

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY
COUNCIL held at the castle, Winchester on Wednesday, 27th July, 2022

Chairman:

* Councillor Peter Latham

- | | |
|--------------------------------|----------------------------------|
| * Councillor Lance Quantrill | * Councillor Alexis McEvoy |
| * Councillor Lulu Bowerman | * Councillor Stephen Parker |
| * Councillor Steven Broomfield | * Councillor Louise Parker-Jones |
| * Councillor Mark Cooper | * Councillor Stephen Philpott |
| * Councillor Rod Cooper | Councillor Roger Price |
| * Councillor Michael Ford | Councillor Kim Taylor |
| Councillor Keith House | * Councillor Sarah Pankhurst |
| * Councillor Gary Hughes | * Councillor Wayne Irish |
| Councillor Adam Jackman | |

*Present

7. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Keith House, Adam Jackman, Roger Price and Kim Taylor. Councillor's Wayne Irish and Sarah Pankhurst as deputies for the meeting.

8. 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 5 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.

9. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed.

10. DEPUTATIONS

One deputation and one local Member had registered to speak on agenda item 6 and had 10 minutes each to address the Committee.

11. CHAIRMAN'S ANNOUNCEMENTS

The Chairman confirmed that virtual training was taking place on Monday 1 August for all Members of the Committee.

12. FOREST LODGE, HYTHE

Councillor Alexis McEvoy declared an interest as the Chairman of the Liaison Panel for this site.

Variation of condition 23 (vehicle movements) of Planning Permission 20/10282 at Forest Lodge Home Farm, Fawley Road, Hythe SO45 3NJ (No. 22/10075) Site Ref: NF271

The Committee received a report from the Assistant Director of Waste, Planning and Environment (item 6 in the minute book) regarding an application to vary condition 23 at Forest Lodge Home Farm in Fawley that was seeking additional HGV movement and would allow the applicant more flexibility to complete the work on site.

The officer introduced the application, showing the Committee an aerial photograph of the site along with elevation photos. It was confirmed that following a site visit that had taken place, a new wheel washing facility had been installed. It was felt that the application would not cause any adverse impact on the local area.

An update report had been circulated and published, which included the following:

Paragraph 115 (updates highlighted in *italic*):

Changes to onsite wheel wash facilities are being implemented. More information on this is set out in [Complaints about site operations](#). Following the Member site visit in June 2022, the applicant has now installed and is now using a replacement 'wheel cleaner/wash facility' within the application site. This facility, a water-based one, replaced the former dry system known as a 'rumble strip', and is to be employed for the remainder of the consented period, until July 2027. All HGVs exiting the site are required to use this facility to ensure accordance with Condition 27 of planning permission [20/10282](#), which would be retained should planning permission be approved for the application being considered by the Regulatory Committee today.

Replace paragraph 158 with the following:

Beyond any condition/s being applied for a formal variation by an applicant, all Local Planning Authorities should review and update, where needed, all other conditions on that permission being varied, provided that there are material planning grounds for doing so.

These grounds can include legislative changes passed since the extant planning permission was granted, new development nearby since the extant planning

permission was granted affecting the site's operations / being affected by the site's operations or can simply be to update conditions to accord with schemes approved through the discharge of planning conditions. For example, where the extant permission has had a conditionally required scheme approved / discharged since permission was granted or where an approved scheme needs updating, this is usually undertaken under the guidance of the relevant consultee, and with the agreement of the applicant. The affected conditions on planning permission [20/10282](#) here are 16 and 31.

Condition 16 (changes in bold)

The following Cell Engineering equipment is only to be permitted on site following the approval of the Revised Noise Assessment and Noise Management Plan detailed in Condition 31 **of this permission and any subsequent updates:**

Condition 31 (changes in bold)

Not later than two months following the grant of planning permission, the partially approved (on 20 April 2021) Noise Assessment and Noise Management Plan (ref: 0492 version 1, dated June 2021) and the Long-Term Real-Time Noise Monitoring Report (ref: 0492, dated May 2021) shall be updated and submitted to the Mineral Planning Authority for approval. Once approved, they shall be implemented in full at all times throughout the duration of the development hereby permitted.

The Committee received a deputation on this item from John Palmer, on behalf of the applicant. Mr Palmer stated that the applicant had little option but to apply for an extension due to delays caused by the pandemic. The Environmental Health Officer (EHO) had verified that the proposal was in line with Policies 10 and 12 of the Hampshire Minerals and Waste Plan. There were quarterly liaison panel meetings and issues were always dealt with in a timely manner.

The Committee also received a deputation from local County Councillor Malcolm Wade, who objected to the application, sharing his concerns over the repeated changes on site, the effects on Fawley road with the increase in HGV traffic and also the additional carbon emissions should the application be approved.

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

- Aggregate demands had increased, triggering the application being made;
- The new wheel wash had enabled noise to be reduced significantly on the site with less need for rumble strips;
- The maximum number of HGV movements requested was a 'worst case scenario' and it was more likely that there would only be a 20-30% increase in HGV movements on a day-to-day basis;
- The liaison panel had been very well attended when it was established but no local residents had attended the most recent one, which was seen as a positive step forward by the applicant and due to a lack of concerns amongst residents. Cllr Wade felt this was more down to people not feeling that their concerns would be listened to.

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

- Despite complaints being received, the EHO hadn't confirmed any breaches of conditions;
- There was active noise monitoring from the receptors on the outer edge of the site and there had been no recording of the 55dB limit being exceeded;
- There had been no previous issues of HGV's parking outside of the site, but this was outside of the planning application in any event;
- A public consultation had been undertaken as part of the planning process, in accordance with the adopted Statement of Community Involvement.

Officers confirmed that Condition 27 could be amended to ensure that the wheel wash was maintained for the duration of operations on the site.

Offices confirmed that an informative could be added about the waiting of HGVs on the public highway.

In debate, some Members shared it was more beneficial to speed up the process on site and get the work done sooner, and the application should be approved. It was also accepted that the lack of recent interest in the liaison panel was a positive sign, as there had always been good attendance when there were concerns or complaints.

RESOLVED

Planning permission was GRANTED subject to:

- a) The conditions listed in **Appendix A**, including the amendment of Condition 27 to ensure the wheel washing remained operational and a new informative on the waiting of HGVs on the public highway;
- b) The completion of a legal agreement to ensure that a right of way across the site is still delivered within the approved restoration and that a road survey of the section between the site's access - Fawley Road junction down to Fawley Road's junction with the Hardley Roundabout (at the Fawley Road - A326 junction).

Voting

Favour: 14 (unanimous)

13. **UPDATE REPORT ON PLANNING CODE OF CONDUCT**

The Committee received a report from the Chief Executive (item 7 in the minute book) regarding the updated Planning Code of Conduct (PCoC) to be recommended for approval at Full Council.

The item had previously been to Committee and subsequent proposed changes had been made, but the PCoC had last been formally updated in 2014.

Members noted that in Section 14 on Site Visits, 'impairment' was a more appropriate term to be used as opposed to a disability. There were also continued concerns regarding Members getting to site visits if they did not drive and the expectation to attend.

RESOLVED

That Members provide specific feedback and proposed changes to Legal by Wednesday 31 August so that these could be reviewed before the Planning Code of Conduct coming to a future Regulatory meeting for agreement ahead of going to Full Council

Voting

Favour: 14 (unanimous)

14. **MONITORING AND ENFORCEMENT UPDATE**

The Committee received a report from the Director of Economy, Transport and Environment (item 8 in the minute book), which updated the Regulatory Committee on the Monitoring and Enforcement work undertaken by Strategic Planning during the period April 2022 – July 2022.

It was noted that the liaison panel for the previous Calf Lane application had been successful and Cllr Jonathan Glen was thanked for his work in Chairing the meetings.

Chairman,