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AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY COUNCIL held at the Castle, Winchester on Wednesday, 11th January, 2023

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 Lesley Meenaghan
* Councillor Stephen Parker
* Councillor Louise Parker-Jones
* Councillor Roger Price
* Councillor Kim Taylor
* Councillor Wayne Irish

*Present

42. APOLOGIES FOR ABSENCE

Apologies were received from Cllrs Michael Ford and Keith House. Cllr Wayne Irish deputised for Cllr House.

43. 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.

44. MINUTES OF PREVIOUS MEETING

The minutes of the meeting on 14 December 2022 were reviewed and agreed.

45. DEPUTATIONS

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

46. CHAIRMAN'S ANNOUNCEMENTS

There were no formal announcements.

47. **NORTH WINCHESTER FARM, KINGS WORTHY**

Variation of condition 7 (volume of waste) and 13 (HGV Movements) of Planning Permission 19/00200/HCS at North Winchester Farm, Stoke Charity Road, Kings Worthy SO212RP (No. 21/00832/HCS) (Site Ref: WR240).

The Development Planning Manager introduced the report and explained that the focus for the Committee regarding the application was the proposed variations to conditions 7 and 13 and that the site already had planning permission for waste uses. She reported that the current site had been operating in an acceptable way, in the view of officers, and that the County Council had received no formal complaints regarding the operation of the site.

The Development Planning Manager reminded Members that they had visited the site in July 2022. She explained that there had been extensive discussions between the various parties to come to the recommendation being brought to the Committee.

The Committee heard that the Environmental Health Officer's (EHO) advice at this point in time, was that it has not been demonstrated that the proposed increase in Heavy Goods Vehicle (HGV) movements would not have an unacceptable impact on residential and neighbouring amenity by reason of Heavy Goods Vehicle-related noise and disturbance.

The Development Planning Manager referred to the Update Report which had been published on 10 January 2023 and an email that had been circulated to the Committee Members in respect to information received from the applicant since publication of the report, explaining that this had not resulted in any change in the position of the EHO.

She went on to say that a great deal of work had been undertaken on highways matters and following the removal of the objection of the Highways Authority at the end of the last month, highways impacts were considered to be acceptable.

The Project Manager (Minerals and Waste) gave a presentation which included:

- A location plan
- A site plan including the access road and nearest properties
- Aerial views
- Photos.

The Project Manager explained that the application was seeking:

- A variance to Condition 7 from no more than 30k tonnes imported to and exported from the site per annum to 60k, with no change in working hours; and
- A variance to Condition 13 from the current Heavy Goods Vehicle (HGV) movements of 40 per day (20 in and 20 out) to 80 (40 in and 40 out) and 50 on Saturdays only, with no change to hours of HGV movements.

The key issues, due to the proposed increase in the number of HGV's to and from the site were:

- Impacts to highways and pedestrian safety and highways capacity.
- Impacts to the countryside and public amenity.
- Air pollution.
- Noise impacts.

He further explained that this application for the variances was due to demand and that there would be no change to the permitted hours of use and HGV movements.

The Project Manager showed slides that listed the objections and representations received and the key issues of highway safety and amenity impacts of HGVs, air quality impacts (dust), noise impacts acceptability within a countryside setting, and ecology/habitat impacts.

He explained that the Highways Authority had recently accepted the proposal and that the Planning Authority had had protracted dialogue to look at mitigation, proposed and required.

The Committee received deputations from the following people speaking against the application; Amanda Hassall, Mrs J Pearson, Steve Waters, Ann Edwards, Andy Key (Cycle Winchester), Cllr Signe Biddle (Kingsworthy Parish Council) and Cllr Steve Cramoysan (Winchester City Council).

The key concerns they raised were:

- Road safety, creating dangers to road and pavement users.
- Road users, including cyclists not feeling safe.
- The suitability and width of the roads, which in places they maintained are not wide enough to allow for two HGVs to pass each other, meaning that they use the verges and sometimes mount the pavements. A number of deputies referred to HS2 rural road guidelines.
- The speed at which the lorries travel.
- Poor road conditions and damage to verges and drainage.
- That mitigation, such as warning signs, do not address the issues.
- The local roads are part of a major cycle network.
- That the Transport Statement ignores cycling.
- Unacceptable levels of traffic noise which is experienced inside and outside properties.
- Airborne pollution.
- Vibration of properties.
- No recycling takes place on the site.

In response to questions from Members, the Committee heard that:

- Noise was an issue and was supported as an objection.
- That Lovedon Lane is 2.8km from the site.
- That the speed limit was 60mph at the far end.

The following people made deputations in favour of the application; Steve Webster (resident), Dr Ellin (Recycling Association) and Richard Osborn (for the applicant).

They highlighted the following points:

- That the applicants were good neighbours.
- Information was shared, and issues discussed.
- Noise had not affected the resident or his horses.
- The issue of dust has been resolved since the road was resurfaced.
- Fencing was proposed as part of the application.
- HGVs had previously used the roads for the chicken farm.
- To reach net zero in Hampshire, where a climate change emergency had been declared, suitable recycling facilities were required.
- The recycling rate of the site was 99%.
- That the proposal to increase HGV movements did not mean operations at this level full time but as an opportunity to meet growth.
- Net zero should be embedded in everything.
- The mitigations will reduce noise.
- That safety concerns were not disregarded.
- There was a need to enhance existing sites.

Cllr Porter spoke as the local County Councillor. She explained that whilst she did not dispute the need to recycle, which she supported, the noise assessment underrated the impact of noise and that many houses were close to the site with impacts all along Lovedon Lane.

She went on to state that:

- Vibration and dust would increase further.
- Pavement users had a fear of HGVs mounting the pavements.
- Children walked to school where visibility was not clear and who may not hear warnings due to noise.
- Road safety issues from an increase in HGV movements were a concern, including for cyclists and horses and their riders.
- The 40mph speed limit had not yet been implemented and the voluntary one was not enforceable.
- She would like highways safety to be included as a reason for refusing the proposal.

The Chairman asked the Principal Transport Engineer to explain why the Highways Authority was now considering the application to be acceptable. She referred to the fact that there had been outstanding information, but the Road Safety Audit had now been updated with findings, the route was an established one for traffic and that the one accident in the period had not involved an HGV. These facts with the mitigation scheme, she explained, made the application acceptable.

In response to questions of officers, the Committee heard:

- That at this point in time, the EHO's view is that there is insufficient information to say that the noise assessment is satisfactory.
- There were proposed priority schemes in two locations over the railway bridges, with widening of the highway in certain locations, plus the use of signage and road markings to achieve an acceptable level of road safety.

Members debated the report and considered the following:

- Noise levels, and whether they would increase or stay the same.
- Concerns about the width and suitability of the roads.
- Lorry movements and their effect on residents.
- Impacts on the A33 junction.
- Balance of need for recycling and concerns.

The Project Officer clarified that the EHO had no expressed concern beyond the two properties adjacent to the site's access road.

The Development Planning Manager explained that while there was a requirement for the site under Policies 25,27 and 29, the proposal was not in accordance with Part C of Policy 10 of the Hampshire Minerals and Waste Plan and Policy DM20 of the Winchester City Council Local Plan Part 2.

She further explained that she would welcome a Liaison Panel being set up for the site and encouraged anyone who had issues with the running of the site to report them to the Council, which has monitoring officers.

Resolved

That planning permission be REFUSED subject to the reason for refusal listed in Appendix A and the Update Report for the following reason:

- The development is not in accordance with Part C of Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013) and Policy DM20 (Development and Noise) of the Winchester City Council Local Plan Part 2 Development Management and Allocations (2017) as it has not been demonstrated that the proposed increase in Heavy Goods Vehicle movements would not have an adverse impact on residential and neighbouring amenity by reason of Heavy Goods Vehicle-related noise and disturbance.

Voting

Favour: 12

Against: 0

Abstentions 3

48. **NURSLING RECYCLING CENTRE**

Proposed extension to Nursling Recycling Centre, variations to existing site layout, erection of a new workshop building and the upgrade of parking arrangements at the adjacent paintball centre. 0AD (Application No. 22/00174/CMAS Ref: TV055).

Cllr Mark Cooper declared that he had a non-prejudicial personal interest in the matter by virtue of his membership of the Romsey Parish Council.

The Principal Development Management Officer introduced the report and referred to an email which Cllr Adams-King had sent to Members of the Committee, where he had detailed points he would like the Committee to consider, including a booking system to control the number of lorry movements to and from the site and an Operational Traffic Management Plan. He confirmed that road improvements would be taken care of as part of the legal requirements.

The Principal Development Management Officer explained that the proposal was for an extension to the existing site and that it would allow material to be processed near to the market. The proposal included the following:

- The allowed amount of waste, materials and aggregate imported to the site be increased from 75,000 to 125,000 tonnes per annum.
- The allowed number of total vehicle movements to and from the site be increased from 240 to 350 vehicles and uplift the restriction of vehicles over 7.5 tonnes from 160 to 200.

He explained that the site was situated near to the River Test, which is a Site of Special Scientific Interest (SSSI).

He illustrated the traffic route into the site, the proximity of the railway line, the M27 and the public right of way.

The Committee was shown aerial photos and it was explained that the existing site sits on sand and gravel in a countryside location on the periphery of the Southampton Urban area.

Proposed layout plans and photos were shown illustrating the site and extension area including:

- The paintball site.
- The access (with passing places) and service roads.
- The HGV parking relocation.
- The Landscape and Ecological Mitigation and Enhancement Plan.
- Location of the new workshop.
- The Picking Station.
- Existing parking area.
- The site entrance.

- Station Road from the north (showing traffic calming in place).

The Principal Development Management Officer explained that the legal agreement covered an extra emphasis on road safety signage, but that there was no evidence of speeding, and that the Operator has examined data from their tracked vehicles, although that does not extend to customer vehicles. The Operator is willing to address issues with the residents and there is a Liaison Panel.

He explained the consultations as contained in the report and confirmed that the application would be subject to an Environmental Permit from the Environment Agency.

There had been 16 representations.

The key issues were:

- Highways safety and amenity impacts of HGVs.
- Air quality impacts.
- Noise.
- Acceptability within a countryside setting.
- Ecological/habitat impacts.

The Principal Development Management Officer explained a change to Condition 8, which included a priority route for cyclists with provision for exit signage.

The Committee heard deputations from residents Ken Wilson, Penelope Gage, Philip Lomax and Martin Clayton and from Cllr Philip Bundy from Test Valley Borough Council, who all spoke against the application.

Their main concerns were as follows:

- Impacts on highways safety for pedestrians, cyclists, horses and their riders.
- That the current traffic calming does not work.
- Lee Lane is too narrow for a strategic road.
- The traffic starts at 6.30 in the morning and wakes up the residents.
- Volume and size of the traffic.
- The lorries speed along the roads.
- Vibration of houses.
- Noise.
- Dust.
- Houses are close to the road.
- An increase would have significant impacts.
- Why should the proposal be acceptable in the countryside?
- Other planning applications are being put forward which will also increase the movement of HGVs.
- The limits on the number and size of vehicles for highways safety in the extant permission.

- There is a lack of knowledge regarding what the bunds will be made of.
- A lack of a geological survey.
- Loss of habitat.
- A lack of adequate mitigation or compensation.
- A worry that this expansion will lead to further expansions.

In response to questions from Members the resident deputies confirmed that:

- Residents' doors were approximately 3 meters from the road.
- Noise from the motorway, trainline and distribution centre is not noticeable.
- It was not certain whether Test Valley Borough Council had undertaken speed checks.
- No active speed indicator signs have been put up but there are plans to install these.

The Committee then heard a deputation from Chris Muir on behalf of the applicant. He stated that:

- The applicant had agreed to both on-site and highway mitigation work.
- The increase is not considered significant.
- Four passing places had been agreed on Lee Lane.
- There had been an independent road safety assessment.
- There was an Operational Traffic Management Plan, required by condition.

In response to questions of the deputy from Members, it was confirmed that:

- Only the topsoil in the extension area would be moved to form the bund and it could also include soil that came into the site. No extra was being imported specifically for the bunds.
- A hydrogeological assessment had been carried out and no evidence of contamination had been found.
- The Noise Management Plan dated 2013 related to the concrete crushing/screening activity and an additional one would be prepared for the permit.

In response to questions to officers from Members,

- The Principal Development Management Officer confirmed that a hydrogeological assessment had been submitted with no extra information requested by the Environment Agency regarding land contamination investigations and that the County Ecologist was happy with the ecological mitigation scheme.
- The Principal Transport Engineer confirmed that the Highways Authority cannot object unless there is a serious impact on highways safety and

that on balance this is the case and no accidents had occurred. She explained that there was a Section 278 agreement covering works to Station Road and suggested a gateway to the residential area, the details of which would be consulted on with residents.

- The Development Planning Manager confirmed that there was a Woodland Management Plan in place, but a copy of the Plan could not be found.

Members discussed the differences between the Nursling application and the North Winchester application which they had debated earlier in the meeting in terms of the findings of the Environmental Health Officers in the two District Councils.

The Development Planning Manager explained that officers must proceed on the advice of the Environmental Health Officer.

Cllr Mark Cooper proposed an amendment to defer a decision on the application on the following terms:

To move a deferral of the application in order to:

1. Clarify Test Valley Borough Council's objection with reference to development in the countryside and Policy COM2.
2. Clarify the impact on the tree vegetation around the site if an extension is permitted.
3. Request Test Valley Borough Council's Environmental Health Officer to review their comments on the impact on the residents in Station Road of the increased frequency of HGV movements, especially with reference to the proximity of these dwellings to the highway.

The proposed amendment was read out by the Chairman and Cllr Meenaghan seconded the proposal.

The Chairman asked the Committee whether they wanted to debate the proposal. Members agreed unanimously that they did not.

Members then voted on whether they wished to adopt the proposed amendment.

Favour: 11
Against: 1
Abstentions: 3

The recommendation was then amended to deferral and this recommendation was then voted upon.

Voting

Favour: 12

Against: 1

Abstentions: 2

49. **AMENDMENT TO THE LOCAL PROTOCOL ON PLANNING, RIGHTS OF WAY, COMMONS AND VILLAGE GREEN REGISTRATION FOR MEMBERS OF REGULATORY COMMITTEE, SUBSTITUTE MEMBERS OF REGULATORY COMMITTEE AND OFFICERS**

The Project Legal Advisor summarised the report and explained that the purpose was to amend references in the Local Protocol to Chief Officer posts and revise delegation in respect of Section 106 agreements and other associated matters as the position of the Monitoring Officer had changed to the Assistant Director of Legal Services, as the previous Monitoring Officer was retiring.

Resolved

That Regulatory Committee agree to amendment of the Local Protocol on Planning, Rights of Way, Commons and Village Green Registration for Members of Regulatory Committee, Substitute Members of Regulatory Committee and Officers (Local Protocol) be amended to replace all references to the 'Director of Culture, Communities and Business Services' and the 'Director of Economy, Transport and Environment' with the 'Director of Universal Services', and that all existing delegations in the Protocol be ratified in favour of the Director of Universal Services.

That authority be given to the Assistant Director - Legal Services and Monitoring Officer to settle the terms of and enter into agreements pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (Planning Act), and other associated matters relating to the Planning Act, on behalf of the County Council.

Voting

For: 15 unanimous

Chairman, Regulatory Committee