

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY
COUNCIL held at the castle, Winchester on Wednesday, 19th October, 2022

Chairman:

* Councillor Peter Latham

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

*Present

77. APOLOGIES FOR ABSENCE

Apologies were received from Councillors LuLu Bowerman, Michael Ford, Keith House and Adam Jackman. Councillor Wayne Irish was present as a deputy as was Cllr Hugh Lumby, who joined the meeting and deputised from agenda item number 7.

78. 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.

79. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed.

80. DEPUTATIONS

The Chairman confirmed that there were deputations for item numbers 6 and 7, which would be called at the relevant point in the agenda.

81. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman thanked Katy Sherwood, Senior Democratic Services Officer, for her support to him and the Committee.

82. **FIVE OAKS FARM, SHEDFIELD**

The winning and working of up to 230,000 tonnes of soft sand with phased working and restoration through backfilling with up to 435,000 tonnes of clean inert waste/materials (inclusive of reinstatement of material from original extraction), associated internal access routes, plant and infrastructure at Five Oaks Farm, Winchester Road, Shedfield, SO32 2HS (No. 20/01483/HCS) WR242

The Committee considered a report from the Assistant Director of Minerals, Waste and Environment regarding the winning and working of up to 230,000 tonnes of soft sand with phased working and restoration through backfilling with up to 435,000 tonnes of clean inert waste/materials (inclusive of reinstatement of material from original extraction), associated internal access routes, plant and infrastructure at Five Oaks Farm, Winchester Road, Shedfield.

The officer introduced the report, explaining that the recommendation to the Committee was to refuse the planning application.

The officer provided the Committee with a presentation, showing a number of location maps and aerial views to provide context. These included:

- the surrounding area
- the road network
- the location of the local school and pub
- rights of way, footpaths and proposed access roads
- the location of a golf club and the nearest neighbours
- views from various locations on the site, and
- a site access map illustrated the proposed rerouting of the footpath and signage.

The officer explained that the recommendation to refuse the application was on the basis of the probability of unacceptable adverse visual and amenity impacts. Summarising the recommendation in the report, she stated that the development was contrary to:

- Policies 2,5,10,11 and 12 of the Hampshire Minerals and Waste Plan
- Policy DM18 Access and Parking of the Winchester City Council Local Plan (2013).

The Committee received deputations against the application from:

Shedfield Parish Council, (Cllr David Ogden, Professor Peter Milla and Kevin Freeguard), Kevin Joyce, speaking as a resident and Cllr Achwal, a Winchester City Councillor.

Their main reasons for objecting were as follows:

- A lack of consultation and engagement from the applicant.
- Concerns about the road safety impacts of dangerous traffic levels.
- The impact of increased traffic on local roads.
- The impacts of air pollution caused by chemical pollutants on lung cancer, deaths and hospitalisations and that only visual dust management testing had been completed during the application.
- The close proximity of nurseries and schools and a golf course and hotel to the proposed development.
- That the proposed bunding did not take account of dust, noise and light pollution with significant harm to properties, which would have to keep windows closed due to dust.
- The impact of the development on flooding and sediment laden run off.
- The significant concerns raised had not been addressed by the applicant and alternatives not considered.
- The weather had been modelled on Southampton Airport which was not relevant to the location of the proposed application.
- An increase in road safety risks with additional heavy goods vehicle movements, also resulting in damage and vibration to the roads.
- Already narrow pavements, with road noise already a problem.
- Costs borne by the residents and ratepayers.
- The deputies reported that residents had been through stress and anxiety.
- A petition had been signed by more than 3,220 people and 629 representations had been received.

A deputation was received from John Palmer, who spoke on behalf of the applicant.

He explained that there was an aggregate demand that needed to be met, with pressure on larger quarries and that the supply of aggregate and minerals needed to be available at the right place at the right time.

He referred to the Welborne Garden Village site which is 2.8 miles from the Five Oaks Farm site and explained that the development would help with the requirement for soft sand.

He reported that the six local residents to the east of the site had been fully considered. A noise assessment had been completed in line with the correct guidance which had shown a negligible effect and that the digging would be 'down' and not 'up'.

The depute further stated that:

- The effects relating to climate change had been addressed in the Environmental Impact Assessment and Environmental Statement, with no significant effects.
- Comments about surface water had been misunderstood and that water was controlled at a quarry by the operator and managed by pumping.
- The Covid pandemic had made consultation more difficult and that the applicant could have done better in this respect.

Local County Councillors Hugh Lumby and Patricia Stallard spoke against the application.

They both reiterated comments made by the deputees for the Parish Council and residents, in particular the lack of engagement from the applicant and increased access and road safety risks, including those related to access routes by pavement.

They each thanked the Parish Council and the local residents group for their work.

In response to questions from Members to the deputees:

- The Committee was shown the predominant wind flow direction on a map.
- It was confirmed that the knowledge regarding impacts on health from pollution had been shared with Winchester City Council.
- It was confirmed that there was not satisfactory engagement from the applicant.
- Clarification was given that the Welborne Garden site was being considered over a 12 to 15 year period in Fareham Borough Council's plans over 30 years where the Five Oaks Farm site supply was of seven years.
- It was confirmed that Shedfield was in flood zone one.

It was confirmed that the Council was currently below its level as per the Hampshire Minerals and Waste Plan Policies 17 and 20 and that this development could contribute to the supply, but that this needs to be balanced against other planning considerations.

The Highways Officer provided the Committee with some traffic data in terms of the percentage of which was heavy vehicles and buses and the number of accidents reported to the Police.

Members debated the report and discussed the reasons for the recommendation made, including the lack of community engagement, impact on the level of traffic and health. They considered the need for soft sand against the considerations in the report and the needs and views of the residents.

The Chairman summarised by reporting that the site visit was very helpful in this instance and that the impacts on the visual and amenity aspects could be seen. He added that the application had been in existence for two years, however, officers still had outstanding information that had not been supplied to them.

RESOLVED

Planning permission was REFUSED for the following reasons, as outlined in Appendix A and the Update Report, (agenda item 9):

- a) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in unacceptable adverse visual and amenity impacts to occupiers of nearby properties as well as wider amenity impacts associated Heavy Goods Vehicle movements, contrary to the requirements of Policies 10 (Protecting public health, safety and amenity), 12 (Managing traffic) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) and Policy DM20 (Development and Noise) of the Winchester City Council Local Plan Part 2 (2017);
- b) The development is considered to be contrary to Policy 2 (Climate Change mitigation and adaptation) of the Hampshire Minerals & Waste Plan as it has not fully evidenced mitigation or adaptation measures to minimise its impact on climate change;
- c) The development is contrary to the requirements of Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013) as it cannot be demonstrated that the development can protect local amenity and can protect water quality and surface water drainage and cause no additional flood risk;
- d) On the basis of the information submitted, the development is contrary to the requirements of Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013) and Policy DM18: Access and Parking of the Winchester City Council Local Plan Part 2 (2017) as it does not have

a safe and suitable access to the highway network and does not include suitable mitigation measures to mitigate any significant adverse effects on highway safety.

On the basis of the above reasons, the proposal is considered to be contrary Policy 1 (Sustainable minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) as the proposal does not constitute a sustainable minerals and waste development.

Voting

Favour: 13 (unanimous)

83. **CHICKENHALL LANE, EASTLEIGH**

Cllr Hugh Lumby joined the meeting and Cllr Alexis McEvoy left the meeting.

The development of a Material Recycling Facility and Associated Infrastructure at Land off Chickenhall Lane, Eastleigh, Hampshire. (No. CS/22/92463) (EA110)

Declarations of Interests

Cllr Parker-Jones declared that as the application was in a neighbouring ward to her own, she had been part of the consultation process, but that she would be basing her decision on what she heard today.

Cllr Broomfield declared that although he had no pecuniary interest in the item, his division is a neighbouring one to where the application was located, and that he would vote as he saw fit on the basis of the application.

The Committee considered a report from the Assistant Director of Minerals, Waste and Environment regarding the development of a Material Recycling Facility (MRF) and Associated Infrastructure at Land off Chickenhall Lane, Eastleigh, Hampshire.

The officer introduced the report and explained that the development was to be a new modernised facility to replace those at Alton and Portsmouth.

The Committee was shown location maps which illustrated the site and its proposed access from Bishopstoke Lane. The location of the railway line and the M27 and M3 were shown as well as an aerial view which showed a sewerage treatment plant, the airport and nature conservation designations.

Other plans were shown including a proposed ground floor plan and the footprint of the MRF building.

The officer explained that the facility would allow Hampshire Waste Services to modernise and meet legal requirements and guidance in relation to waste management, while reducing waste and increasing recycling.

The indicative design picture showed the intention for steel cladding and a roof light which would be secured via a condition required by National Air Traffic Services, due to the proximity to the airport.

The officer explained the context of the extant planning consent at the site and its relationship with the proposal and how the proposal met Policies 25, 26 and 27 of the Hampshire Minerals and Waste Plan.

The officer reported that the Highways Authority had scrutinised the application and found it acceptable. Officers noted that air quality matters were covered by the extant consent. The recommendation was also subject to a section 106 agreement in respect of financial contributions for the Southern Damsel fly Project, acoustic fencing, management of biodiversity net gain and a contribution towards monitoring of the Air Quality Management Area.

A deputation was received from Philip Rodin, Sam Horne and Paul Laughlin speaking on behalf of the applicant.

It was explained that:

- The Council is lagging behind with its recycling levels at approximately 35%.
- The development would allow kerbside recycling to be increased and of better quality, particularly where it was expected that a wider range of materials would be required to be recycled in the future.
- The work had identified that carbon emissions could be reduced and the level of recycling increased by 13%, but this was predicated on new infrastructure.

In answer to Members' questions, the Committee heard that:

- Other alternatives were considered, including the redevelopment of one or both of the current sites, but that this would mean closing one or both during the development and that the waste would have to go outside of Hampshire.
- The site would have the capacity to process approximately 107k tonnes per annum, up to 135K tonnes depending on the innovations.
- Solar panels would not be able to be fitted to the roof currently, due to its proximity to the runway at Southampton Airport and potential glare/design limitations. This, on further discussion was explained also to be connected to radio waves and plane navigation.
- There was a proposed two-stage access to facility.
- Rail access was looked at when the extant proposal was considered in 2014, but it would need network and siding capacity that Network Rail will not allow, making this option inviable. This position has not changed.

- There were no extra heavy goods vehicle movements than with the previous extant consent.
- There would be less than a one percent change in air quality levels. Work was being done with contractors on alternative possible fuels as soon as feasible to do so.
- The design life of the building is 25 to 30 years, if not more.
- There would be a capacity to take a wider variety of materials and retrofitting will be possible to accommodate new legislation on packaging.

Members asked about the extant permission and whether any new data relating to possible health impacts was reflected and officers explained that new data had been published in September 2022 and the Environmental Health Officer had withdrawn his objection.

Officers explained that the route of the Chickenhall Link Road had not been agreed and was only indicative, although concerns were recognised.

Members debated the report, in particular:

- Lack of benefit to the residents of Eastleigh.
- The road congestion already in Eastleigh and the increase in Bishopstoke, Horton Heath and Fair Oak.
- That Eastleigh Borough Council had said the proposed site was key to them meeting their recycling target.
- Concerns about levels of pollution.

The officer reported that the matter was one of balance and that conditions and legal agreements can address issues such as air quality, ecology, highways issues and traffic. She explained that the highways movements will not be 24 hours a day.

She requested delegated authority to add additional informatives on the removal of the SAM beacon, alternative fuels and the further consideration of the link road.

She also indicated that she could seek authority to strengthen any of the conditions on air quality if these were requested by the Environmental Health Officer.

RESOLVED

Planning permission was **GRANTED** subject to the conditions listed in

Appendix A, the Update Report (agenda item 9), proposed additional informatives and the completion of a legal agreement in relation to the following areas:

- a) A Biodiversity Net Gain Plan and Management Plan for long term management of on and off-site mitigation sites;
- b) a contribution of £50,000 (index linked) towards the enhancement / monitoring of the Southern Damselfly in the River Itchen; and
- c) a contribution towards the recurring annual cost of monitoring the AQMAs;
- d) delivery of acoustic fencing near Chicken Hall Cottages.

Voting

Favour: 9

Against: 4

84. **UPDATE REPORT ON LOCAL PROTOCOL FOR REGULATORY COMMITTEE**

The Committee received a report from Legal Services to inform Regulatory Committee members of the updated Local Protocol on Planning, Rights of Way, Commons and Village Greens Registration.

The Chairman explained that a lot of changes had been made to the protocol in conjunction with the officer and the Monitoring Officer and that he hoped it reflected Members' wishes.

The officer explained the key proposed changes to the protocol.

In answer to a Member's question regarding paragraph 11.3, the officer reported that the wording could be amended to make it clearer.

Members discussed site visits and officers explained how these were arranged and that the Committee could always request one, even if it was not in the Code of Conduct. Members felt that it was necessary to have more notice of specific site visits.

It was noted that some of the links in the document do not work, and officers confirmed that this would be resolved.

RESOLVED

The Regulatory Committee recommended adoption of the updated Protocol together with the onward governance requirements necessary to give effect to the Protocol.

Vote

Favour: 12

Against: 0

Abstained: 1

Chairman, Regulatory Committee