

Public Document Pack



NOTICE OF MEETING

Meeting	Regulatory Committee
Date and Time	Wednesday 18th May, 2022 at 10.00 am
Place	Ashburton Hall - HCC
Enquiries to	members.services@hants.gov.uk

Carolyn Williamson FCPFA
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast live on the County Council's website and available for repeat viewing, it may also be recorded and filmed by the press and public. Filming or recording is only permitted in the meeting room whilst the meeting is taking place so must stop when the meeting is either adjourned or closed. Filming is not permitted elsewhere in the building at any time. Please see the Filming Protocol available on the County Council's website.

AGENDA

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence received.

2. DECLARATIONS OF INTEREST

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Personal Interest in a matter being considered at the meeting should consider, having regard to Part 5, Paragraph 4 of the Code, whether such interest should be declared, and having regard to Part 5, Paragraph 5 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

3. MINUTES OF PREVIOUS MEETING (Pages 3 - 6)

To confirm the minutes of the previous meeting

4. DEPUTATIONS

To receive any deputations notified under Standing Order 12.

5. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

6. BUS STATION CONSTRUCTION AND FACILITIES, GOSPORT (Pages 7 - 30)

To consider a report from the Assistant Director of Waste, Planning and Environment regarding construction of a new replacement bus station on land adjacent to Falklands Gardens at Mumby Road, Gosport together with a replacement taxi rank and ancillary facilities including short stay car parking and pick-up and set down facilities on land at the existing Gosport bus station and adjacent to The Esplanade.

7. UPDATE REPORT ON PLANNING CODE OF CONDUCT (Pages 31 - 64)

To consider a report from Legal Services on the updated Planning Code of Conduct for the Regulatory Committee.

ABOUT THIS AGENDA:

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

ABOUT THIS MEETING:

The press and public are welcome to attend the public sessions of the meeting. If you have any particular requirements, for example if you require wheelchair access, please contact members.services@hants.gov.uk for assistance.

County Councillors attending as appointed members of this Committee or by virtue of Standing Order 18.5; or with the concurrence of the Chairman in connection with their duties as members of the Council or as a local County Councillor qualify for travelling expenses.

Agenda Item 3

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY COUNCIL held at the castle, Winchester on Wednesday, 20th April, 2022

Chairman:

* Councillor Peter Latham

* Councillor Lance Quantrill
* Councillor Lulu Bowerman
* Councillor Steven Broomfield
* Councillor Mark Cooper
* Councillor Rod Cooper
* Councillor Michael Ford
Councillor Keith House
Councillor Gary Hughes
Councillor Adam Jackman

* Councillor Alexis McEvoy
* Councillor Stephen Parker
* Councillor Louise Parker-Jones
* Councillor Stephen Philpott
* Councillor Roger Price
Councillor Kim Taylor
* Councillor Sarah Pankhurst
* Councillor Wayne Irish

*Present

301. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Gary Hughes, Adam Jackman, Keith House and Kim Taylor. Councillors Sarah Pankhurst and Wayne Irish attended as deputies.

302. 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.

303. MINUTES OF PREVIOUS MEETING

It was confirmed that Councillor Steven Broomfield was in attendance at the previous meeting. The minutes of the last meeting were then reviewed and agreed.

304. DEPUTATIONS

The Committee had received two deputations for the meeting.

305. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman confirmed that an Public Inquiry was due to take place from the 10 May regarding the Three Maids Hill application that had come to Committee.

Blackbushe Airport rights of way had also been appealed, but it had been concluded that there was no legal case and costs had been refunded to the County Council.

306. **GRUNDON SAND AND GRAVEL LTD FRITH END SAND QUARRY
GROOMS FARM LANE FRITH END BORDON**

Extension to the quarry extraction area to the South-West with associated modifications to the approved quarry schemes (No. 30633/041)

-
And

-
Variation of Conditions 1 (Timescale), 4 (Phasing) and 10 (Landscaping) of Planning Permission 30633/039 (No. 30633/040)

***at Grundon Sand and Gravel Ltd, Frith End Sand Quarry, Grooms Farm Lane, Frith End, Bordon GU35 0QR
(Site Ref: EH121)***

The Committee considered a report from the Assistant Director for Waste, Planning and Environment (item 6 in the minute book) regarding two applications at Frith End Quarry in Bordon.

The officer summarised the report as well as the importance of soft and silica sand, which was rare in Hampshire. An update report had been circulated, which covered recently received representations regarding the applications.

A location plan and aerial photographs were shown of the site area and its relation to the road network and nearby towns.

The Committee received two deputations on this item.

Monika Gogle spoke on behalf of the applicant in support of the application, enforcing that there was no risk of flooding and 100,000 tonnes of sand could be extracted within the 18 month period.

Councillor Kemp-Gee spoke as the local Member against the application, questioning the need and proposing that the County look to share reserves with surrounding Counties to assist with supplies.

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

- During a previous flood at the quarry, 20,000 tonnes of sand was lost

- The Liaison Panel last met in February 2021 where the potential applications were discussed

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

- The County Landscape Architect was happy that the existing landscape and vegetation helped shield the site;
- Restoration proposals had been approved and a 10yr aftercare plan was included as part of the applications. The proposals had been approved by Natural England and the County Ecology team;
- Further work would be done in looking at the provision of aggregate and other Authorities;
- Areas had been retained for bird nesting and nesting still continued on the site.

In debate, some Members did share concerns on the impact of the proposals on local wildlife, but on balance agreed there was no planning reason to refuse the applications.

RESOLVED

a) Planning permission was GRANTED for planning application, 30633/041 subject to the conditions listed in **Appendix A** (30633/041).

b) Planning permission was GRANTED for planning application 30633/040, subject to the conditions listed in **Appendix B**.

Both recommendations were voted on together with the following outcome:

Favour: 13

Against: 1

307. **BLACKBUSHES ROAD REALIGNMENT WORKS HARTFORDBRIDGE FLATS JUNCTION HARTLEY WINTNEY**

Realignment works and alterations to the northerly section of Blackbushes Road including the addition of a fourth arm on the A30/A327 Hartford Bridge Flats junction roundabout, plus changes to street lighting, road lining, road signing and drainage and new boundary fencing alongside the western and eastern boundaries at Blackbushes Road, Hartley Wintney and land to the west of Blackbushes Road (No. 22/00214/HCC) (Site Ref: HRH003)

The Committee considered a report from the Assistant Director for Waste, Planning and Environment (item 7 in the minute book) regarding an application for realignment works a Blackbuses Road in Hartley Wintney.

The officer summarised the application and video of the current road layout was shown to the Committee, along with aerial plans of the proposed road with drainage and boundary fencing proposals. An update report had also been

provided summarising comments from Natural England, which had no objection subject to appropriate mitigation being secured.

Members were happy with the proposals.

RESOLVED

Planning permission was GRANTED subject to the conditions listed in **Appendix A** and the update report.

Voting:

Favour: 14 (unanimous)

308. **MONITORING AND ENFORCEMENT UPDATE**

The Committee received an update report from the Director of Economy, Transport and Environment (item 8 in the minute book), which provided information on the Monitoring and Enforcement work undertaken by Strategic Planning during the period November 2021 – April 2022.

Following some delays, assessments were now being undertaken at Bunny Lane and a further application permanent operation was anticipated later in the year.

The Calf Lane Liaison Panel had met, being chaired by Councillor Glen as the local Member and had been very successful. Members were invited to sit on any upcoming liaison panels if they wished to see how they operated.

Officers were thanked for the update and for their work and the report was noted.

Chairman,

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	18 th May 2022
Title:	Construction of a new replacement bus station on land adjacent to Falklands Gardens at Mumby Road, Gosport together with a replacement taxi rank and ancillary facilities including short stay car parking and pick-up and set down facilities on land at the existing Gosport bus station and adjacent to The Esplanade
Report From:	Assistant Director of Waste, Planning and Environment

Case Officer: Peter Bond

Tel: 0370 779 4201

Email: planning@hants.gov.uk

Recommendation

1. That planning permission be GRANTED subject to the recommended conditions set out in **Appendix A**.

Executive Summary

2. This planning application is for the construction of a new replacement bus station on land adjacent to Falklands Gardens at Mumby Road, Gosport. The proposal also includes a replacement taxi rank and ancillary facilities including short stay car parking and pick-up and set down facilities on land at the existing Gosport bus station and adjacent to The Esplanade.
3. The planning application is being considered by the Regulatory Committee as a major Regulation 3 development proposal for a replacement bus station facility. [Regulation 3 of the Town and Country Planning General Regulations 1992 \(SI 1992/1492\)](#) enables the County Council to make planning applications to itself as long as the development is to be carried out by (or on behalf of) the Council and the interest in the development by the Council is significant. In this case, the County Council, in its role as the Local Highway Authority, is the landowner and therefore has a significant interest in the completed development.
4. The site lies wholly within the Gosport Borough Council administrative area. There is no parish council for this location.
5. The key issues raised are considered to be:
 - Landscape impacts, including on Falklands Gardens;

- Highway safety; and
 - Amenity impacts;
6. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
 7. It is considered that the proposal is in accordance with the relevant policies of the adopted [Gosport Borough Local Plan \(2015\)](#). The proposal will provide significant public transport benefits to the locality which acts as an important link between Gosport and Portsmouth via the Gosport Ferry terminal. While there will be some short term impacts and disturbance to the locality, the longer term benefits outweigh these impacts.
 8. It is considered that planning permission ought to be GRANTED subject to the conditions listed in **Appendix A** of this document.

The Site

9. The proposed development is located on the eastern side of Gosport, close to the entrance to Portsmouth Harbour. The proposal will see the redevelopment of a section of public highway land at the point where the A32 Mumby Road turns southwards and meets the B3333 South Street, about 60 metres to the west of the Gosport Ferry Terminal.
10. The current Gosport Bus Station is immediately to the south east of the application site but does not form part of this proposal. Premier Marine operates from land immediately to the north of the site, with The Esplanade forming the southern boundary.
11. The site extends to 0.76 hectares (ha). It is regarded as brownfield land as it is previously developed land, including a taxi rank, public highway, short stay public car park and public open land. There are numerous mature trees within the site boundary providing amenity benefits.
12. The site is located about 500 metres (m) from the designated Portsmouth Harbour RAMSAR and Site of Special Scientific Interest (SSSI) sites. It is also around 75m from the Solent and Dorset Coast Special Protection Area (SPA).
13. The site can be accessed by cars from the north via Mumby Road and from the south via South Street. It also accessible on foot and bicycle from the east via the ferry terminal and from the west via High Street. The nearest residential properties are around 50m to the west above shops along High Street.
14. The Falklands Gardens, which are dedicated to those Armed Forces, Merchant Navy personnel and civilians who gave their lives or were injured

during the Falklands War, are immediately to the north east of the site. These proposals will not directly impact on this important local public space.

Planning History

15. There is no relevant planning history of the site to report.

The Proposal

16. The proposal is for the construction of a new replacement bus station on land adjacent to Falklands Gardens at Mumby Road in Gosport, together with a replacement taxi rank and ancillary facilities including a short stay parking and pick-up and set down facilities on land at the existing Gosport bus station and adjacent to The Esplanade.
17. While this application includes the development of a new bus station facility, it does not include any works to the existing bus station to the east. There would also be a relocated drop-off facility that would be located adjacent to the new taxi rank, which will utilise the same shared access with a small island separating them.
18. Access will be taken from Mumby Road utilising the existing access to the south of the Castle Tavern, with egress being out onto Mumby Road in the same location as the existing egress out from the Falklands Garden car park/ taxi rank. This arrangement will be for buses only, with appropriate road markings and signage provided.
19. A new pedestrian footway is proposed on the northern edge of the new bus station, which will be finished in red brick, which ties into the characteristics of the existing footways in the vicinity of the site.
20. The proposal allows for the creation of six bays capable of accommodating the largest buses of 13.5 metres (m) length, including those emerging on the market capable of being powered by electricity. Swept path analysis drawings demonstrate how buses will be able to leave and enter the public highway in a forwards motion.
21. The proposal also includes the relocation of a Hackney Carriage stand and short stay car parking with disabled driver bay to the south adjoining The Esplanade.
22. The proposed surfacing includes tarmacadam, tactile block paving as necessary and new kerb lines.
23. The existing loading bay/lay-by will be retained, with the addition of dropped kerbs to enable access for the Premier Marine, SSE and Street Scene maintenance vehicles.

24. The proposed bus station shelter will measure 33.5m by 4.1m and be around 3m in height. It will be built on a north – south axis running parallel to, and about five metres from, the boundary with Falklands Gardens.
25. The design of the bus shelter has been guided by the desire to maintain views across the Falklands Gardens and across Portsmouth Harbour as much as practicable. The bus station shelter will be made from aluminium and glass panels with internal lighting, seating and electronic passenger information boards. The Applicant states that, in order to maintain the current views between the High Street and Falkland Gardens, and across Portsmouth Harbour, the materials to be used within the shelter have been chosen with the aim of enabling the shelter to blend in with its surroundings as much as possible.
26. The roof and the bullnose fascia of the proposed bus station will be finished in a light grey colour, while the structural metal framework and the plinth will be finished in a dark grey (RAL 7012) colour scheme. The roof soffits will also be light grey with LED lighting.
27. A separate temporary works compound area will be set up between Coates Road and South Street, around 500m to the west of the proposed bus station site. It is considered that this temporary use of the land is permitted development due to the developer being the Highway Authority and the site being land adjacent to a public highway.
28. The proposal is for a replacement bus station and there are no indications that this will lead to an increase in bus and/or motorcar trips in the locality.
29. The proposed development will require the removal of seven of 19 trees within or overhanging the site boundary, which is considered to be a major impact in terms of tree loss. Notwithstanding this, the proposed landscaping scheme suggests the planting of 13 new trees, which is hoped will increase the overall canopy cover provided by the trees in the area by 200% as they mature over a 25 year period.
30. The site of the proposed bus station is close to several existing facilities, including Premier Marine, SSE and the Castle Tavern public house. The scheme is designed to ensure that their existing accesses will be retained in the future.
31. The applicant undertook pre application public engagement prior to the submission of the application. In July 2021, the applicant (Highway Authority) invited Local County and Borough councillors and key stakeholders to attend a virtual meeting for a briefing on the proposed Gosport Interchange scheme. The briefing presentation from this meeting was posted on the scheme's website along with a public engagement survey. A public engagement survey was launched the day following the briefing using the same presentation material, and aimed to gauge the level of public support for the proposed scheme, with the survey made available online and paper

copies available on request. The survey was publicised by the applicant via a letter drop to residents living close to the proposed development, along with posters placed in proximity to the scheme and via social media. The survey was available for a period of 8 weeks, ending in early September 2021.

32. As a result of the public consultation exercise over 400 responses were received and considered prior to the submission of the planning application.

Development Plan and Guidance

33. Paragraph 47 of the [National Planning Policy Framework \(2021\)](#) (NPPF) requires 'applications for planning permission (to) be determined in accordance with the development plan, unless material considerations indicate otherwise'. Therefore, consideration of the relevant plans, guidance and policies and whether the proposal is in accordance with these is of relevance to decision making.

National Planning Policy Framework (2021) (NPPF)

34. The following paragraphs are relevant to this proposal:
- Paragraphs 10-12: Presumption in favour of sustainable development;
 - Paragraphs 38, 47: Decision making;
 - Paragraphs 55 – 56: Planning conditions;
 - Paragraphs 81: Support of sustainable economic growth;
 - Paragraph 92: Healthy, inclusive and safe places;
 - Paragraph 100: Public rights of way and access;
 - Paragraphs 104, 110-113: Sustainable transport;
 - Paragraph 120: Types of land;
 - Paragraphs 126-136: Design;
 - Paragraphs 153-158; Planning and climate change;
 - Paragraphs 159-169: Planning and flood risk;
 - Paragraphs 174, 176-178: Contributions and enhancement of natural and local environment;
 - Paragraphs 180-181: Biodiversity and planning;
 - Paragraphs 183-188: Ground conditions and pollution; and
 - Paragraphs 194-208: Heritage assets.
35. [Section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#) states, 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

Gosport Borough Local Plan (2015)

36. The [Gosport Borough Local Plan \(2015\)](#) (GBLP) sets out the spatial strategy for the area up to 2029 and includes the following policies that are relevant to the determination of this application:
- Policy LP1 – Sustainable Development;
 - Policy LP2 – Infrastructure;
 - Policy LP4 – Gosport Waterfront and Town Centre;
 - Policy LP10 – Design;
 - Policy LP11 - Designated Heritage Assets Including Listed Buildings, Scheduled Ancient Monuments and Registered Historic Parks & Gardens;
 - Policy LP18 – Tourism;
 - Policy LP21 - Improving Transport Infrastructure;
 - Policy LP23 – Layout of Sites and Parking;
 - Policy LP27 - Principal, District and Neighbourhood Centres;
 - Policy LP45 - Flood Risk and Coastal Erosion;
 - Policy LP46 – Pollution Control; and
 - Policy LP47 – Contaminated Land and Unstable Land.
37. The [Gosport Waterfront and Town Centre SPD \(2018\)](#) sets out a number of key themes and objectives and more detailed development principles to consider as proposals come forward in this area. The SPD expands and articulates the Council's aspirations for the whole Waterfront and Town Centre area including issues relating to the public realm, the overall appearance of the centre and to ensure that the Waterfront and Town Centre are well linked and form a coherent area within the Borough. The SPD is linked to Policy LP4 (Gosport Waterfront and Town Centre) of the GBLP.
38. The proposal would be in Area 1 of the SPD, with the SPD seeking to achieve the following objectives:
- Redevelop the Bus Station site as a high quality mixed use development incorporating a landmark building at this important gateway;
 - Provide new efficient transport interchange for residents, workers and visitors;
 - Preserve and enhance Falklands Gardens to complement the Bus Station development; and
 - Improve adjoining building frontages at the High Street and Gosport Marina.

Consultations

39. **Gosport Borough Council - Planning:** Raises no objection and supports the planning application.

40. **Gosport Borough Council – Environmental Health:** Raises no objection subject to a planning condition relating to the management of any potential unexpected contamination.
41. **Gosport Borough Council – Conservation Officer:** Was notified.
42. **Hampshire County Council – Highway Authority:** No objection subject to conditions requiring the prior approval of a Construction Traffic Management Plan and detailed plans of the access arrangements.
43. **Hampshire County Council – Arboriculture Advice:** Supports the proposal subject to standard conditions.
44. **Hampshire County Council – Landscape Advice:** No objection but raises concern regarding possible impacts on root protection areas of important trees to be retained and the loss of shading currently provided by trees that will be removed as part of the proposed development.
45. **Environment Agency:** No objection.
46. **Councillors Huggins & Meenaghan:** No comments received.

Representations

47. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications. In complying with the requirements of the SCI, HCC:
 - Published a notice of the application in the [Hampshire Independent](#);
 - Placed notices of the application at the application site and local area;
 - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
 - Notified by letter all residential properties within 50 metres of the boundary of the site (~350 properties).
48. As of 4th May 2022, a total of nine representations to the proposal have been received. There were two representations in support of the proposal, four objecting to the proposal and three making comments only. The main areas of concern raised in the objections related to the following areas:
 - Conflict with GBLP policies on protecting public open space from development;
 - Proximity to residential properties and the noise and disturbance that will be generated from moving the bus and taxi facilities closer to these properties; and
 - Poor quality design of the proposed bus shelter.
49. One of the objections is from Cycle Gosport and Green Travel Hampshire, local community groups that promote cycling and aim to improve and provide

sustainable local walk and ride routes for all. The group submitted a detailed objection based on the proposed new layout of the application site. In summary, the objection considers that there is little real benefit for pedestrians or cyclists in this scheme and significant increased safety risks and new and worsened conflict points. The objector considers that Mumby Road and South Street are important walking and cycling routes known to have major safety issues and that the whole scheme is less convenient for users. The applicant prepared a detailed response to the representation.

50. The representations making comments only generally related to the redevelopment of the current bus station site. Further, one of those objecting does so on the grounds that the proposal is an 'unnecessary expense'. It is considered that these representations are not relevant to the current planning application and therefore no weight should be afforded to these representations.

Climate Change

51. Hampshire County Council declared a climate change emergency on 17 June 2019. The Strategy and Action Plan do not form part of the Development Plan so are not material to decision making. However, it is true to say that many of the principles of the Strategy and Action Plan may be of relevance to the proposal due to the nature of the development.
52. The Applicant submitted a Sustainability and Climate Change Statement (SCCS) with this planning application. The SCCS considers the proposals carbon footprint and encourages the use of locally sourced, recycled materials where practicable. The SCCS also notes that this proposal is part of a wider scheme to reduce reliance on the private car and encourage more sustainable travel opportunities. The SCCS concludes that the proposal will help deliver sustainable transport and address the need for carbon reduction and improved public health.
53. When it comes to planning decisions, consideration of the relevant national or local climate change planning policy is of relevance. There is no specific policy in the Local Plan relating directly to climate change. The proposed development has been subject to consideration of Policies LP1 (Sustainable Development) and LP45 (Flood Risk and Coastal Erosion) of the [Gosport Borough Local Plan \(2015\)](#) and Paragraphs 7-8 and 152-154 of the [National Planning Policy Framework \(2021\)](#).

Commentary

Development Plan

54. The planning application needs to be first considered against the policies of the Development Plan and then other material planning considerations. The policies within the [Gosport Borough Local Plan \(2015\)](#) (GBLP), in particular

Policies LP4 (Gosport Waterfront and Town Centre) and LP21 (Improving Transport Infrastructure) provide significant in-principle support to this proposal and it is considered to be in conformity with the site-specific [Gosport Waterfront and Town Centre SPD \(2018\)](#).

55. The proposal will provide improved public transport facilities and free up the existing bus station site for redevelopment as part of a wider regeneration program. It is noted that the possible redevelopment of the existing bus station is not part of this application and future possible changes to this site should not be afforded any weight in this instance.
56. The proposal is considered to be in accordance with Policies LP4 (Gosport Waterfront and Town Centre) and LP21 (Improving Transport Infrastructure) of the GBLP and there is no conflict with the relevant paragraphs of the NPPF (2021).

Visual impact and landscape

57. The proposal largely relates to surface works to realign the road, kerbs and parking areas, with the only built development involving the new bus shelter structure. While a relatively small and single storey structure, it has the potential to both have impacts on the local street scene and also impact on longer range views from Gosport across Falklands Gardens towards Portsmouth to the east.
58. The County Landscape Architect and the County Arboriculturist have considered the proposal and note the impacts that the loss of existing trees and grassed area will have on the immediate locality, along with the impact on the longer views across the harbour from the erection of the bus shelter. However, they also note the mitigation proposed, including additional tree planting and the benefits from the improved sustainable transport opportunities. Subject to appropriate conditions being imposed relating to the protection of trees to be retained and post-construction landscaping the scheme it is considered that there is no conflict with the Development Plan policies in this regard. The conditions are included in **Appendix A**.
59. On the basis of the proposed conditions, the proposal is considered to be in accordance with Policies LP10 (Design) and LP23 (Layout of Sites and Parking) of the [Gosport Borough Local Plan \(2015\)](#).

Public Access and highway safety

60. Policy LP23 (Layout of sites and parking) considers matters relating to the layout of sites including traffic management.
61. The scheme's primary aim is to provide improved public access to, and interconnectivity of, sustainable transport opportunities. Gosport Borough Council supports the proposal and the Highway Authority, having assessed the proposal on grounds of highway safety, layout design and emergency access raises no objection subject to conditions requiring the prior approval

of a Construction Traffic Management Plan and detailed plans of the access arrangements. This is included in **Appendix A**.

62. It is noted that Cycle Gosport & Green Travel Hampshire object to the proposal due to perceived highway safety and design issues and also consider that the wider plans for the re-routing of buses. A key issue raised with this proposal for a new bus station is that the scheme prioritises buses over other more sustainable travel options, such as cycling and walking.
63. A further detailed note from the Applicant responding to the objection from Cycle Gosport & Green Travel Hampshire was submitted in April 2022. The Highway Authority reviewed the Cycle Gosport & Green Travel Hampshire and the applicant's response and maintains its no objection having been reconsulted on this matter and states that *'the application results in no additional trips onto the highway Network as it is a re-location of the existing bus station, and therefore the impact to the highway is limited. Furthermore, the application includes modifications and improvements to the existing pedestrian infrastructure within the vicinity of the site.'*
64. It is considered that the proposal will not have unacceptable impacts on local highway safety and capacity and forms an important part of wider aspirations for improved public travel arrangements and the redevelopment of the [Gosport Waterfront and Town Centre SPD \(2018\)](#). There is no conflict with the Development Plan in this regard.

Design and sustainability

65. Policies LP1 (Sustainable Development) sets out the positive approach that reflects the presumption in favour of development contained in the National Planning Policy Framework. Policy LP10 (Design) of the [Gosport Borough Local Plan \(2015\)](#) sets out the required approach that development proposals should follow and requires developers to demonstrate a high quality appearance in terms of scale, setting, layout, massing, landscaping, and appearance including details and materials. Policy LP23 (Layout of sites and parking) covers matters related to the layout of sites.
66. The only 'built' development within this proposal is that of the proposed new bus shelter. The design is considered to be acceptable, given the function of the bus shelter and the glass panelling will minimise its visual impact. It is also proposed that the structure be fitted with a 'living' grass roof to reduce water run off and increase the biodiversity benefit of the structure. Additional tree planting is also proposed to replace those trees to be removed and provide additional tree cover in the future. Notwithstanding this, it is acknowledged that the shelter will have a negative impact on longer range views from Mumby Road across the Falklands Gardens and the harbour towards Portsmouth.
67. As already noted, the Applicant submitted a **Sustainability and Climate Change Statement (SCCS)** with this planning application. The SCCS states

that during the design stage, small-scale reconfiguration options were considered to ensure that the space available for the new bus interchange and taxi rank is used efficiently, while encouraging sustainable and active forms of transport.

68. The SCCS considers the proposals carbon footprint and encourages the use of locally sourced, recycled materials where practicable. The SCCS also notes that this proposal is part of a wider scheme to reduce reliance on the private car and encourage more sustainable travel opportunities. The SCCS concludes that the proposal will help deliver sustainable transport and address the need for carbon reduction and improved public health.
69. On balance, it is considered that the shelter and the wider redevelopment scheme, subject to appropriate conditions regarding design and landscaping, will not have an unacceptable impact on local amenity. Any residual harm is considered to be off set by the benefits arising from the proposal and that there is no conflict with Policies LP1 (Sustainable Development), LP10 (Design) and LP23 (Layout of sites and parking) of the [Gosport Borough Local Plan \(2015\)](#).

Cultural and Archaeological Heritage

70. The proposed development will not have a direct impact upon any statutory designated heritage asset or Conservation Area. Given the limited nature of the proposals and the existing nature of the application site it is also considered that there will be no impact on potential buried archaeological interests.
71. The nearest designated heritage assets are several listed buildings along High Street, with the nearest of these being around 130 metres to the west. It is considered that any harm to the setting of these heritage assets would be significantly less than substantial and, in the light of the benefits arising from the proposal, there is no conflict with Policy LP11 (Designated heritage assets including listed buildings, scheduled ancient monuments and registered historic parks & gardens) of the [Gosport Borough Local Plan \(2015\)](#) and paragraphs 194-208 of the NPPF (2021).

Impact on amenity and health

72. The proposed development will mean that the bus parking area and shelter are closer to residential properties along High Street. The scheme has been designed to allow safe access and manoeuvring of the latest electric powered buses and the development is not designed to increase bus movements.
73. The Applicant submitted **Noise and Air Quality Notes** with this application that considered the likely changes arising from the proposal and the significance of any impacts. Both assessments conclude that the development will not have significant impacts by way of noise or air quality,

Therefore, it is considered that general noise and disturbance from the proposal will not be significantly different to the existing situation as a result of this development.

74. Cycle Gosport & Green Travel Hampshire consider that the scheme as submitted does not present the safest and best design for the new bus station. However, the Highway Authority has considered the proposal in depth and considers that any issues identified in the submitted Stage 1 Road Safety Audit have been addressed satisfactorily.
75. The Environmental Health Officer raises no objection subject to a planning condition relating to the management of any potential unexpected contamination. This is included in **Appendix A**.
76. It is considered that the scheme as presented will not generate significant impacts on local amenity and health by way of noise, artificial lighting, air quality or highway safety and that there is no conflict with Policies LP1 (Sustainable development), LP10 (Design) and LP23 (Layout of sites and parking) of the [Gosport Borough Local Plan \(2015\)](#)

Conclusions

77. It is considered that the proposal is acceptable and will improve sustainable transport options in the wider Gosport area. There will be some short term impacts during development and some limited impacts on views across Falklands Gardens across the harbour to Portsmouth, but these impacts are not considered to be significant subject to the conditions proposed in **Appendix A**.
78. The proposed highway layout changes have been considered to be acceptable by the Local Highway Authority. It is considered that the proposal does not conflict with the Development Plan and that permission ought to be granted.

Recommendation

79. That planning permission be GRANTED subject to the recommended conditions set out in **Appendix A**.

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Layout & Elevation Plans

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2022/0041>

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	No
People in Hampshire live safe, healthy and independent lives:	No
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	No
OR	
<p>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:</p> <p>the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste or local planning authority.</p>	

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

22/00064/HCC3

Hampshire County Council

GPG008

Falklands Gardens Short Stay Car Park,
Mumby Road, Gosport Hampshire PO12 1AD
(Construction of a new replacement bus
station on land adjacent to Falklands
Gardens at Mumby Road, Gosport
together with a replacement taxi rank and
ancillary facilities including short stay car
parking and pick-up and set down facilities
on land at the existing Gosport bus station
and adjacent to The Esplanade

EQUALITIES IMPACT ASSESSMENTS:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Officers considered the information provided by the applicant, together with the response from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

CONDITIONS

Commencement of Development

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

Highway Matters

2. Prior to the commencement of development, detailed plans and particulars of the site access and layout as indicated on drawing numbers HCCSPCO-ATK-HGN-C591-SK-CH-000003 Rev. P01.9 and HCCSPCO-ATK-HGN-C591-SK-CH-000030 shall be submitted to and approved in writing by the County Planning Authority in consultation with the highway authority. The development shall not take place except in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy LP23 (Layout of sites and parking) of the Gosport Borough Local Plan (2015). This is a pre-commencement condition to ensure that the development does not have unacceptable impacts on highway safety.

3. No development hereby permitted shall commence until a Construction Traffic Management Plan (to include details on the daily and total number and size of lorries accessing the site, the turning of delivery vehicles and lorry routing as well as provisions for removing mud from vehicles) and a programme of works has been submitted to and approved in writing by the County Planning Authority. The approved details shall be implemented in full before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interests of highway safety in accordance with Policy LP23 (Layout of sites and parking) of the Gosport Borough Local Plan (2015). This is a pre-commencement condition to ensure that the development does not have unacceptable impacts on highway safety during the construction phase of the development.

Landscaping

4. Prior to the commencement of the development an arboricultural method statement including details of root protection measures for all trees to be retained within the site shall be submitted to and approved in writing by the County Planning Authority. The development shall only be undertaken thereafter in accordance with the approved arboricultural method statement.

Reason: To ensure that trees to be retained on the site are protected during the development in the interests of local amenity in accordance with Policy LP10 (Design) of the Gosport Borough Local Plan (2015). This is a pre-commencement condition to ensure that the development does not have unacceptable impacts on important trees to be retained upon completion of the development.

5. The landscaping scheme as illustrated on drawing nos. Landscape Layout Plan - CJ009105 TBC 1001 Rev. 1 and Landscape Layout Plan - CJ009105 TBC 1002 Rev. 1 shall be implemented in full during the first planting season following completion of the development hereby approved.

Reason: To ensure that the development is carried out in accordance with the details submitted and in the interests of local amenity in accordance with Policy LP10 (Design) of the Gosport Borough Local Plan (2015).

Contaminated Land

6. In the event that ground contamination is encountered during the construction phase of the development that has not been investigated or considered in the Land Condition Report and Appendices dated February 2021, all work shall cease until a scheme of investigation, risk assessment, remedial measures and a detailed remedial method statement has been submitted to and agreed in writing with the Local Planning Authority. Following approval the development shall only take place in accordance with the approved remediation scheme, which shall be fully implemented and validated in writing by an independent competent person as previously agreed with the Local Planning Authority.

Reason: To ensure that any unexpected ground contamination is managed and treated in an acceptable manner in accordance with Policy LP47 (Contaminated land and unstable land) of the [Gosport Borough Local Plan \(2015\)](#).

Plans

7. Unless otherwise explicitly required by a condition above, the development hereby permitted shall be carried out only in accordance with the following approved plans and documents:
 - Planning and Design & Access Statement including Appendices 1-4;
 - Sustainability and Climate Change Statement;
 - Ecological Appraisal updated January 2022;
 - Flood Risk Assessment vC01 dated January 2022 and Appendices A-F;
 - Arboricultural Impact Assessment dated January 2022;

- Landscape and Visual Appraisal dated January 2022;
- Air Quality Technical Screening Note v1.2 dated January 2022;
- Noise Screening Note dated January 2022;
- Land Condition Report and Appendices dated February 2021;
- Site Location Plan - HCCSPCO ATK C591 HGN Rev. P02 dated 02-02-2022;
- Landscape Layout Plan - CJ009105 TBC 1001 Rev. 1 dated 21-02-2022;
- Landscape Layout Plan - CJ009105 TBC 1002 Rev. 1 dated 21-02-2022;
- Site Plan - SK00230 dated 28-01-2022;
- Site Plan - HCCSPCO ATK HGN C591 SK CH 000003 Rev. P01.9;
- Site Plan - HCCSPCO ATK HGN C591 SK CH 000030 Rev. P01.3;
- Elevation Plan - SK00231 dated 28-01-2022;
- Bus Shelter Section Plan - SK00232 dated 28-01-2022;
- Bus Shelter Floor Plan - SK00233 dated 28-01-2022;
- Typical Clearances Plan - SK00234 dated 28-01-2022; and
- CMS3013 Compliance Sketch - (Esplanade Road/Taxi Rank/Taxi Drop Off Area).

Reason: For the avoidance of doubt and in the interests of proper planning.

Note to Applicants

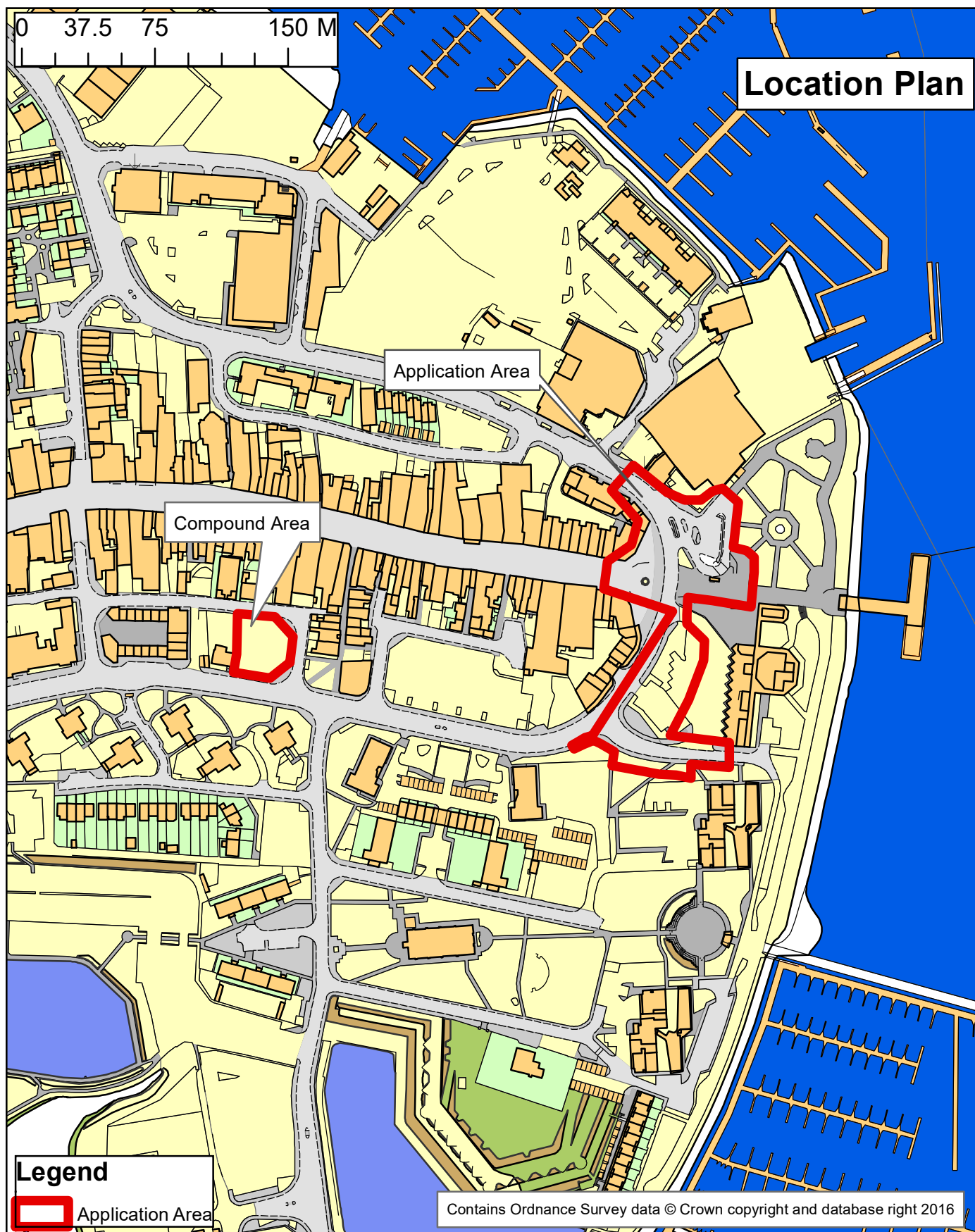
1. In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2021), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts
3. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal);
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);
 - on or within 16 metres of a sea defence;
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert ; and

- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

4. *Signing up for flood warnings:* The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings> . It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

This page is intentionally left blank



Construction of a new replacement bus station on land adjacent to Falklands Gardens at Mumby Road, Gosport together with a replacement taxi rank and ancillary facilities including short stay car parking and pick-up & set down facilities on land at the existing Gosport bus station and adjacent to The Esplanade at Falkland Gardens Short Stay Car Park, Mumby Road, Gosport Hampshire PO12 1AD

Page 27

Application No: 22/00064/HCC3 Site Reference: GPG008

Regulatory Committee 18 May 2022

1:3,000

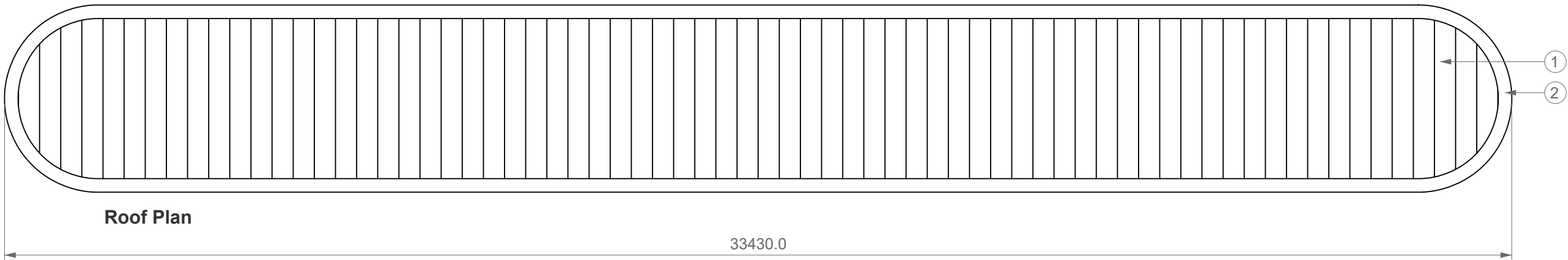


Hampshire
County Council

Economy, Transport and Environment

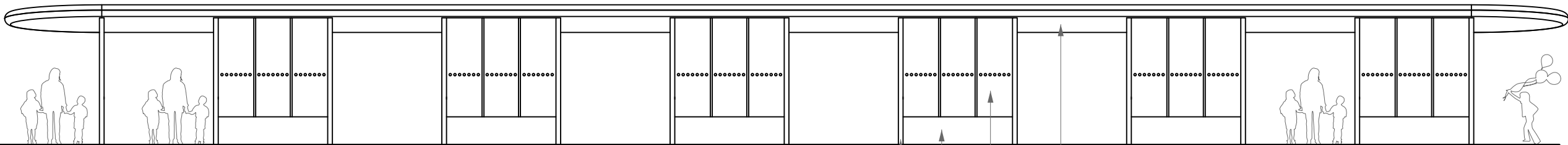
Drawn by: Strategic Planning

This page is intentionally left blank



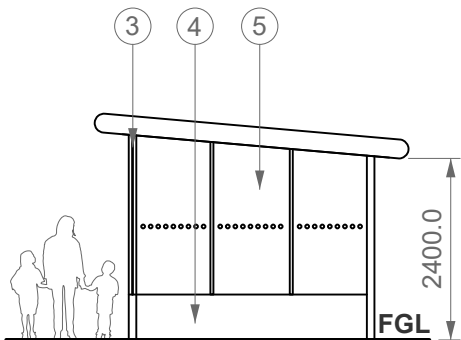
Roof Plan

33430.0



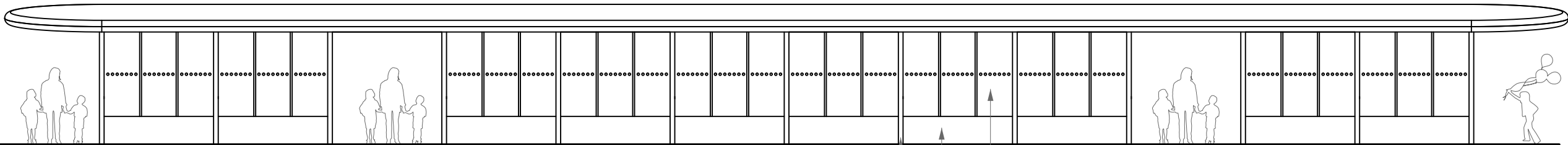
West Elevation

3 4 5 6



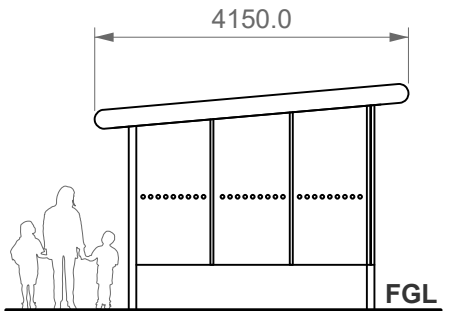
South Elevation

2400.0
FGL



East Elevation

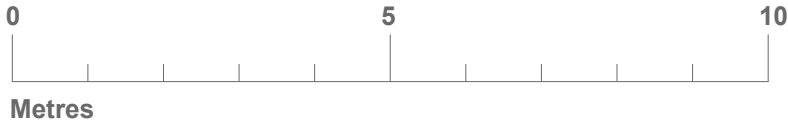
3 4 5



North Elevation

4150.0
FGL

- ① Standing seam metal roof - colour LIGHT GREY
- ② Bullnose fascia - colour LIGHT GREY
- ③ Structural steel framework - colour DARK GREY (RAL7012)
- ④ Plinth - colour DARK GREY (RAL7012)
- ⑤ Glazing - Safety glass with manifestations
- ⑥ Roof soffit - colour LIGHT GREY with LED lighting



-	-	X.X	XX.XX.XX
Issue	Description	Sig	Date



Unit 3 Armour House, Daytona Drive,
Thatcham, Berkshire, RG19 4ZD, UK
www.externiture.com T: 01635 862 100

© 2022 Copyright Reserved

Drawn: **G.S**
Checked: **P.J**
Scale: **1:100 @ A3**
Date: **28.01.22**

Title
**GOSPORT INTERCHANGE
PROPOSED ELEVATIONS**
Drg No
SK00231
Sheet
A3
Issue
A

This page is intentionally left blank

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	18 May 2022
Title:	Update Report on Planning Code of Conduct
Report From:	Legal Services, Corporate Services

Contact name: James Hammond

Tel: 0370 779 3793

Email: james.hammond@hants.gov.uk

Purpose of report

1. The purpose of this report is to inform Regulatory Committee members of the updated Planning Code of Conduct (“the Code”), the reasons for the update and the governance requirements required to bring this updated Code into effect. The Committee need to consider the amendments to the Code and decide whether to recommend the Code for adoption by full Council. If recommended the Code will then be taken to the next full Council meeting (on the 21st of July 2022) for adoption.

Recommendation

2. That Regulatory Committee recommends adoption of the updated Planning Code of Conduct to Full Council, together with the onward governance requirements necessary to give effect to the Code.

Contextual information

3. Hampshire County Council’s Legal Services has recently undertaken a review of the Code. This is to ensure the Code is compliant with current legislation and to reflect good practice. The Code was last reviewed in February 2014.
4. The current Code forms part of the County Council’s Constitution and can be found at Part IV Appendix B within the Constitution.
5. The Code has been redrawn to provide a clearer document setting out the conduct responsibilities of both Members and Officers when considering matters brought to Regulatory Committee. These responsibilities are set out separately for Members and Officers for easier reference. They have been updated where necessary in accordance with current legislation.

6. The proposed changes to the Code have been informed by discussions with the County Council's Monitoring Officer. Legal Services has also worked with officers from Economy Transport and Environment and Culture, Communities and Business Services departments that work closely with Regulatory Committee.
7. The Code now has an index to aid interpretation and permits easier cross-referencing via hyper-links to other relevant documents or parts of the Constitution when viewed electronically.
8. The intention of the updated layout of the Code is to better group together the content of the Code to make accessing the relevant procedural rules more intuitive.
9. A breakdown of all of the updates and changes to the Code is set out below at paragraphs 16 - 34. The more substantive updates for Members to consider are described in paragraph 4 below.

Member's Training

10. The Code expands the rules on Member Training. Paragraph 4.3 introduces a mandatory requirement for Members to have attended basic training in advance of their first sitting on Regulatory Committee.
11. There is more detail around the practicality and requirement of attending and the content of refresher training sessions at paragraphs 4.4 – 4.9.
12. Paragraphs 4.11 and 4.12 include a mechanism for referral to the Chair and Monitoring Officer if a Member consistently fails to attend training.

Amendments to Recommendation

13. The Code now incorporates at paragraphs 13.5 – 13.12 an express procedure for the introduction and adoption of any proposed amendments to a recommendation.

Site Visits

14. Paragraph 14.8 of the Code clarifies the limited role of landowners at site visits to allow admission and for any health and safety guidance required during the visit.
15. Paragraph 14.9 and 14.10 includes a mechanism for referral to the Chair and Monitoring Officer if members fail to attend site visits.

Further Updates

16. Paragraph 1.8 now incorporates reference to the relevant parts of the County Council's Standing Orders.
17. Paragraph 1.9 summarises general principle that only Offices and Members who observe the Code should take part in Regulatory Committee.

18. Paragraph 2.20 clarification on need to declare 'dual hat' interest as a Personal Interest at Committee.
19. Paragraph 7 clarification on basis of Member appointment to Committee in accordance with Constitution and link to Member details.
20. Paragraph 8.1 – 8.3 express reference and links to schemes of authorisation and delegation for Planning and Rights of Way and further description of Committee remit.
21. Paragraph 9.2 express reference to legislative timeframe for publication of reports.
22. Paragraph 9.5 reference and link to tests for conditions attached to planning permission.
23. Paragraph 9.6 – 9.7 detail on process for publication of update reports.
24. Paragraph 9.8 additional detail on the content of reports for Rights of Way, Common and Town or Village Green matters.
25. Paragraph 10.4 removal of reference to withdrawn circular.
26. Part 11 on Committee Process now separates guidance on decision making between planning matters and Rights of Way, Common and Town or Village Green matters.
27. Paragraph 11.3 and 11.4 provides more detail on process for departing from recommendation or deferring a decision.
28. Paragraph 11.8.2 to allow for Members to declare any declaration of interest after the introduction of the item.
29. Paragraph 12.1 regarding deputations includes reference to rules in County Council Standing Orders
30. Paragraph 12.4 allows for Members of adjacent authorities or authorities within the administrative area of the County Council to make a deputation to Committee.
31. Paragraph 12.7 provides link to Standing Order 40 as the basis for Members of the County Council who are not Members of the Committee to speak, removal of reference to 'local.'
32. Paragraph 13.13 and 13.14 provide for grant of delegated authority for Officers to finalise wording in consultation with the Chair and Vice Chair of reasons for a decision of Committee not to adopt a recommendation or to defer a decision.
33. Removal in Annex B on Guidelines for determining planning applications of reference to withdrawn planning circulars
34. Link to Countryside Scheme of Authorisation at new Annex D

Future direction

35. In order to effect the proposed changes to the Code, the updated Code must be approved by full Council as an amendment to the Constitution. Subject to Regulatory Committee recommending adoption of the Code a Part I report will be presented to full Council on the 21st of July 2022 to seek approval of the updated Code and its subsequent incorporation into the constitution.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	No
People in Hampshire live safe, healthy and independent lives:	No
People in Hampshire enjoy a rich and diverse environment:	No

People in Hampshire enjoy being part of strong, inclusive communities:	No
--	----

OR

This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:

The report outlines changes to the Planning Code of Conduct which governs the Regulatory Committee and so the report is required to inform members and promote transparency.

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

None

EQUALITIES IMPACT ASSESSMENTS:

- **Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The decision in this report relates to the internal governance processes of the Regulatory Committee and therefore has a neutral impact on groups with protected characteristics.

Part 4

Appendix B – Planning Code of Conduct

Local Protocol on Planning, Rights of Way, Commons and Village Greens Registration for Members of Regulatory Committee, Substitute Members of Regulatory Committee and Officers

1. General Matters and Role of the Committee

2. Members Conduct:

- General
- Registration and Disclosure of Disclosable Pecuniary Interests, Personal Interests, Gifts and Hospitality
- Declarations of Interest
- Bias or Pre-determination
- Pre-disposition
- Dual Hatted Members

3. Lobbying of and by Members and attendance at public meetings

- Lobbying
- Public Meetings prior to Committee date

4. Member Training

5. Officers Conduct:

- General
- Officer Attendance at Public Meetings

6. Officer Pre-Application and Pre-Decision-Making Discussions

7. Membership of the Committee

8. Items to be considered by the Committee

9. Officer Reports to the Committee:

- General
- Planning Reports
- Rights of Way, Village Green and Commons Registration Reports

10. Development, modification or registration proposals submitted by Members, Officers and County Council:

- Member or Officer Applications
- County Council Applications (including Reg. 3 applications)

11. The Committee Process:

- Determining Planning Matters
- Determining Rights of Way, Town or Village Greens and Common Registration Matters
- Meeting Structure and Order

12. Deputations to the Committee:

- Applicants, agents, interested parties other than County Council Members
- County Council Members wishing to address the Committee

13. Decision Making by the Committee:

- General
- Amendments to Recommendations
- Planning - Decision making
- Rights of Way, Town or Village Greens, Commons Registration - Decision making

14. Site Visits by the Committee

15. Record of Committee meetings

16. Complaints about the Committee

17. Freedom of Information/Environmental Information requests related to the Committee

Annex A -Links to procedural guidance for public path orders, definitive map modification and town and village green applications

Annex B -Guidance for determining planning applications under the Town and Country Planning Act 1990 (TCPA) (as amended)

- Material Considerations

Annex C - Scheme of delegation for planning decisions

Annex D – Scheme of authorisation for Countryside and Rights of Way

1. General Matters and Role of Committee

- 1.1 The public is entitled to expect the highest standards of conduct and probity by all persons holding public office. There are statutory provisions and codes (for both [members](#) and [officers](#)) which set standards that must be followed if the public perception of the integrity of public service is to be maintained.
- 1.2 Planning Applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.¹ The emphasis in determining applications is upon a plan-led system.
- 1.3 Town or Village Green registration applications are to be determined in accordance with the [Commons Act 2006](#), accompanying relevant legislation, government guidance, and supporting case law.
- 1.4 Rights of Way matters will be determined in accordance with relevant legislation, government guidance and supporting case law.
- 1.5 Commons Registration matters will be determined in accordance with relevant legislation, government guidance and supporting case law.
- 1.6 Whilst this local Protocol ('the Protocol') deals primarily with regulatory matters listed above, the principles apply equally to consideration of local development documents and briefs, enforcement cases and all other related matters.
- 1.7 Throughout the Protocol references to Regulatory Committee ("Committee") apply equally to all sub-committees, panels and meetings of the County Council when exercising regulatory functions.
- 1.8 This Protocol is supplemental to the relevant parts of the County Council Standing Orders the [Members' Code of Conduct](#) and [Officer's Code of Conduct](#) (and also supplemental to other relevant legislation) and provides further specific advice and guidance for Members and Officers involved in Committee matters.
- 1.9 Only Officers and Members who are prepared to observe this Protocol should be involved in the process of dealing with regulatory matters and determining planning, rights of way, town or village greens or commons registration applications.

2. Members Conduct

General

¹ Section 38(6) of the [Planning and Compulsory Purchase Act 2004](#) states: if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts (principally the Town and Country Planning Act 1990), the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 2.1 This Protocol applies equally to Members and Substitute Members of the Committee, as provided for in the County Council's [Constitution](#).
- 2.2 Dealing with regulatory matters places upon Members a particular need for probity and they must ensure that only relevant considerations are taken into account.
- 2.3 Members should not favour any individual or groups and must determine matters brought before the Committee in accordance with relevant policy and guidance. Whilst Members should take account of all views expressed, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
- 2.4 Members should not openly declare which way [they intend to vote in advance](#) of a Committee meeting, or give the impression that they have reached a final decision. To do so without all relevant information and views expressed at the Committee meeting would be unfair and prejudicial and may amount to predetermination.
- 2.5 Members should reach their own conclusions after full consideration of all available information at Committee, rather than follow the lead of another Member.
- 2.6 A Member should not use their position to further a private or personal interest, rather than the general public interest, or give the impression this is the case.
- 2.7 All Members are required to comply with the provisions of the [Members' Code of Conduct](#) or any successor document and the [Protocol for Member/Officer Relations](#) or any successor document.

Registration and Disclosure of Disclosable Pecuniary Interests, Personal Interests, Gifts and Hospitality

- 2.8 Members should observe the requirements in respect of the registration and disclosure of both Disclosable Pecuniary Interests and Personal Interests set out in the [Members' Code of Conduct](#). Members who have substantial property interests, or other interests which would prevent them from voting on a regular basis, should avoid serving on the Committee.
- 2.9 Members should observe the requirements in respect of the registration of gifts and hospitality set out in [Members' Code of Conduct](#). Where hospitality is unavoidable it should be minimal and its receipt declared as soon as possible.

Declarations of Interest

- 2.10 Members should declare an interest in any item at the beginning of a meeting or as part of the relevant agenda item for each meeting or when the interest becomes apparent. Declarations of interest shall be recorded in the Minutes of the meeting.

- 2.11 The responsibility for determining the nature of and declaring any interest lies with the individual Member
- 2.12 Where a Member is unsure of their interest being a Disclosable Pecuniary Interest or a Personal Interest that should be declared, the Member shall seek advice from the Legal Adviser to the Committee, or the Monitoring Officer, as soon as the issue becomes apparent. To avoid undue delay at a meeting and to ensure that any interest is properly considered such advice should be sought at least three working days before the meeting at which the matter is being discussed.

Bias or Pre-determination

- 2.13 Any Member of the Committee with bias or who have pre-determined² a matter should not participate at all in the decision-making process. If they do there is a strong risk that the decision will be vulnerable to challenge by way of judicial review and possibly quashed.
- 2.14 Bias can be assessed by asking two questions:
- 2.14.1 Would a fair-minded observer, knowing the background, consider that there was a real possibility of bias arising from a particular Member being a member of the relevant decision-making body? and
- 2.14.2 Would a fair-minded and informed observer consider that there was a real possibility that the Committee, or some of its members, were biased in the sense of approaching the decision with a closed mind and without impartial consideration of the relevant issues?
- 2.15 Pre-determination occurs when a Member's mind is closed to the merits of any arguments which differ from his/her own about a particular issue on which the Member is making a decision. It is objectively determined. Pre-determination is likely to be evidenced by previous statements by the Member either at meetings or in the Press, that he/she is determinedly for or against a proposal, that they have reached a decision, and nothing will change their mind.
- 2.16 Members should approach decision making with an open mind, having regard to all the material facts and remain open to the possibility that, however unlikely, they may hear arguments during debate that might change their mind about how they intend to vote. In doing so, such Member will not be held to have pre-determined an issue.

Pre-disposition

- 2.17 Members of the Committee are not precluded from expressing views

² Section 25 of the [Localism Act 2011](#) clarifies the distinction between pre-determination and pre-disposition and applies to all Members.

favourable to or against matters that are likely to come before them for a decision at Committee.

- 2.18 Members should, to avoid the claim that they have pre-determined the matter, qualify any comments made (favourable or otherwise), with a statement that their views are not fixed or final and they will make their final decision taking into consideration all the information presented to them. This will include Officer Reports, deputations, questioning of deputations and Officers, and debate at the Committee meeting.

‘Dual Hatted’ Members

- 2.19 Members of the Committee who are also members of a District, Borough or City Council or National Park Authority may be faced with taking a decision on the same matter at both tiers. Members are not precluded from making decisions at both tiers providing, at the meeting which deals with the matter first, they make it clear that any decision is being made on the basis of the information before them at that meeting, and any subsequent decision will be made on the basis of the information before that subsequent meeting. However, depending on the significance of the decision in question, Members may sometimes consider it preferable to abstain from decision making at one tier or the other.

- 2.20 Members who find themselves in the position described above are advised to declare any such involvement as a relevant Personal Interest at the relevant time during the Committee meeting.

- 2.21 Members unsure of their position should seek advice from the Legal Adviser at the Committee meeting, or the Monitoring Officer. Any final decision as to whether a Member should form part of decision making by the Committee rests with the individual Member.

3. Lobbying of and by Members and Member attendance at public meetings

Lobbying

- 3.1 For Members to undertake fully their constituency roles it is inevitable that they will be subject to lobbying on regulatory matters and specific applications. It is essential to maintain the integrity of both the County Council and Members and the public perception of the regulatory process when Members are lobbied. Members should not, therefore, favour or appear to favour, any person, company, group or locality.

- 3.2 Members of the Committee involved in the decision making on regulatory matters should not:

- 3.2.1 organise support or opposition to a proposal;
- 3.2.2 lobby other Members;

- 3.2.3 act as an advocate; or
- 3.2.4 put pressure on Officers for a particular recommendation.
- 3.2.5 However, other County Councillors (who are not part of the decision making process) can make representations and address the Committee in accordance with 12.7 below.

3.3 Any political group meetings prior to Committee meetings should not be used to decide how Members should vote, and votes on such matters should not be taken at such political group meetings. The view of the Local Government Ombudsman is that the use of political 'whips' at group meetings in this way amounts to maladministration.

3.4 If Members consider that they have been exposed to undue or excessive lobbying or approaches, these should be reported to the Monitoring Officer who will in turn advise the appropriate Officers (usually the Director of Economy, Transport and Environment or the Director of Culture, Communities and Business Services, as appropriate).

Public Meetings prior to Committee date

3.5 Members of the Committee should take great care to maintain impartiality when attending public meetings in relation to such matters. At such meetings it is preferable for no view on the merits or otherwise of a proposal or application to be given, but if a view is given the advice in paragraph 3.6 and 3.7 below should be followed.

3.6 Members should not openly declare which way they [intend to vote in advance](#) of the Committee meeting, or give the impression that they have reached a final decision. To do so without all relevant information and views expressed at the Committee meeting would be unfair and prejudicial, and may amount to predetermination.

3.7 If Members are in a position where they consider it necessary to express an opinion, they should make it clear that this is a preliminary view and that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee.

4. Member Training

4.1 Seminars are held after the County Council elections to give guidance to all Members on the declaration of interests and any other issues in the [Members' Code of Conduct](#).

4.2 Members (including Substitute Members) appointed to the Committee must demonstrate a commitment to being trained, both upon appointment and throughout their period of service. All Members of the Committee will receive training in the following areas:

- 4.2.1 committee protocol and procedures;
- 4.2.2 policy and procedure in respect of planning, rights of way, town

- 4.2.3 or village greens and commons registration;
 - 4.2.4 the development plan; and
 - 4.2.4 past implemented planning decisions.
- 4.3 It is a mandatory requirement for new Members (including Substitute Members) of the Committee to undertake 'Initial Committee Training' before they are able to take a seat on the Committee. Initial Committee Training will provide new Members with an induction in the relevant legislative frameworks covering the matters considered by the Committee, committee protocol and procedures and their duties as a Member of the Committee.
- 4.4 All Members (including Substitute Members) must attend 'Refresher Training' sessions to be held as organised by Officers. The Refresher Training will provide all Members with a review of current legislation, recent caselaw and any anticipated future changes to legislation.
- 4.5 Where a Member (including a Substitute Member) is unable to attend any Refresher Training session it is the Member's responsibility to arrange alternative training pursuant to 4.9 below to ensure they are updated and maintain their competency.
- 4.6 Training will be discussed within each Committee meeting and Members advised of any forthcoming training events or, if appropriate, informed of any recent decisions relevant to the operation of the Committee.
- 4.7 Every four years, after the County Council elections, a special event will usually be arranged usually in early June to ensure that all Members (including returning Members and Substitute Members) of the Committee are familiar with the operation of the Committee, this Protocol and current legislation.
- 4.8 The content of each Training Session will be determined by the Director of Economy, Transport and Environment, Director of Culture Community and Business Services, Legal Adviser, relevant Democratic and Member Services Officer or Monitoring Officer in discussion with the Chair of the Committee. Members may also make suggestions to the Officers and the Chair as to any particular areas or subjects upon which they would like training.
- 4.9 Members (including Substitute Members) can request individual coaching sessions with Officers if unable to attend Training Sessions.
- 4.10 Periodic tours are arranged for Members (including Substitute Members) to help develop an understanding and appreciation of the complex issues associated with planning decision making, and provide the opportunity for Members (including Substitute Members) to see the permissions that they have granted in operation and to assess the impacts of the committee's decision-making process. All Members (including Substitute Members) of the Committee will be expected to attend these tours when they are arranged.

- 4.11 All Members (including Substitute Members) of the Committee are required to maintain their competency to determine matters brought to the Committee by attending the Training Sessions offered throughout the calendar year and the periodic tours. Those Members (including Substitute Members) who fail within a two year calendar period to attend Refresher Training (or don't make alternative arrangements as noted in 4.5 above) or fail to demonstrate adequate understanding of the operation of the Committee will be reported by Officers to the Chair and the Monitoring Officer.
- 4.12 The Monitoring Officer in consultation with the Chair of the Committee will consider whether the significance of any failure of a Member (including Substitute Member) to attend a sequence of training events warrants referral to the relevant Group Leader regarding exclusion from the Committee and any breach of the [Member's Code of Conduct](#).

5. Officers Conduct

General

- 5.1 Officers are employed by, and serve, the whole County Council. They advise the County Council, the Executive and its non-Executive committees, and are responsible for effective implementation of County Council decisions.
- 5.2 Officers must act in accordance with the requirements of the [Local Government and Housing Act 1989](#) , and all other relevant legislation, the County Council's [Constitution](#) the County Council's [Officers' Code of Conduct](#) and the [Protocol for Member/Officer Relations](#). Officers must also act in accordance with the orders of conduct of the professional bodies to which they belong.³
- 5.3 Officers must always act impartially. The County Council will review, on a regular basis, the restrictions in relation to outside activities under the [Local Government and Housing Act 1989](#) under which private work and interests are declarable.
- 5.4 Officers should observe the requirements in respect of the acceptance and registration of gifts and hospitality set out in the [Officers Code of Conduct](#).
- 5.5 Officers should (as a general premise) not accept gifts or hospitality. If, however, a degree of hospitality is unavoidable, it should be minimal and its receipt declared as soon as possible.

Officer Attendance at Public Meetings

³ Planning officers who are RTPI accredited must act in accordance with the [Royal Town Planning Institute's Code of Professional Conduct](#), or any successor documents. Solicitors advising the Committee will act in accordance with the principles and standards set out in the SRA Standards and Regulations and the Code of Conduct for Solicitors or any successor document.

- 5.6 Officers involved in the processing or determination of regulatory matters who, with their Chief Officer's consent, attend public meetings in connection with development proposals (i.e. pre-application) or submitted planning applications should take great care to maintain impartiality. They should concentrate on providing factual information and listening to comments and avoid giving views on the merits or otherwise of the proposal.

6. Pre-Application and Pre-Decision Making Discussions

- 6.1 The County Council offers a [pre-application advice service](#) for planning matters. Advice given will be consistent and based upon the relevant law and guidance, development plan and other material considerations. Any views or opinions expressed in pre-application advice are made at Officer level in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application. It does not constitute a formal response or decision of the County Council.
- 6.2 The final decision on any planning application will only take place after the County Council has consulted the local community, statutory consultees and any other interested parties as part of the formal planning application process, and taken into account the comments that they may raise.

7. Membership of the Committee

- 7.1 Members will be appointed to the Committee in accordance with the County Council's [Constitution](#).
- 7.2 The County Council webpages include information on all [Members of the Committee and their contact details](#).

8. Items to be considered by the Committee

- 8.1 Planning applications will be considered in accordance with the Director of Economy, Transport and Environment's [Scheme of Authorisation and Delegation](#).
- 8.2 Applications for registration of Rights of Way, Commons, and Town or Village Greens which in accordance with the Director of Director of Culture, Communities and Business Service's [Scheme of Authorisation and Delegation](#) require Committee consideration.
- 8.3 Consideration of local development documents and briefs, enforcement cases and all other related matters as required by the County Council's statutory role as (inter alia) a Local Planning Authority, Highway Authority, Commons Registration Authority, and Surveying Authority (for Rights of Way).

9. Officer Reports to the Committee

General

- 9.1 Reports to Committee must be accurate and cover all relevant points.
- 9.2 All reports shall be prepared and published 5 clear working days before the date of the Committee. Reports will be published on [the County Council website](#).
- 9.3 Oral reporting of new information (other than to update an existing report) will only be used on rare occasions when absolutely necessary and will be carefully minuted.

Planning Reports

- 9.4 Where a planning application is subject to a full report, the report will refer to whether the proposal is in conformity (or not) with the relevant national and local policy (development plan) and guidance, together with all other relevant material planning considerations. Where appropriate this will include a full description of the site and any related regulatory background. The report will also summarise the consultations and representations made in respect of the application
- 9.5 All planning reports will have a written recommendation for action/decision. All reasons for approval or refusal must be justified, related to policy considerations, clear and unambiguous. All proposed conditions must meet the tests set out in [Government guidance](#).
- 9.6 Update planning reports will be prepared if there are supplementary matters which need to be reported to the Committee following the publication of the Committee reports.
- 9.7 Copies of the update reports will be available to all at the meeting and will be distributed to Members prior to the meeting. All Substitutes will be informed of their publication by the relevant Democratic and Members Services Officer if they are due to sit on the Committee.

Rights of Way, Town or Village Green and Commons Registration Reports

- 9.8 All reports for rights of way applications, town or village green applications or commons registration must:
- 9.8.1 accurately present all relevant information, setting out the relevant law and including any necessary legal tests;
 - 9.8.2 provide a summary of the application and its supporting evidence, the results of the investigation into the evidence and analysis of that evidence;
 - 9.8.3 have a written statement of whether the application meets all the required legal tests, and a written recommendation, whether the evidence supports the making of an Order (in the case of rights of way) or whether it should be rejected or rights should be registered, in the case of town or village green applications.

10. Development, modification or registration proposals submitted by Members, Officers and County Council

Member or Officer applications

- 10.1 Serving Members and Officers should never act as agents for individuals (including a company, group or body) pursuing a planning, rights of way, town or village green or commons registration matter.
- 10.2 If Members or Officers submit their own proposal to the County Council, they should take no part in its processing. The County Council's Monitoring Officer should be informed of all such proposals as soon as they are submitted.
- 10.3 Proposals submitted by Members or Officers should be reported to the Committee in accordance with the Scheme of Delegation (see Annex C) as main items and not dealt with by Officers under delegated powers. As part of the report the case Officer (or such other person as may be appointed to take on this role) should confirm that the application has been processed normally.

County Council Applications (including Reg. 3⁴ applications)

- 10.4 Proposals for the County Council's own development (or a development involving the County Council and another party) should be treated in the same way as those by private developers and in accordance with national planning policy and associated guidance.
- 10.5 The same administrative planning process, including consultation, should be undertaken in relation to the County Council's own planning applications, and they should be determined against the same policy context (i.e. the development plan and any other material planning considerations).
- 10.6 Decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the County Council if the development is permitted. It is important that the Committee is seen to be treating such applications on an equal footing with all other applications, as well as actually doing so.

11. The Committee Process

Determining Planning Matters

- 11.1 The Committee has given delegated authority to the Director of Economy, Transport and Environment to determine planning applications in certain circumstances and in accordance with the [Scheme of Authorisation and Delegation](#).
- 11.2 In determining any application submitted pursuant to the [Town and](#)

⁴ Regulation 3 of The Town and Country Planning General Regulations 1992(SI.1992/1492) (as amended)

[Country Planning Act 1990](#) the County Council will follow the Guidelines adopted and attached in Annex B. This will be subject to change from time to time to reflect Government guidance, and changes in statutory law and case law.

11.3 Members of the Committee are at liberty to disagree with the recommendation made by the Officers, but upon voting not to adopt the recommendation the reasons for their disagreement must be set out in writing and given to the Chair. The reasons must be justified with reference to any relevant planning policy and/or any relevant material considerations, be based on evidence, and be clear and unambiguous. Members may seek advice from the Officers on the appropriate wording of the reasons for disagreeing with the recommendation.

11.4 The Committee shall have the right to defer consideration of any planning matter at its discretion. The reason for deferral must relate to relevant planning considerations and shall be recorded in the minutes of the Committee meeting. Members may seek advice from the Officers on the appropriate wording of the reasons for deferral of the recommendation

Determining Rights of Way, Town or Village Greens and Common Registration Matters

11.5 The Committee has given delegated authority to the Director of Culture, Communities and Business Services for the determination of Orders made under Section 53 Wildlife and Countryside Act 1981 and various Orders under the Highways Act 1980 (Annex D). However, items will still be brought to Committee if it is considered appropriate by Officers (i.e. if it is controversial).

11.6 The Committee shall have the right to defer any consideration of any regulatory matter at its discretion. The reason for deferral must relate to the relevant legal tests that are required to be satisfied and shall be recorded in the minutes of the meeting.

Meeting Structure and Order

11.7 To enable the Chair and Vice-Chair to give an effective lead on agenda management in the Committee meeting they should attend a briefing with Officers prior to meeting.

11.8 The Chair will call the Committee to order and will then introduce the Committee business. Each item of business will be considered by the Committee as follows:

11.8.1 Chair introduces item;

11.8.2 Members make any necessary declaration in accordance with 11.9 below and if necessary, leave the meeting;

11.8.3 Officer updates/summarises the Report on the item as

appropriate;

- 11.8.4 Chair invites deputations to address the Committee. Members of the public speak first, then the applicant, followed by any local Member not on the Committee who wishes to be heard;
- 11.8.5 Members of the Committee may ask questions of the deputees for purposes of clarification of fact of the deputation;
- 11.8.6 Members of the Committee may ask the Officer questions;
- 11.8.7 Officer clarifies matters raised as appropriate;
- 11.8.8 Committee debates the item;
- 11.8.9 Officer responds to issues outstanding from the debate and clarifies any matter in the Committee Report in the light of the debate;
- 11.8.10 The Chair may, for the benefit of the Members of the Committee, clarify any issues that have arisen during consideration of the matter;
- 11.8.11 The vote is taken, including any amendments that may have been moved and seconded by the Committee Members; and
- 11.8.12 If the Committee fails to approve a recommendation in the Officer's report, immediately afterwards the Chair shall establish the reasons for failing to approve the recommendation (see 11.3 above). The Chair shall then move an alternative recommendation with the reasons and a vote is taken.
- 11.9 Members on the Committee who have had previous involvement in an application, or a link with the applicant (such as contact with the applicant/objectors, participation in a campaign group, or speaking at a public meeting on the application) will need to consider the requirements of [Code of Conduct for Members](#):-
- whether they have a Disclosable Pecuniary Interest;
 - whether they have a Personal Interest;
 - whether they are biased or have predetermined the application in the light of the guidance in Section 2 and;
- 11.9.1 If they have a Disclosable Pecuniary Interest, they must leave the meeting for the duration of the item.
- 11.9.2 If they have a personal interest, they will need to make the appropriate declarations but may participate to a limited extent, depending on the nature and extent of the interest.
- 11.10 Conscious of the public arena in which regulatory decisions are made, Members will conduct the business of the Committee in a fair and sensitive manner. The debate on all applications will be confined to the merits of the item under debate.

- 11.11 Committee Members should not vote or take part in the Committee's discussion on an item unless they have been present to hear the entire debate including the Officer's introduction and the deputations.
- 11.12 Senior Legal, Rights of Way and Planning Officers should always attend meetings of the Committee to ensure that relevant procedures have been properly followed and relevant issues properly addressed.
- 11.13 When the Committee meeting has ended, the Chair will announce that the business of the meeting has concluded.

12. Deputations to the Committee

Applicants, agents, interested parties other than County Council Members

- 12.1 Deputations to the Committee will be permitted in accordance with the County Council's general deputation rules [Part 3 - Chapter 1 - County Council Standing Orders - May 2018 \(hants.gov.uk\)](https://hants.gov.uk/part3-chapter1-county-council-standing-orders-may-2018) and without prejudice to the generality of the deputation rules in accordance with the following procedure:
- 12.1.1 The total time permitted for all deputations in any one Committee meeting is one hour;
 - 12.1.2 Deputations may be made by the applicant; their agent; and other interested parties, including elected Members of other authorities.
 - 12.1.3 Deputations will be permitted to address the Committee for up to a maximum of 10 minutes.
 - 12.1.4 In the event that there are more than six deputations at any one meeting of the Committee, the time allowed for each deputation shall be reduced equally so as to ensure that the total time permitted for all deputations does not exceed one hour.
 - 12.1.5 If there are a number of interested parties in respect of a particular matter before the Committee, the Chair may request that contributions be restricted to nominated spokespersons.
- 12.2 Officers shall not be permitted to make a deputation to the Committee unless:
- 12.2.1 It is being made by the Officer in their personal capacity, and not as an Officer of the County Council; or
 - 12.2.2 it is being made by the Officer on behalf of the County Council in its capacity as the applicant or landowner to any matter being considered by the Committee.
- 12.3 Officers of other authorities shall not be permitted to make a deputation to the Committee unless in a personal capacity, and not as an Officer of that other authority.

- 12.4 Members from adjacent authorities or other authorities within the administrative area of the County Council are able to make a deputation to the Committee.
- 12.5 The Chair may in their absolute discretion extend the time permitted for deputations.
- 12.6 Where pursuant to 11.4 and 11.6 the Committee has deferred an item that item will be brought back to Committee any deputation in respect of that item will be permitted to address the Committee again in accordance with the above provisions⁵.

County Council Members wishing to address the Committee

- 12.7 A County Council Member who is not a Member of the Committee may, following notice to the Chief Executive via members.services@hants.gov.uk, request to speak.⁶ Such notice should be received no later than noon on the working day immediately preceding the Committee Meeting, address the Committee in their capacity as a County Council elected member for a maximum of 10 minutes. This time may be extended at the discretion of the Chair. Without prejudice to the above the Chair may permit a non-Committee Member speak where, in exceptional circumstances in the opinion of the Chair, it has not been possible for the non- Committee Member to give the required notice.
- 12.8 A County Council Member who wishes to exercise their right to address the Committee should not sit with Members of the Committee, nor should they have private conversations with or pass notes to the Committee Members, as this might give the perception of undue influence.
- 12.9 Any time spent by a County Council Member in addressing the Committee shall not be counted towards the total time permitted for deputations.

13. Decision Making by the Committee

General

- 13.1 In discussing, and then determining an item on the meeting agenda, the Committee will confine itself to the merits of the case.
- 13.2 Members should not vote or take part in the Committee's discussion on an application unless they have been present to hear the entire debate, including the Officer's introduction and the deputations,
- 13.3 In all cases, the reasons for making a final decision should be clear and supported by relevant evidence. Where Committee Members wish to refuse

⁵ As set out in the County Council's [Standing Orders](#) in the Constitution

⁶ Members of the County Council who are not members of the Committee may address the Committee pursuant to Standing Order 40 of the County Council's [Standing Orders](#)

or grant an application against Officer advice, or impose additional conditions to a permission, the reasons for refusal or the additional conditions must be clearly stated at the time the proposals are moved at the meeting and Minuted accordingly.

- 13.4 Where an appeal is made against a decision that was taken contrary to the Officer recommendation, it may be necessary for external consultants to represent the County Council at the appeal hearing, if the Officer's position has been professionally compromised by a decision against their recommendation.

Amendments to Recommendations

- 13.5 Any amendment to a recommendation shall be proposed during the debate, and the proposed amendment including the reasons for the amendment shall be put in writing and delivered to the Chair.
- 13.6 No amendment shall be discussed until delivered to the Chair and the Chair has accepted and read out the proposed amendment and the amendment has been seconded.
- 13.7 The proposer of an amendment may, with the consent of the seconder, alter or withdraw an amendment they have proposed.
- 13.8 During the course of determination of a planning application a Member shall not propose or second more than one amendment to the same condition, or propose or second a new condition in substantively the same terms and effect as any amended condition proposed or seconded by them, unless and until the earlier amendment to that condition is withdrawn.
- 13.9 When necessary the Chair will rule on the appropriateness of any proposed amendments to the recommendation, having taken into account any advice from the Officer and/or Legal Adviser. Any ruling for not proceeding with an amendment will be recorded in the minutes of the meeting.
- 13.10 If more than one amendment to a recommendation is proposed and seconded the amendments shall be discussed in the order in which they were proposed and shall be voted upon in the reverse order they were proposed.
- 13.11 Proposed amendments accepted by the Chair shall be voted on immediately before the vote on the recommendation. If an amendment is voted on and carried, then the proposed recommendation shall be treated as so amended.
- 13.12 Where an amendment is voted upon and either carried or lost the Chair shall refuse to put any other amendment that would substantially contradict, override, repeat or re-introduce the subject matter of a previous amendment.

Planning – Decision Making

- 13.13 Guidelines for determining planning applications are set out under the [Part III of the Town and Country Planning Act 1990 as amended](#).
- 13.14 In the event that amendments to conditions have been requested and agreed at Committee, Officers may request delegated authority from the Chair to agree the final wording in consultation with the Chair and the Vice Chair.
- 13.15 Officers may request delegated authority from the Chair to prepare the detailed reasons for refusal in consultation with the Chair and the Vice Chair.
- 13.16 If a resolution is passed contrary to a recommendation of the Officer's report (whether for approval or refusal) a detailed Minute of the Committee's reasons will be made and a copy placed on the application or case file.
- 13.17 If the Officer's report recommends approval of a departure from the Development Plan, the justification for this should be included in full in the report.

Rights of Way, Town or Village Greens, Commons Registration – Decision Making

- 13.18 Approval should be given to make an order concerning a right of way or to register town or village green rights, where the majority of Committee Members, having heard all the evidence are satisfied, on the balance of probabilities, that such order should be made, or such rights should be registered, because all the relevant legal tests, as set out in the legislation and/or regulations, have been met.
- 13.19 An application to make an order concerning a right of way or to register town or village green rights, may be refused where the majority of Committee Members, having heard all the evidence are satisfied, on the balance of probabilities, that the application should be refused, because one or more of the relevant legal tests, as set out in the legislation and/or regulations, has not been met.

14. Site Visits by the Committee

- 14.1 A decision by the Committee to carry out a site visit should normally only take place where objective decisions cannot be taken without viewing the site and adjoining land. Examples of when site visits might be appropriate would be:
- The proposal represents a departure from the development plan; or
 - The proposal is contrary to a specific policy, or raises wider policy issues; or
 - The proposal raises particularly unusual factors, for example, it would have a major environmental impact or could lead to loss of jobs and/or financial hardship (e.g. enforcement against an existing use; or

- Development that has already been carried out; or
- There is considerable local concern about a proposal, allied to relevant regulatory reasons for carrying out a visit (e.g. the physical relationship of the site to other sites in the neighbourhood).

14.2 The relevant Democratic and Members Services Officer will organise all site visits and all Committee Members and Substitute Members will be informed of the arrangements and will be expected to attend the site visits.

14.3 The purpose of a site visit is for Committee Members to gain knowledge of the proposal, the application site, and its relationship to adjacent areas.

14.4 Officers will ensure that the purpose of a site visit is set out in the accompanying site visit report. The purpose of the report will be to provide Members with background information on the site and the proposal before the site visit. The report will not constitute a full decision report and will not discuss nor make any recommendations on the merits of the proposal.

14.5 Site visits will be carried out by Members of the Committee including Substitute Members.

14.6 District, Borough or Parish Councillors and members of the public will not be permitted to attend site visits.

14.7 The appropriate local County Councillors will be invited to and may attend the site visit if they wish.

14.8 The applicant and/or landowner will only be present to allow entry to the site and to brief Members on the appropriate health and safety guidance and will not be allowed to attend the site visit itself other than where necessary to ensure safe access on the site. The applicant and/or landowner will not discuss the application with any Members.

14.9 Officers will record the attendance of Members at each visit, along with any apologies given. Those Members and Substitute Members who consistently fail to attend site visits will be reported by Officers to the Chair and the Monitoring Officer

14.10 The Monitoring Officer in consultation with the Chair of the Committee will consider whether the significance of any failure of a Member (including Substitute Member) to attend site visits warrants referral to the relevant Group Leader regarding exclusion from the Committee and any breach of the [Member's Code of Conduct](#)

15. Record of Committee meetings

15.1 A full record of the Committee meeting will be prepared by the relevant Democratic and Members Services Officer. The draft minutes will be available as soon as practical on [the County Council website](#).

15.2 The draft minutes will be considered at the next available Committee meeting and will be signed by the Chair once agreed by the Committee. Any agreed changes or amendments to the previous Minutes will be summarised under Item 3 within the Minutes of the current meeting. No changes shall be made to the previous Minutes themselves.

15.3 All decisions in relation to planning applications by the Director of Economy, Transport and Environment or the Committee will be published on the County Council's [web](#) pages.

16. Complaints about the Committee

16.1 In order that any complaints about the Committee can be fully investigated, minutes of meetings will be complete and accurate. Minutes of the previous meeting will be signed by the Chair at the next meeting of the Committee

17. Freedom of Information/Environmental Information requests related to the Committee

17.1 Requests will be dealt with in accordance with the [Corporate process](#).

ANNEX A

Links to procedural guidance for public path orders, definitive map modification and town and village green applications

Guidelines for rights of way applications under section 53 of the **Wildlife and Countryside Act 1981** – Definitive Map Modification Orders can be found [here](#)

Guidelines for applications under the **Highways Act 1980** – Public Path Orders – diversions, extinguishments, dedications and creations can be found [here](#)

Guidelines for village green applications under section 15 of the **Commons Act 2006** can be found [here](#)

ANNEX B

Guidelines for determining planning applications under the Town and Country Planning Act 1990 (TCPA) (as amended)

- (i) Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts (principally the Town and Country Planning Act 1990) the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan includes the South East Plan, Hampshire Minerals and Waste Plan – for relevant proposals – other development plan documents and ‘saved’ policies from earlier adopted plans. When an application is being determined where a District Council’s planning policies are relevant then that Council’s development plan policies will also be considered. The emphasis in determining applications is upon a plan led system.
- (ii) Other material considerations include policies and proposals in emerging plans. The weight to be attached to emerging development plan document policies depends upon the stage of preparation or review, increasing as successive stages are reached. Once examined as sound, but prior to adoption, the development plan document has significant material weight. However refusal of planning permission on grounds of prematurity, where a development plan document is being prepared or is under review and not yet adopted, will not usually be justifiable. Other local development documents which are also the subject of consultation and objection will be material to the planning decision which is to be taken.
- (iii) Material considerations include also national planning guidance in the form National Policy Statements, planning/Mineral/Waste Policy Statements and case law. A ministerial statement may be a material consideration.
- (iv) In exceptional circumstances the personal circumstances of an applicant for planning permission may be a material consideration which may outweigh other planning considerations. Where this is the case specific and valid reasons must be given to justify an exception.
- (v) What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is a matter of planning judgment for the decision maker having regard to the planning evidence.
- (vi) Members of the Committee must thoroughly consider any advice given

by a statutory consultee or relevant Government Department, including views expressed by Natural England, Environment Agency and highway authorities.

- (vii) Members of the Committee must take into account the views of local residents when determining a planning application, but recognise that opposition to the proposal by local residents cannot be a reason in itself for refusing planning permission unless founded on valid planning reasons, which are supported by substantial evidence.
- (viii) Members of the Committee must take into account earlier County Council decisions, appeal decisions in relation to the site, or other related appeal decisions.
- (ix) Members of the Committee must not prevent, inhibit or delay development which could reasonably be permitted.
- (x) In relation to planning conditions, Members of the Committee must avoid the imposition of conditions which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant to planning or irrelevant to the development to be permitted

MATERIAL CONSIDERATIONS

Policy:

National

Regional

Local

Views of Statutory Consultees and Environment Officers

Factors on the Ground:

Material	Non-Material
Visual Impact Privacy/Overbearing Daylight/Sunlight Noise, Smell etc Access/Traffic Health and Safety Ecology Crime (and fear of) Economic Impact Planning History Related Decisions Cumulative Impact Personal Factors (rarely)	The Applicant Land Ownership Private Rights (e.g., access) Restrictive Covenants Competition Property Value Loss of View Change from Previous Scheme Financial Viability That it will make something Lawful

ANNEX C

Scheme of Delegation for Planning Decisions

County Council matters

In accordance with the provisions of Section 101 of the **Local Government Act 1972** (as amended) the Director of Economy, Transport and Environment is hereby authorised to take decisions under Part III (Control of Development) and Part VII (Enforcement) of the **Town and Country Planning Act 1990** (as amended) except when one of the following apply:

- A member of the County Council requests that the decision be made by the Regulatory Committee;
- The Director of Environment considers that the application should be determined by the Regulatory Committee;
- The applicant is a member or an officer of the County Council acting in a private capacity;
- A representation is received requesting to make a 'deputation'
- A decision may result in a financial compensation claim being made against any local authority.

County Council developments

In accordance with the provisions of Section 101 of **the Local Government Act 1972** (as amended) the Director of Environment is hereby authorised to take decisions under Part III (Control of Development) of the **Town and Country Planning Act 1990** (as amended) except when one of the following apply:

- A member of the County Council requests that the decision be made by the Regulatory Committee;
- The Director of Environment considers that the application should be determined by the Regulatory Committee;
- The proposal involves the County Council either as land owner or applicant and the scheme is either a major departure from policy not of a minor nature or not of a temporary nature;
- A representation is received requesting to make a 'deputation'
- A decision may result in a financial compensation claim being made against any local authority.

If it is unclear who should make the decision, the Chairman of the Regulatory Committee will be consulted on who should make the decision.

Secondary legislation

In accordance with the provisions of Section 101 of the **Local Government Act 1972** (as amended) the Director of Economy, Transport and Environment is hereby authorised to take all decisions, determinations and assessments (as appropriate) under all planning related secondary legislation, including the **Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999** and the **Conservation (Natural Habitats Etc) Regulations 1994**.

Monitoring

All decisions in relation to planning applications by the Director of Economy, Transport and Environment or the Regulatory Committee will be published on the County Council's web site.

<http://www3.hants.gov.uk/planning/mineralsandwaste.htm>

ANNEX D

Scheme of authorisation for Countryside

 [CS - Access - Countryside Scheme of Authorisation \(v2 - Jan 2020 - CURRENT\).pdf](#)

This page is intentionally left blank