no proposals to increase activity going forward.
- Condition 34 related to how many days a year the concrete crushing took place, as there was not a crusher kept on site. 36 days was felt to be sufficient.
- The applicant was aware of the proposal to limit the output of sand to 100,000 tonnes per annum but not the request to limit concrete crushing limited to 5,000 tonnes per annum.
- The concrete crushing could take place elsewhere, but the site was ideal with appropriate infrastructure to do it.
- No direct application had been made to the community fund for a pedestrian crossing and this had not been prioritised by the applicant. There was potential funding for traffic calming from the Whitehill/Bordon Major Development. The Highway Authority had not required any further developer contribution from this proposal.
- Of the 369 HGV movements recorded in 2019, 52 had been related to sand extraction, 16 related to aggregate.
- The applicant had funded £16 million of projects nationally, but no request had been received by Kingsley.
- Concerns around traffic calming measures had been raised with the Highway Authority, but they confirmed that the development didn't trigger the need for further traffic calming.

During questions of officers, the following points were clarified:

- Conditions 15-17 were with regards to noise. The Environmental Health Officer (EHO) had been consulted on the application. Their response did not include any information on complaints received by the EHO in relation to the operation of the site.
- The site is safeguarded for quarrying, aggregate recycling and concrete batching through the adopted Hampshire Minerals and Waste Plan. Planning permission had previously been granted for the concrete crushing and no recent complaints had been received by the Council in relation to activities.

- Liaison panels sometimes fail to meet when there are few issues to discuss, but the need had become apparent in this case and this would be re-established to monitor activities going forward.
- There was a range of potential measures that could be put in place going forward, including signage and operator protocol around operations and vehicle driver awareness if required – these could be discussed at the liaison panel.
- No recent noise complaints had been received by the Council.

The site had been visited by the majority of Members, but it was agreed that there was a disappointing history with a lack of liaison between the applicant and local community. There were other successful cases where the community funding has been sought and used well, and this was encouraged for Kingsley.

It was proposed that the Local Member should be Chairman of the liaison panel.

RESOLVED:

Planning permission was GRANTED subject to the conditions listed in the update report.

Voting:

Favour: 9 (unanimous)

189. **APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER TO RECORD A BRIDLEWAY AT IRONGATE, OSSEMSLEY, PARISH OF NEW MILTON**

The Committee considered a report from the Director of Culture, Communities and Business Services regarding an application to record a bridleway at Irongate in New Milton.

The officer showed the Committee a location plan depicting the wider area along with an aerial photograph of the area surrounded the claimed route.

The application had been first received in 2005 and photos of the path were shown from that time. The history and motivations for the application were detailed to Committee and the complexities were explained. Members were shown elevation photos from the path along with the signage that had remained since the application was first received.

An 1871 Ordnance Survey map show the route A-F being available and more recent user evidence showed evidence of use back to the 1950's with witness accounts being summarised.

Legal tests had been applied and a lot of horse owners are in the local area, but this did not necessarily mean that the path had been used to any extent. The legal test for Section 31 was explained to Members, along with reasons it had not been met.

The Committee received one deputation from Matthew Dale-Harris who spoke on behalf of the land owner in objection to the application. Mr Dale-Harris supported that there had been interruption in the 20 year period as confirmed by the officer. Broader area formally in a single land holding and private permissions were granted later on. Some users owned freehold land with the private easements, but those users should be discounted due to being freeholders and therefore it being a private right of way. Tenants on the freehold land could not be seen as exercising private rights, but Section 62 of Law and Property Act felt to extend leases to easements to enable access. A number of users felt they had private right of way and should not be included in the user evidence chart.

During questions of deputations, the following points were clarified:

- Private rights of way more often the case as opposed to subsequent public rights of way, but this could only be determined if it was apparent what the use of the path was for.

During question of officers, the following points were clarified:

- In paragraph 65, it should read – “whilst the horse riders use the route.....exercise of private right would not contribute”.

RESOLVED:

The application was REFUSED for the reasons set out in the report

Voting:

Favour: 9 (unanimous)

After the item had been completed, Sylvia Seeliger was thanked for her work and dedication over her 22 years of service in Countryside and the Chairman and Committee wished her the very best for her retirement.

Chairman,