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SOUTHAMPTON CITY COUNCIL  
PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 29 MARCH 2012

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Present: Councillors Jones (Chair), Claisse (Vice-Chair), Mrs Blatchford, Cunio, L Harris and Osmond

Apologies: Councillor Thomas

110. **BERTHS 201/202, WESTERN DOCKS, WESTERN AVENUE 12/00139/FUL AND 12/00138/OPA**

The Panel considered the report of the Planning and Development Manager recommending confirmation of the appropriate assessment (concluding that there will be no adverse effect on the integrity of European Sites by the prior approval works) and that delegated authority be granted to the Planning and Development Manager to grant and issue prior approval decision subject to the completion of a legal agreement as referred to in the report. (Copy of the report circulated with the agenda and appended to the signed minutes)

The presenting officer reported that the S106 Legal Agreement would secure only condition (i) listed in the report relating to the submission and implementation of a Construction Environment Management Plan and that the development be carried out in accordance with the approval plans. Items (ii), (iii) and (iv) would instead form part of the Construction Environment Management Plan.

Mr Herrod (Applicant) was present and with the consent of the Chair, addressed the meeting.

**RESOLVED**

- (i) Unanimously that the appropriate assessment under Regulation 75 of the Conservation of Habitats and Species Regulations 2010, concluding that there will be no adverse effect on the integrity of the European Sites by the prior approval works, be confirmed;
- (ii) Unanimously to delegate authority to the Planning and Development Manager to grant and issue prior approval decision subject to the completion of a legal agreement incorporating (i) as set out in the report and incorporating items (ii) to (iv) into the Construction Environment Management Plan.

111. **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of the confidential item below.

This is based on Category 3 of paragraph 10.4 of the Access to Information Procedure Rules. The information contained therein is potentially exempt as it relates to the

business affairs of ABP the disclosure of which may have a detrimental impact upon the operation of their business and further contains legal advice, the disclosure of which could affect the ability of the Council to conduct any future litigation proceeding in the best interest of the Council. The public interest in maintaining the exemption therefore outweighs the public interest in disclosing the information. The public interest test is best served by the information remaining exempt.

112. **PLANNING OBLIGATION**

The Panel considered the confidential report of the Head of Legal, HR and Democratic Services regarding a request that Southampton City Council enter into a Planning Obligation to regulate the use of land owned and operated by ABP in order to address issues raised in relation to the Marine Licence.

**RESOLVED** that the Head of Legal, HR and Democratic Services be authorised to:

- (i) agree the terms of and to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to regulate the use of land owned and operated by ABP; and
- (ii) enter into any deed of variation of this S106 agreement to the extent as is necessary to secure the issue of the marine licence.