

**HAMPSHIRE COUNTY COUNCIL
Decision Report**

Decision Maker:	Regulatory Committee
Date:	19 July 2023
Title:	Retrospective planning application for a Waste Transfer Station (Sui Generis) at Avery B, Shedfield Equestrian Centre, Botley Road SO32 2HN (No. 22/01797/HCS) (Site ref: WR228)
Report From:	Assistant Director of Waste & Environmental Services

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Recommendation

1. That planning permission be REFUSED for the reasons set out below and as outlined in **Appendix A:**
 - a) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in landscape impact contrary to the requirements of Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013), Policy CP13 (High Quality Design) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM23 (Rural Character) of the Winchester City Council Local Plan Part 2 (2017);
 - b) The location of the proposal has not been adequately justified in terms of its need for being located in the countryside, contrary to the requirements of Policies 5 (Protection of the countryside) and 29 (Location of waste management development) of the Hampshire Minerals & Waste Plan (2013), Policy MTRA4 (Development in the Countryside) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013)) and Policy DM10 (Essential Facilities and Services in the Countryside) of Winchester City Council Local Plan Part 2 (2017); and
 - c) 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.
2. 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 management development.

Executive Summary

3. The application seeks retrospective planning permission for a waste transfer station (WTS) on the site. This planning application seeks to regularise this unauthorised waste management development.
4. The proposed development is not an Environmental Impact Assessment (EIA) development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
5. Key issues raised are:
 - The need for the proposal;
 - Site suitability and location;
 - Visual impact on the local landscape;
 - Impacts on local ecology;
 - Impacts on the local water environment;
 - Impacts on the local highway network; and
 - Impacts on local amenity and local communities.
6. The planning application is being considered by the Regulatory Committee at the request of Councillor Lumby.
7. A committee site visit by Members took place on 30 January 2023 in advance of the proposal being considered by the Regulatory Committee.
8. Based on the information before the Waste Planning Authority, and on balance, a clear and demonstrated 'site-specific' and 'special' need for the new, unauthorised development proposed within this planning application has not been made (Policies 5 and 29), and the landscape (Policies 5, 10 and 13) and traffic (Policy 12) impacts of the proposal are considered to be unacceptable and do not outweigh the need for waste management capacity (Policy 27). The proposal is therefore considered to be contrary to Policy 1 (Sustainable minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) and paragraph 11 of the [NPPF \(2021\)](#) as the proposal does not constitute a sustainable minerals and waste development. Therefore, it is therefore recommended that permission is **REFUSED**.
9. Based on the information before the Waste Planning Authority, it is considered that the proposal would not be in accordance with the relevant policies of the development plan in relation to countryside, highway and landscape impacts. It is therefore recommended that planning permission be refused, with the reasons for refusal as set out in **Appendix A** which are as follows:

- a) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in landscape impact contrary to the requirements of Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013), Policy CP13 (High Quality Design) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM23 (Rural Character) of the Winchester City Council Local Plan Part 2 (2017);
 - b) The location of the proposal has not been adequately justified in terms of its need for being located in the countryside, contrary to the requirements of Policies 5 (Protection of the countryside) and 29 (Location of waste management development) of the Hampshire Minerals & Waste Plan (2013), Policy DM10 (Essential Policy MRTA4 (Development in the Countryside) of the Winchester City Council Local Plan Part 2 (2017); and
 - c) 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.
10. On the basis of the above reasons, the proposal is considered to be contrary to Policy 1 (Sustainable minerals and waste development) of the [Hampshire Minerals and Waste Plan \(2013\)](#) (HMWP) as the proposal does not constitute a sustainable minerals and waste management development.
 11. If the recommendation for refusal is adopted the Minerals and Waste Authority intend to instigate appropriate and expedient enforcement action to secure planning control of the unauthorised development.

The Site

12. The application site forms part of the Shedfield Equestrian Centre, which is situated on Botley Road (A334) to the south-west of the main village centre of Shedfield in southern Hampshire, and in the countryside (see **Appendix B - Committee Plan**).
13. The application site occupies approximately 0.3 hectares of hardstanding/tarmac and is located within a mixed-use commercial, industrial and agricultural/equestrian site (i.e. the Equestrian Centre) (see **Appendix C - Site Location Plan**).
14. The wider Equestrian Centre site is characterised by numerous buildings, areas of hardstanding/ access roads and equestrian facilities including fields. Uses adjacent and close to the application site include a vehicle

repair and MOT test centre, a dog training facility, a marine sales company, and a ground-mounted solar farm.

15. The application site and wider Equestrian Centre site are situated within the countryside.
16. The wider site is well established and as all uses have been non-waste (or mineral or County Council related), Winchester City Council have been and are the relevant Local Planning Authority to date.
17. The nearest residential properties to the site are situated approximately 60 to 80 metres (m) south-east of the site's vehicular access with the A334 (on both sides of the A334) (see **Appendix C - Site Location Plan**). The nearest properties to the proposed transfer station itself are located approximately 170 to 215m due east and south-east.
18. The site itself is not subject to any landscape, heritage or nature conservation designations.
19. There are no European or Nationally designated ecological or biodiversity sites within 1 kilometre of the proposed development. The Locally designated Horse Wood and Triangle Row SINC (Sites of Importance of Nature Conservation value) are situated within 250m to the south and west of the site respectively. Three areas of ancient woodland lie within 160 to 310m of the proposed site, to the south-west, due north, south-west and south-east respectively.
20. The site is not located in a sensitive surface water area being in Flood Zone 1, the lowest risk zone. It is not situated in a designated sensitive groundwater area either.
21. The Site is not an allocated site in the adopted [HMWP \(2013\)](#) or a safeguarded waste management site.

Planning History

22. The site has no minerals and waste planning history. The application site and the wider site is well established and as all uses have been non-waste (or mineral or County Council related), Winchester City Council have been and are the relevant Local Planning Authority to date.
23. A planning application ([21/03074/HCS](#)) for a new waste transfer station was submitted in 2021 but that was withdrawn by the applicant to correct errors within that submission on 17 January 2022. The application sought to regularise this same proposed development.
24. The application seeks retrospective planning permission for a new waste transfer station (WTS) on the site. This planning application seeks to regularise this unauthorised waste management development.

27. According to the applicant the WTS receives municipal solid waste and dry recycles from kerb-side, household and skip collections, as well as commercial waste. The waste is delivered to site directly by cage vans, commercial vans and 7.5 tonnes (t) (max) skip trucks.
25. The station has been operational as an unauthorised development (without any planning approvals) for approximately 18 months.
26. Only inert and non-hazardous waste is received, managed and processed at the facility. The facility has been granted an Environmental Permit (EPR/WE1474AB) by the Environment Agency, which allows up to 75,000 tonnes per annum of waste to be accepted. The total waste storage capacity of the facility is approximately 100 tonnes.
27. The proposal itself would be undertaken on a hardstanding/ tarmac area, within several semi-sealed, open-topped storage bays (see **Appendix D - Site Layout Plan**). A **Drainage Strategy** was submitted to support the application. The site's existing drainage system consists of gullies draining into a full retention interceptor connected to a 10,000-litre storage tank, which subsequently drains into a swale at the eastern site edge.
28. The application site is gated and surrounded by 1.5 metre high concrete walls. It includes 2 portacabins (ground floor used as a store and the first floor as offices), waste and sorted materials sorting areas and storage bays and a gas bottle storage cage. A baler is stored and used as necessary on the site.
29. The waste sorting and storage areas would be partially covered with metal roofing.
30. The proposed development generates approximately 60 vehicle movements per day (120 two-way movements) to and from the site. This can be attributed to 40 van / cage van / skip truck (7.5t) movements, and 20 refuse vehicle movements.
31. The site's operating hours would be 07:00 to 18:00 on Monday-Friday and 07:00 to 13:00 on Saturdays for core operations, waste deliveries and the collection and export of materials. There is no processing of waste material at the site on Sundays, during night-time hours or on recognised Public Holidays.
32. A **Fire Prevention Plan**, **Dust Management Plan**, **Odour Management Plan** and **Noise and Vibration Assessment** have all been submitted to support the planning application. These were all required as part of the applicant's successful application for an Environmental Permit (EPR/WE1474AB) issued by the Environment Agency.

33. All documents associated with the planning application can be found on the planning application [webpage](#).

Environmental Impact Assessment

34. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). The proposal is not an Environment Impact Assessment (EIA) development under the Regulations 2017. An Environmental Statement (ES) was not required to support this application.

Development Plan and Guidance

35. Section 38(6) of the [Planning and Compulsory Purchase Act 2004](#) requires that applications are determined in accordance with the statutory '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.
36. The key policies in the development plan which are material to the determination of the application, are summarised below. In addition, reference is made to relevant national planning policy and other policies that guide the decision-making process and which are material to the determination of the application.
37. For the purposes of this application, the statutory development plan comprises the following.

[Hampshire Minerals & Waste Plan \(2013\)](#) (HMWP)

38. The following policies are relevant to the proposal:
- Policy 1 (Sustainable minerals and waste development);
 - Policy 2 (Climate change – mitigation and adaptation);
 - Policy 3 (Protection of habitats and species);
 - Policy 5 (Protection of the countryside);
 - Policy 7 (Conserving the historic environment and heritage assets);
 - Policy 10 (Protecting public health, safety and amenity);
 - Policy 11 (Flood risk and prevention);
 - Policy 12 (Managing traffic);
 - Policy 13 (High-quality design of minerals and waste development);
 - Policy 14 (Community benefits);
 - Policy 25 (Sustainable waste management);
 - Policy 26 (Safeguarding - waste infrastructure);
 - Policy 27 (Capacity for waste management development);
 - Policy 29 (Locations and sites for waste management); and

- Policy 30 (Construction, demolition and excavation waste development).

[Update to the Hampshire Minerals and Waste Plan \(emerging\)](#)

39. Hampshire County Council and its partner Authorities (Southampton City Council, Portsmouth City Council, New Forest National Park Authority and South Downs National Park Authority) are working to produce a partial update to the Hampshire Minerals and Waste Plan (2013) which will guide minerals and waste decision making in the Plan Area up until 2040. The partial update to the Plan will build upon the adopted Hampshire Minerals and Waste Plan (2013), eventually providing new and updated policies base on up-to-date evidence of the current levels of provision for minerals and waste facilities in the Plan Area. Plan making is currently at the [Regulation 18 draft plan consultation stage](#). The update to the Plan and its associated policies are only emerging policy. This means that the policies can only be given limited weight at this stage.

40. The following emerging policies are of the relevance to the proposal:

- Policy 1: Sustainable minerals and waste development;
- Policy 2: Climate change - mitigation and adaptation;
- Policy 3: Protection of habitats and species;
- Policy 4: Protection of the designated landscape;
- Policy 5: Protection of the countryside;
- Policy 7: Conserving the historic environment and heritage assets;
- Policy 8: Water resources;
- Policy 11: Protecting public health, safety, amenity and well-being;
- Policy 12: Flood risk and prevention;
- Policy 13: Managing traffic;
- Policy 14: High-quality design of minerals and waste development;
- Policy 25: Sustainable waste management;
- Policy 26: Safeguarding - waste infrastructure;
- Policy 27: Capacity for waste management development;
- Policy 29: Locations and sites for waste management; and
- Policy 30: Construction, demolition and excavation waste development.

[Winchester City Council Local Plan Part 1 – Joint Core Strategy \(2013\)](#)

(WCCLPpt1)

41. The following policies are relevant to the proposal:

- Policy MRTA4: Development in the Countryside;
- Policy CP8 - Economic Growth and Diversification;
- Policy CP10: Transport;
- Policy CP11 - Sustainable Low and Zero Carbon Built Development;

- Policy CP13: High Quality Design;
- Policy CP14 - The Effective Use of Land;
- Policy CP16: Biodiversity;
- Policy CP18: Settlement Gaps;
- Policy CP20: Heritage and Landscape Character; and
- Policy DS1 - Development Strategy and Principles.

Winchester City Council Local Plan Part 2 – Development Management & Allocations (2017) (WCCLPpt2)

42. The following policies are relevant to the proposal:

- Policy DM1: Location of New Development;
- Policy DM10: Essential Facilities and Services in the Countryside;
- Policy DM16: Site Design Criteria;
- Policy DM17: Site Development Principles;
- Policy DM18: Access and Parking;
- Policy DM19: Development and Pollution;
- Policy DM20: Development and Noise;
- Policy DM23: Rural Character;
- Policy DM24: Special Trees, Important Hedgerows, and Ancient Woodlands;
- Policy DM26 (Archaeology); and
- Policy DM29 (Heritage Assets).

43. Other areas of policy and guidance of relevance of to the proposal include:

National Planning Policy Framework (2021) (NPPF)

44. The following paragraphs are relevant to this proposal:

- Paragraphs 10-12: Presumption in favour of sustainable development;
- Paragraphs 38, 47: Decision making;
- Paragraphs 81: Support of sustainable economic growth;
- Paragraphs 84-85: Rural economy;
- Paragraph 92: Healthy, inclusive and safe places;
- 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.

National Planning Policy for Waste (2014) (NPPW)

45. The following paragraphs are relevant to the proposal:
- Paragraph 1: Delivery of sustainable development and resource efficiency; and
 - Paragraph 7: Determining planning applications.

National Planning Practice Guidance (NPPG)

46. The following paragraphs are relevant to the proposal:
- Paragraphs 005, 006 and 008: [Air quality](#) (November 2019);
 - Paragraphs 001, 002, 004, 009: [Climate change](#) (March 2019);
 - Paragraphs 001, 009, 012, 016: [Design](#) (October 2019);
 - Paragraphs 001-024: [Determining a planning application](#) (June 2021);
 - Paragraphs 001-007: [Effective use of land](#) (July 2019);
 - Paragraphs 001-068: [Flood risk and coastal change](#) (March 2021);
 - Paragraphs 001-012: [Healthy and safe communities](#) (August 2022);
 - Paragraphs 001-002, 006-064: [Historic Environment](#) (July 2019);
 - Paragraphs 001-007: [Light pollution](#) (November 2019);
 - Paragraphs 001-043: [Natural environment](#) (July 2019);
 - Paragraphs 001-017: [Noise](#) (July 2019);
 - Paragraph 001-038: [Planning obligations](#) (September 2019);
 - Paragraph 001-015: [Travel plans, transport assessments and statements](#) (March 2014); and
 - Paragraphs 001-0055: [Waste](#) (October 2015).

National Planning Policy for Waste (2014)

47. The following are paragraphs relevant to the proposal:
- Paragraph 5 (Assessment of the suitability of sites and/or areas for new or enhanced waste management facilities);
 - Paragraph 7 (Determination of waste planning applications);
 - Appendix A - the 'Waste Hierarchy';
 - Appendix B - Locational Criteria.

Planning Practice Guidance for Waste (15 October 2015) (Live) (PPGW)

48. The following are paragraphs relevant to the proposal:

- Paragraph 001 - Who is the planning authority for waste development?
- Paragraph 002 - What matters come within the scope of 'waste development?;
- Paragraphs 008 and 009 - Who contributes to moving waste up the Waste Hierarchy?;
- Paragraph 045 - How are counties and districts expected to work together in respect of waste development planning applications;
- Paragraph 046 - When can unallocated sites be used?; and
- Paragraph 050 - What is the relationship between planning and other regulatory regimes.

Waste Management Plan for England (2021) (WMPE)

49. The following are sections are relevant to the proposal:

- The Waste Management Plan and the objectives of the Waste (England and Wales) Regulations 2011;
- Waste management in England;
- Waste Hierarchy; and
- Waste arisings.

Waste (England and Wales) Regulations (2011)

50. The following is of relevance to the proposal:

- Part 1 General;
- Part 2 Waste prevention programmes;
- Part 3 Waste management plans;
- Part 5 Duties in relation to waste management and improved use of waste as a resource;
- Part 6 Duties of planning authorities;
- Part 9 Transfer of waste;
- Part 10 Enforcement.

Consultations

51. The following responses have been received from consultees. A summary is provided below. A full record of all consultation responses is available to view on the planning application webpages under 'consultee responses' <https://planning.hants.gov.uk/Planning/Display/HCC/2022/0384>
52. **County Councillor Lumby:** Requested the item be heard and determined by the Regulatory Committee.

53. **Winchester City Council:** Objected to the proposal as it would be contrary to Local Plan Policies MTRA4 and DM23, through its proposed location within and impacts on the countryside and rural area, and those living and occupying properties there. It also fails to justify the locational need in regard to the HMWP Policy 5. Also, provided further comments in relation to WCC enforcement activities at the site, the location of a group TPO area of Upper Dagwells Copse, the location of a priority habitat pond immediately adjacent to the site.
54. **Winchester City Council Environmental Health Officer (EHO):** Initially recommended refusal on noise grounds but following receipt of requested updates to the acoustic report, the concerns were removed and no objection now raised.
55. **Shedfield Parish Council:** Objection on the following grounds:
- The application site is situated in a fundamentally unsustainable location and is not in accordance with Policy 25 of the HMWP;
 - Shortcoming of the Venta Acoustics noise assessment including a lack of cumulative assessment, a representative baseline level of 35dB(A) would have been more appropriate and should have been used in the BS4142 assessment, lack of assessment of the residential receptor locations within the Shedfield Equestrian Site. On this basis, the proposal is not in compliance with Policy DM20 of the Local Plan which requires that “A noise generating or noise sensitive development should include an assessment to demonstrate how it prevents, or minimises to an acceptable level, all adverse noise impacts” as well as paragraph 4.4.2 of Winchester City Council’s Technical Guidance for noise;
 - Lack of consideration of other residential accommodation is scattered and livestock uses on site;
 - Impact on TPO woodland;
 - Application fails to describe all surrounding use and planning. IT Autos adjacent to the site, is subject to enforcement action by Winchester City Council (WCC). We understand further enforcement action near this site is also being considered by WCC. Caged livestock are kept directly opposite the business entrance.;
 - Contrary to Policy 5 of the HMWP – it has not been demonstrated that it is related to countryside activities, meets local needs or requires a countryside or isolated location, provides a suitable reuse of previously developed land, including redundant farm or forestry buildings and their curtilages or hard standings;
 - Contrary to MTRA4 of the Winchester Local Plan;
 - The EA permit provided does not match the application location plan;
 - On a parish visit to the site, we were advised that some waste is transported to another site within SEC for processing. No details are provided of this arrangement. There is no transport statement included with the application.

- There appears no detail of lighting, considering the working hours declared.
- The application is contrary to HMWP (2013), contrary to Winchester City Local Plan and inconsistent with NPP for Waste (2014).
- Impact on ancient woodland areas plus two SSSI areas identified by Natural England.
- Impact on ecology and wildlife including the pond to the rear of the site, a priority habitat.
- Impact on controlled Waters.
- Speed of vehicles on the A334.
- Continuous noise complaints have been made by residents to Environmental Health Officer, the Environment Agency and Hampshire County Council.
- Other complaints about operations at the site.

56. **Southern Planning Practice (on behalf of Shedfield Parish Council):**

The main issues raised being broadly the same but focusing on the relevant policies that the proposal does not comply with in terms of locational need and its countryside and rural setting.

57. **Natural England:** Initially requested further information in relation to air quality. At the time of writing this report, Natural England have not responded to additional information provided by the applicant. This, if received, will be reported to the Committee by way of an update.

58. **Environment Agency:** No objection. Confirmed that the site has an Environmental Permit and that they would control any activity that may pose a significant risk to the environment through the sites permit.

59. **Local Highway Authority:** Initially raised concerns due to a lack of information and requested the submission of a Transport Statement containing information related to road safety, including vehicular site access/junction geometries and visibility, accident data on the A334 and confirmation on waste vehicle numbers.

Following receipt and review of the applicant's updated Transport Statement, the local Highway Authority has recommended that planning permission be refused on road safety grounds. They concluded that site access/junction geometries and visibility with the public highway (A334) were inadequate for associated vehicular movements, with widening required. The submitted accident data for this section of public highway (A334) indicated the accident rate between 2017 and 2022 included 26 collisions - 5 of which were classified as 'severe' and 21 classified as 'slight' - and including one involving a car turning into the wider Equestrian Centre site from the A334) being hit from behind.

60. **Landscape Planning and Heritage (Landscape) (Hampshire County Council):** No further information supplied and therefore, the objection is sustained on the grounds of the lack of a topographic survey, a tree survey

(many trees have been removed as stated by WCC and a Landscape mitigation plan (to include replacing removed trees).

61. **Landscape Planning and Heritage (Archaeology) (Hampshire County Council):** No objection.
62. **County Ecologist (Hampshire County Council):** Initial concerns raised over lighting and air quality removed following receipt of updated information and no objection raised subject to the imposition of a condition related to the development being carried out in accordance with the measures set out in the NVMP (June 2021), Dust Management Plan (March 2021) and Drainage Strategy (October 2021) by Hampshire Waste Disposal and a requirement for reptile hibernaculum and nesting bird box.
63. **County Arboriculturist (Hampshire County Council):** Acknowledges the comments of Winchester City Council on TPOs and related matters. Further arboricultural mitigation is required and must include how the root protection areas of retained trees will be protected and preserved, how the site levels will be managed and what tree pruning and planting is being offered.

Representations

64. 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, Hampshire County Council:
 - 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 / properties within 100 metres of the boundary of the site and at the discretion of the case officer those situated in close proximity to the wider Equestrian Centre's vehicular junction with the A334.
65. All additional information received on the planning application, during its processing have been consulted upon and made publicly available in the same manner as the initial application was.
66. As of 07 July 2023, a total of 22 representations (6 were further representations from the same representors) to the proposal have been received. The main areas of concern raised in the objections related to the following areas:
 - Impacts on a peaceful, rural and safe countryside setting;
 - Industrialisation of the countryside;

- Inappropriate local roads for HGVs;
- Highway safety (impacts of HGVs and other goods vehicles);
- Impact on ancient woodland;
- Impact on Upper Dagwells Copse and Bigg's Copse;
- The site does NOT have mixed use approval. The only approval it has is for the use of agricultural and equestrian;
- Noise and vibration;
- Lanning application supporting information is inaccurate;
- Impact on nearby nature conservation designations;
- Not compliant with Policies 3, 5, 12, 25, 27 and 29 of the HMWP (2013);
- Requirement for a noise and vibration assessment;
- Lack of an adequate Transport Assessment;
- Possibility of toxic or flammable materials in the area;
- Possible environmental issues as a result of waste materials in the area i.e. danger to animals, plants and waste seeping into the land;
- Lack of adequate, specific monitoring of the area to protect the area. ie air, noise, soil pollution;
- Impacts on pedestrians;
- The whole local area is being changed to accommodate an ever growing business park. As with any area of development there are restrictions and regulations about the limit. Having so many businesses intensely located in a greenbelt area is difficult to understand;
- Impact on nearby residents' amenity;
- Criminal offence has taken place;
- The issuing of an Environment Agency permit without planning;
- The site entrance to any large heavy vehicle entering or leaving causes congestion; and
- Poor enforcement history of the site.

67. The above issues will be addressed within the following commentary except where identified as not being relevant to the decision). Such matters may be covered in [Non-material planning issues raised in representations](#).

Habitats Regulation Assessment:

68. In accordance with [Conservation of Species and Habitats Regulations 2017](#) (the Habitats Regulations), Hampshire County Council (as a 'competent authority') must undertake a formal assessment of the implications of any new projects we may be granting planning permission for e.g. proposals that may be capable of affecting the qualifying interest features of the following European designated sites:
- Special Protection Areas [SPAs];

- Special Areas of Conservation [SACs]; and
 - RAMSARs.
69. Collectively this assessment is described as 'Habitats Regulations Assessment' [HRA]. The HRA will need to be carried out unless the project is wholly connected with or necessary to the conservation management of such sites' qualifying features.
70. It is acknowledged that the proposed development includes environmental mitigation essential for the delivery of the proposed development regardless of any effect they may have on impacts on European designated sites.
71. Whilst the application does not include a shadow HRA, following assessment, the Minerals and Waste Planning Authority considers the proposed development to have **no likely significant effect** on the nearest identified European designated sites due to:
- It is not located at a distance to be considered to have proximity to directly impact on the European designated sites.
72. Links to the emerging requirements for Biodiversity Net Gain (BNG) requirements, as well as other ecological mitigation, are covered in the [Ecology](#) section of the commentary section of this report, where they are relevant to the proposal.

Climate Change

73. Hampshire County Council declared a [Climate Emergency](#) on 17 June 2019. Two targets have been set for the County Council, and these also apply to Hampshire as a whole. These are to be carbon neutral by 2050 and preparing to be resilient to the impacts of temperature rise. A [Climate Change Strategy and Action Plan](#) has since been adopted by the Council. The [Climate Change 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. Where these principles are of relevance, they are addressed in the relevant parts of the Commentary section.
74. In terms of the carbon impact of the proposal, the applicant advises that Paragraph 152 in the [NPPF \(2021\)](#) notes that the planning system should support the transition to a low carbon future in a changing climate it should help to: shape places in ways which contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure.

75. Whilst mitigation is limited, the application through the proposed collection, sorting and onward transfer of waste materials for reuse, recycling and recovery (there will inevitably be some that has to be disposed of), does 'encourage' the reuse of waste as a resource and as a consequence would have a proportionate positive impact through avoiding the use of raw materials to make a product that can be made/sourced through reusing and/or recycling waste materials. Looking at recovery, a less preferable option than reuse and recycling, this process could involve the generation of energy through the burning of waste materials and contributing to the promotion of renewable energy sources and less reliance on fossil fuels, albeit a minor contribution but one that would be proportionate to the scale of the proposed development.
76. Therefore, this proposed development has been subject to consideration of Policy 2 (Climate change – mitigation and adoption) of the [HMWP \(2013\)](#) and Paragraph 152 of the [NPPF \(2021\)](#).

Commentary

77. The commentary section provides more information on the key planning issues in relation to the proposal. The remaining commentary covers these issues.

Principle of the development

78. This first section of the commentary summarises the main policy context for the proposal.
79. Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#) supports development which encourages sustainable waste management and reduces the amount of residual waste currently sent to landfill. The application of the waste hierarchy in relation to this site is considered later in the commentary and this will guide whether the proposal is considered to meet the provisions of Policy 25.
80. Policy 27 (Capacity for waste management development) of the [HMWP \(2013\)](#) states that "*proposals will be supported where they maintain and provide additional capacity for non-hazardous recycling and recovery through new sites to provide additional capacity*", subject to meeting locational criteria for this type of development, as set out in Policy 29. The proposal subject of this application is a 'new' site in accordance with policy 27 part d. This is considered in more detail in the sections of the commentary relating to need and site location.
81. Policy 29 (Locations and site for waste management) of the [HMWP \(2013\)](#) identifies the details of appropriate locations for waste management sites. Whether this proposal - a new waste transfer station - meets the requirements of Policy 29 is considered in more detail in the remaining part of this commentary.

82. Whether the proposal is considered to be in accordance with paragraph 11 of the [NPPF \(2021\)](#) and Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#) will be considered in the remaining sections of this commentary section.

Demonstration of need and capacity for waste management

83. Paragraph 5 of the [National Planning Policy for Waste \(2014\)](#) sets out that waste planning authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against the following considerations:
- *“The extent to which the site or area will support the other policies set out in the document;*
 - *Physical and environmental constraints on development, including existing and proposed neighbouring land uses and having regard to the locational criteria to the appropriate level of detail needed to prepare the Local Plan;*
 - *The capacity of existing and potential transport infrastructure to support the sustainable movement of waste and products arising from resource recovery, seeking when practicable and beneficial, to use modes other than road transport; and*
 - *The cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential”.*
84. Furthermore, paragraph 7 requires that in the determination of waste planning applications, local authorities should:
- *“Only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*
 - *Recognise proposals for waste management facilities that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;*
 - *Consider the likely impact on the local environment and on amenity against locational criteria and the implications of any advice on health from relevant health bodies. Waste planning authorities*

should avoid carrying out their own detailed assessment of epidemiological and other health studies;

- *Ensure that waste management facilities are well-designed so they contribute positively to the character and quality of the area in which they are located; and*
- *Concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”.*

85. Appendix B of the NPPW identifies a range of locational criteria which should be considered by local authorities when considering waste planning applications. These include the following:
- a. *Protection of water quality and resources and flood risk management;*
 - b. *Land instability;*
 - c. *Landscape and visual impacts;*
 - d. *Nature conservation;*
 - e. *Conserving the historic environment;*
 - f. *Traffic and access;*
 - g. *Air emissions, including dust;*
 - h. *Odours;*
 - i. *Vermin and birds;*
 - j. *Noise, light and vibration;*
 - k. *Litter; and*
 - l. *Potential land use conflict.*
86. The original planning application ([21/03074/HCS](#)) was withdrawn in 2022 and was very light in its consideration of what the need or justification of the development is. In summary, the applicant concludes that *‘the site is suitable for continued used as a waste transfer facility because it is well connected, having good transport links to both local and regional road networks, as well as to sources of and/or markets for the type of waste currently being managed. Further, the due to the ecologically constrained nature of the region, the site’s location is suitable because not only is it not within any ecological or environmentally important designations, but it does also not cause harm to any sensitive environmental designations nearby. A further benefit of the scheme is that it makes an important contribution to reducing fly-tipping in the local area’.*
87. The acceptability of the scheme in relation to highway and ecological impacts is considered later in this commentary section. There is no evidence provided to support the assertion that the proposal will result in a reduction in fly tipping and indeed this conclusion is questioned.
88. Further information was requested of the applicant in relation to need and this was submitted. The applicant stated that there is no quantitative

assessment of the need for this type of facility in the local area but indicates that the facility plays an important role in reducing fly-tipping in the area by providing a cheaper, more convenient service than alternative opportunities to dispose of waste. It was indicated that the HMWP supports this position and that these factors weigh heavily in favour of the proposal.

89. The applicant also indicated that the opportunities to rent suitable land at an affordable price in urban areas are rare. It was stated that the facility is small and cannot operate with significant overheads, such as rent in urban locations.
90. Whilst the applicant has not provided specific details of any commercial customers or examples of local settlements/population centres where waste materials are commonly and regularly collected from, the site (of a new waste transfer) is well located in terms of access to the Strategic Road Network, and therefore has good access to commercial and residential areas within this area of Hampshire. The acceptability of the scheme in relation to highway impacts is considered later in this commentary section.
91. As previously stated, Policy 27 (Capacity for waste management development) of the [HMWP \(2013\)](#) states that “*proposals will be supported where they maintain and provide additional capacity for non-hazardous recycling and recovery through new sites to provide additional capacity*”, subject to meeting locational criteria for this type of development, as set out in Policy 29. Therefore, this proposal is supported by Policy 27 (Capacity for waste management development) of the HMWP as a new waste transfer station will contribute to the Plan objective of dealing with 2.62 mtpa of non-hazardous waste by 2030.
92. The site is not currently a safeguarded site under Policy 26 (Safeguarding – waste infrastructure) of the [HMWP \(2013\)](#) as it is currently without the benefit of planning permission.
93. On the basis of the recycling provision provided, the proposal is considered to contribute to and be in accordance with the requirements of Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development) of the [HMWP \(2013\)](#).
94. Whilst the emerging update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development).

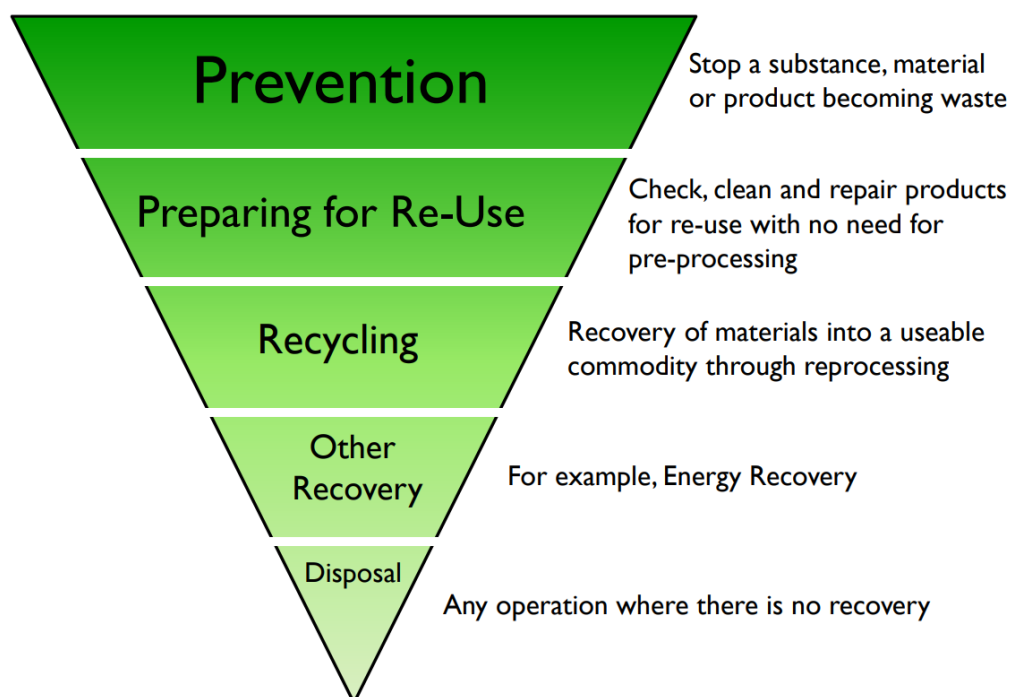
Application of the waste hierarchy

95. Article 4 of the [Waste Framework Directive](#) sets out the appropriate means of waste management. Driving waste up the waste hierarchy is an integral

part of the [Waste Management Plan for England \(2021\)](#) as well as national planning policy for waste. The ‘waste hierarchy’ gives order and priority to waste management options, from prevention through to disposal (e.g. landfill). When waste is created, it gives priority to preparing it for re-use, followed by recycling, recovery, and lastly disposal (e.g. landfill). The waste hierarchy is a material consideration when making a decision on a planning application. The requirement to apply the waste hierarchy is set out in the Waste (England and Wales) Regulations 2011 and the amendments laid out in [The Waste \(England and Wales\) \(Amendment\) Regulations 2012](#). The Waste Management Plan includes a key thread to encourage and promote the delivery of sustainable waste management underpinned through the application of the waste hierarchy.

96. Appendix A of the [National Planning Policy for Waste \(2014\)](#) outlines the key principles of the waste hierarchy as:
- Prevention – the most effective environmental solution is often to reduce the generation of waste, including the re-use of products;
 - Preparing for re-use – products that have become waste can be checked, cleaned or repaired so that they can be re-used;
 - Recycling – waste materials can be reprocessed into products, materials or substances;
 - Other recovery – waste can serve a useful purpose by replacing other materials that would otherwise have been used; and
 - Disposal – the least desirable solution where none of the above options is appropriate.
97. To achieve compliance with the waste hierarchy, waste management policy has incentivised the prevention and re-use of waste as far as practical and driven a major increase in recycling and composting. The waste hierarchy is shown in Figure 1.
98. Paragraph 016 of the [NPPG \(Waste\)](#) is clear that everyone involved in waste management is expected to use all reasonable methods to apply the waste hierarchy, except where, for specific waste streams, departing from the hierarchy is justified in life cycle on the overall effects of generations and the management of waste to assist and ensure that waste should be recycled and is not sent to landfill. This legal obligation on waste producers and transferors provides over-arching controls within the waste industry and assists in ensuring that waste that should be recycled is not sent to a recovery facility or landfill for treatment or final disposal. It also seeks to ensure that planning decisions are made in the context of the waste hierarchy.

Figure 1: The Waste Hierarchy



99. The principles of the waste hierarchy are translated into Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#). As the site would allow for the transfer of wastes for onward recycling in the main, it would sit within the 'recycling' level of the hierarchy, above recovery and disposal. On this basis, the proposal is considered to meet the provisions of Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#) in relation to the waste hierarchy.
100. Whilst the emerging update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policy 25 (Sustainable waste management).

Suitability of site location and alternatives

101. The site is located within a mixed-used commercial, recreational and industrial site adjacent to the A334 Botley Road, which provides road access from both the A32 and Junction 10 of the M27 which are approximately within a 10-minute journey time from the site.
102. Paragraph 2.1 and 6.6 of the applicant's planning statement states that the site has an approved mixed use with specific industrial businesses. Winchester City Council have advised that they are currently enforcing against the industrial uses on the site (and within the wider Equestrian Centre) as they are not authorised. The site has a confirmed use of agriculture and equestrian activity by the City Council.

103. From looking at City Council aerial photographs of the site, the site appeared to be 'undeveloped' and marked by trees in 2013 (see **Appendix E – WCC Aerial Photograph (2013)**). The removal of woodland and installation of hardstanding and other infrastructure at the application site and on adjoining land has been undertaken in the interim period (see **Appendix F – WCC Aerial Photograph (Latest version)**). Exact dates are not known to the Mineral and Waste Planning Authority but do relate to the City Council's enforcement investigations.
104. Policy 29 (Locations and sites for waste management) of the HMWP (2013) is of relevance to the acceptability of the site location. The Waste Planning Authority considers that the proposal fails to meet the provisions of Policy 29. The proposal does not meet part 1 of the policy, meaning part 2 is not relevant. Only part 3 can therefore be considered. Part 3 states that *'development in other locations will be supported where it is demonstrated that:*
- a) the site has good transport connections to sources of and/or markets for the type of waste being managed; and*
 - b) a special need for that location and the suitability of the site can be justified'.*
105. In relation to 3 (a), the application site is located outside the Strategic Road Corridor1 (located a short distance to the south-west). The applicant argues that whilst outside of this corridor, the site is located within the Partnership for Urban South Hampshire (PfSH) area. Whilst this is recognised, for the purposes of compliance with this policy, only the road corridor is of relevance. Therefore, the site does not meet part (a).
106. In relation to 3 (b), the applicant provided further information on how the site may help to serve a need. It was noted that a significant number of homes are planned (or are under construction) in the PfSH area, including Welborne (6000), North Whiteley (3500), Waterlooville (3000), Boorley Green (1500). The applicant has stated that 'these areas provide sources of material and markets for the recycled materials produced. The recycled products are of relatively low value and it is unlikely to be cost effective to haul them long distances. The majority of material processed at the application site is to or from sites within a radius of about 10 miles from the site'. The applicant has indicated that the main types of waste to be processed at the site would be largely household waste and recyclable materials.
107. Whilst the potential market area is acknowledged by the Waste Planning Authority, and paragraph 6.196 of the supporting text sets out that the HMWP (2013) expects market led delivery and therefore it does not identify and allocate any individual sites for waste development, the application lacks any specific detail on the need for this exact facility, in this exact location. It is therefore difficult to ascertain if there is a 'special need' for this development in this location.

108. On the basis of the above, it is the Waste Planning Authority's view that the application is not in compliance with Policy 29 (Locations and sites for waste management) of the [HMWP \(2013\)](#).
109. The acceptability of the site in relation to landscape, ecology, highways and other matters are covered in other sections of this commentary.
110. The applicant has indicated that due the limited number of appropriate locations for a waste transfer facility in the broader HMWP plan area, the location of the site has been carefully considered. This, it has been indicated, included the consideration of the absence of ecological designations and other environmental constraints in close proximity to the site and the wider Equestrian Centre site against other sites that were more environmentally sensitive.
111. The original submission ([21/03074/HCS](#)) that was withdrawn in 2022 did not include a lot of information on site location and suitability beyond that which has been submitted here. This additional information has done little to change the Mineral and Waste Planning Authority's opinion on the consideration of site location as part of the planning application.
112. The Mineral and Waste Planning Authority does not consider that a suitable assessment of alternative sites has been undertaken (or demonstrated satisfactorily) in this regard due to the unauthorised nature of this development. Whilst it is acknowledged that the appropriate locations for waste transfer sites can be constrained by international, national and local ecological and environmental designations (as stated by the applicant), there is no evidence presented within the planning application that supports their conclusion that this *'leaves very few suitable sites which could be considered capable of fulfilling the strong demand for a waste transfer facility in the area which is able of serving the needs of the rural towns and villages which make up a large proportion of the market for the type of waste being managed by the existing facility'*.
113. Whether this site is considered to be a suitable location for a waste transfer station is covered by the remaining sections of this commentary.

Development in the countryside

114. The application site is situated in the countryside for planning purposes. With it being a retrospective application for planning permission, the proposal has to be assessed as if it is not present and operational, and based on the extant use class, which is not an industrial and/or waste use. The site has a confirmed use of agriculture and equestrian activity by Winchester City Council.
115. As previously stated, nearly all planning history within the wider Equestrian Centre site has been under the jurisdiction of Winchester City Council (WCC) as the relevant Local Planning Authority. This has meant that the

site was not considered to include or involve any mineral or waste-related development proposals until very recently.

116. Paragraph 130 of the [NPPF \(2021\)](#) requires that planning decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by (amongst other considerations) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
117. Policy 5 (Protection of the countryside) of the [HMWP \(2013\)](#) states that minerals and waste development in the open countryside, outside the National Parks and Areas of Outstanding Natural Beauty, will not be permitted unless it is a time-limited mineral extraction or related development or the nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location or the development provides a suitable reuse of previously developed land, including redundant farm or forestry buildings and their curtilages or hard standings. The policy also includes an expectation that the highest standards of design, operation and restoration will be met and there will be a requirement that it is restored in the event it is no longer required for minerals and waste use.
118. The site lies outside the settlement boundary defined within the Winchester District Local Plan (2013) and as such is located in the countryside. Policy DM1 (Location of New Development) specifies that outside of these areas, countryside policies will apply and only development appropriate to a countryside location will be permitted. Policies MTRA4 (Development in the Countryside) and DM10 (Essential Facilities and Services in the Countryside) in the [WCCLP Pt 1 \(2013\)](#) will only permit new development that has an operational and essential need for such a location.
119. The applicant has indicated that the site is however located within an *'enterprise zone comprising a range of industrial, commercial and recreational uses'* and for that reason *'it cannot reasonably be described as being within 'open' countryside'*. Whilst the Waste Planning Authority are aware that discussions between the City Council and the landowners/ interested parties at the wider Equestrian Centre site/s are taking place on the future use of the wider site, there is no formal site allocation or designation of an 'enterprise zone'.
120. With the City Council objecting to this proposal on the basis of it being new development that has neither demonstrated the need for a countryside location nor a local need through not demonstrating their investigations for

other sites, and therefore inappropriately located in the countryside (and contrary to Policy MTRA4 (Development in the Countryside) of the [WCCLP Pt 1](#) (2013), the applicant's '*enterprise zone*' assertion and '*the site not being in the open countryside*' does not meet policy requirements and is strongly opposed.

121. Furthermore, the City Council advise that ongoing enforcement action against other unauthorised uses to the north of the application site will require the removal of buildings, and therefore the proposal would result in new and additional visual impacts to the countryside setting as no screening is proposed to mitigate, thus reinforcing its inappropriateness in being situated here. Impact on local landscape, design principles and visual impact will be covered by other sections of this commentary.
122. Development Policy DM10 (Essential Facilities and Services in the Countryside) of [WCCLP Pt2 \(2017\)](#) does allow essential facilities and services in the countryside, subject to its compliance with a number of criteria including the necessity to minimise harmful impacts on landscape character and ensuring traffic impacts can be addressed satisfactorily. The Mineral and Waste Planning Authority does not view the proposed waste transfer station as an 'essential facility or service' in this countryside and rural setting. As stated previously, in relation to Policy 29 (Locations and sites for waste management) of the [HMWP \(2013\)](#), the applicant has not justified the site's need for this location.
123. Policy DM23 (Rural Character) of the [WCCLP Pt2 \(2017\)](#) is also of relevance here, with regards to the effect on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment.
124. Concerns have been raised as part of the consultation process in relation to impacts on the countryside and rural setting and these are acknowledged.
125. Whilst it is acknowledged that the application site is not visible from the main settlement area, and that there are no specific landscape or heritage assets impacted by the proposal, the City Council have advised that ongoing enforcement action on adjoining sites and land will involve the removal of unauthorised buildings and infrastructure, which are presently providing screening of the application site. Once removed, impacts on the local landscape will be created and will need to be assessed. Landscape and visual impacts are covered in a separate section of this commentary.
126. The proposal has not demonstrated that the nature of the waste management development is related to countryside activities, meets local needs or requires a countryside or isolated location in the open countryside, and therefore is not considered to meet the provisions of emerging Policies 5 (Development in the countryside) and 29 (Locations

and sites for waste management) in the [HMWP \(2013\)](#), Policy MTRA4 (Development in the Countryside) of the [WCCLP Pt 1 \(2013\)](#) and Policy DM10 (Essential Facilities and Services in the Countryside) of [WCCLP Pt2 \(2017\)](#).

127. Whilst the emerging update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is not considered to meet the provisions of emerging Policies 5 (Development in the countryside) and 29 (Locations and sites for waste management).

Ecology

128. Paragraph 174 of the [NPPF \(2021\)](#) states that planning decisions ‘*should contribute to and enhance the natural environment*’. In addition, paragraph 180 of the [NPPF \(2021\)](#) states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
129. Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) sets out a requirement for minerals and waste development to not have a significant adverse effect on, and where possible, should enhance, restore or create designated or important habitats and species. The policy sets out a list of sites, habitats and species which will be protected in accordance with the level of their relative importance. The policy states that development which is likely to have a significant adverse impact upon the identified sites, habitats and species will only be permitted where it is judged that the merits of the development outweigh any likely environmental damage. The policy also sets out a requirement for appropriate mitigation and compensation measures where development would cause harm to biodiversity interests.

130. Policy CP16 (Biodiversity) of the [WCCLP Pt 1 \(2013\)](#) states that the Local Planning Authority will support development which maintains, protects and enhances biodiversity across the District, delivering a net gain in biodiversity, and has regard to a number of factors such as the protection of sites of international, European, and national importance, new development showing how biodiversity can be retained, protected and enhanced through its design and implementation, for example by designing for wildlife, avoiding adverse impacts, maintaining a District wide network of local wildlife sites and corridors and supporting and contributing to the targets set out in the District's Biodiversity Action Plan (BAP).
131. The site does not fall within any local, national or international landscapes with ecological or environmental designations and/or protections. The applicant asserts that the site has been located to avoid any impact upon protected sites, habitats and species but this is not supported by any evidence in relation to site location and alternatives. Indeed, as an unauthorised site, this assertion is questioned.
132. The retrospective waste facility to bare ground and in use buildings and storage materials is unlikely to have had ecological impacts during construction. The wall appears to be in a reasonable distance from the woodland edge and was installed onto bare ground. There will be an increase in noise, vibrations and dust operationally. However, these appear to be mitigated via a wall and watering down methods and suds has or will be created. The dust and noise levels will be monitored and are considered to not be significant to the woodland adjacent to the proposed recycling facility.
133. Initially the County Ecologist responded asking for clarification on lighting. It was also noted that they did not consider the proposal to have a significant impact to the nearby woodlands, providing that all dust, noise and drainage mitigation and monitoring is conditioned. Following further clarification, the County Ecologist indicated that their concerns had been addressed.
134. In the response from the County Ecologist, it was noted that the development provides opportunities to enhance biodiversity. It was suggested, in this case that the most appropriate enhancement would be for the applicant to create a reptile hibernaculum and install a nesting bird box. It was therefore advised that in the event that planning permission were granted that a condition should be attached in relation to the provision of a reptile hibernaculum and nesting bird box alongside a condition on the development being undertaken in accordance with the measures set out in the NVMP (June 2021), Dust Management Plan (March 2021) and Drainage Strategy (October 2021).
135. There was no other specific Biodiversity Net Gain requirement requested by consultees in relation to this site.

136. On the basis of the proposed conditions, the proposal is considered to be in accordance with Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) and Policy CP16 (Biodiversity) of the [WCCLP Pt 1 \(2013\)](#).
137. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policy 3 (Protection of habitats and species).

Visual impact and landscape

138. Part D of Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) states that waste developments should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. It states that developments should not have an unacceptable visual impact. There are also links here to Policy 13 (High quality design of minerals and waste development) of the [HMWP \(2013\)](#).
139. Policy DM23 (Rural Character) of the [WCCLP Pt2 \(2017\)](#) states that development will be permitted where they do not have an unacceptable effect on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment. Policy DM16 – Site Design Criteria Development of the [WCCLP Pt2 \(2017\)](#) also sets out further design criteria
140. The operational Waste Transfer Station (WTS) element itself within the application site is situated within the ‘Whiteley Woodlands’ Landscape Character Area (LCA) that comprises ‘mixed farmland and woodland’ but it borders (on its eastern boundary) and its access road runs through, the ‘Shedfield Heathlands’ LCA, which comprises ‘Hort and small holdings’. Both landscape character types are synonymous with countryside settings and as evidenced by the extant land use classes not only at the application site but throughout the wider Equestrian Centre site, as recorded by the City Council and informing their ongoing enforcement activities against unauthorised land uses, including some due north of the application site.
141. The applicant has asserts that Policy 13 of the [HMWP \(2013\)](#) is fulfilled as The WTS does not cause unacceptable adverse visual impact by virtue of:
- the small-scale nature of the facility;
 - its location nestled between existing buildings and woodland;
 - the absence of public rights of way nearby; and
 - the absence of nearby residential uses.
142. The applicant has also indicated that the WTS is only appreciated within the context of other commercial development and the solar farm. Its visual impact on the surrounding area is therefore negligible. The planning application is very limited in its consideration of landscape design and this

is largely based on this assumption. No further information has been provided on this.

143. In relation to Policy DM23 and the applicant's view that the proposal will have only a negligible visual impact. However, as already noted, Winchester City Council has indicated that the enforcement action being taken on the unauthorised uses to the north of the site will require the removal of the buildings, therefore the proposal would result in visual impacts to the countryside and no screening is proposed to mitigate. The design and materials of the buildings are not considered to enhance or preserve the rural characteristics and would present an incongruous addition to this location, and adversely affecting the 'countryside feel' and character expected in this rural setting within the local landscape. This view is endorsed by the Mineral and Waste Planning Authority.
144. In terms of landscape aspects, initially, the County Landscape Architect requested additional information in relation to a topographic survey, a tree survey and constraints drawing, a Landscape mitigation plan and details of planting. As it stands, the documents submitted are currently unacceptable and additional information is still required to make an informed judgement.
145. Whilst the visual impact of the development could be considered to be low, the impact on the landscape is not considered to be so. On the basis of the information before the Waste Planning Authority at this time, the proposal is considered to have an unacceptable landscape impact and is therefore not considered to be in accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy DM16 – Site Design Criteria Development of the [WCCLP Pt2 \(2017\)](#) in this regard.
146. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is not considered to meet the provisions of emerging Policy 11 (Protecting public health, safety, amenity and well-being).

Arboriculture

147. Policy 13 (High quality design of minerals and waste development) of the [HMWP \(2013\)](#) and Policies DM15 (Local distinctiveness) and DM24 (Special Trees, Important Hedgerows and Ancient Woodlands) of the [WCCLP Pt2 \(2017\)](#) in relation to ensuring all protected trees (TPOs) from unnecessary damage and destruction.
148. There are no existing trees or other vegetation on the application site. However, there are established trees beyond the boundary of the application site and concerns have been raised as part of the consultation process in relation to these areas. These concerns are acknowledged.
149. The site is immediately adjacent to a group TPO area of Upper Dagwells Copse according to Winchester City Council's TPO records, which is

currently subject to prosecution for unauthorised works to remove trees. However, whilst this is outside of the planning application area, it would have formed part of the application up until 2013 (see **Appendix E – WCC Aerial Photograph (2013)**).

150. The County Arboriculturist requested further information in order to be able to provide meaningful comments on the application. No further response has been received to the applicant's additional information (although the additional information has altered their submission materially).
151. The applicant provided further information on arboricultural issues which confirmed that the comments received from the arboricultural team September 2022 refer to ongoing prosecution case for unauthorised tree removal. This case has concluded with no prosecution. The applicant has confirmed that no operations take place within the root zones of the nearest trees. Whilst this is concurred with, the group TPO area of Upper Dagwells Copse boundary does appear not to border the operational area of then application site directly (see **Appendix G – WCC TPO area of Upper Dagwells Copse**).
146. Despite the lack of detailed tree and TPO-related information having been provided by the applicant, it is believed that conditions relating to tree and planting mitigation would ensure no adverse impacts would be caused should planning permission be granted.
152. On this basis, the proposal is in accordance Policies 10 (Protection of public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the [HMWP \(2013\)](#) and Policies DM15 (Local distinctiveness) and DM24 (Special Trees, Important Hedgerows and Ancient Woodlands) of the [WCCLP Pt2 \(2017\)](#) in relation to ensuring all protected trees (TPOs) from unnecessary damage and destruction.
153. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policies 11 (Protecting public health, safety, amenity and well-being) and 13 (High quality design of minerals and waste development).

Design and sustainability

154. The [Planning Act 2008](#) places great importance on good design and sustainability. Paragraph 126 of the [NPPF \(2021\)](#) confirms that good design is a key aspect of sustainable development and helps create better places in which to live and work to make development acceptable to communities. Paragraph 130 of the [NPPF \(2021\)](#) requires that planning decisions ensure that developments 'will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built

environment and landscape setting'. Paragraph 134 of the [NPPF \(2021\)](#) also advises that permission should be refused for development that is not well designed.

155. Policy 13 (High-quality design of minerals and waste development) of the [HMWP \(2013\)](#) requires that waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and Policy 10 (Protecting public health, safety and amenity) protects residents from significant adverse visual impact.
156. Policy CP13 (High Quality Design) of the [WCCLP Pt 1 \(2013\)](#) states that new development will be expected to meet the highest standards of design. It sets out criteria for new development including factors such as demonstrating an analysis of the constraints and opportunities of the site and its surroundings have informed the principles of design and how the detailed design responds positively to its neighbours and the local context, the proposal making a positive contribution to the local environment and creates an individual place with a distinctive character and the accompanying landscape framework has been developed to enhance both the natural and built environment and maximise the potential to improve local biodiversity. Policy DM16 – Site Design Criteria Development of the [WCCLP Pt2 \(2017\)](#) also sets out further design criteria.
157. The applicant has indicated that the site already comprised a yard when the current operation was established. It is worth noting that the installation of the yard must have taken place after 2013 and without formal planning approval having been secured as reinforced by the City Council's assertions and investigations into enforcing unauthorised development across the wider Equestrian Centre site.
158. The concrete lego-brick bays sit on top of the concrete raft, and it has been indicated require no foundations. Similarly, the concrete panel walls which surround the site require no foundations. The reality is that the development is already on site so the focus here is on whether the design is considered to be acceptable.
159. Whilst the design is considered to be appropriate for the scale and type of the proposal, and not dissimilar from other operations and uses within the wider Equestrian Centre site, it is the officers view that this can not necessarily be concluded to be of a 'high' quality. It has already been concluded that the application fails to address its affect and effects on landscape impact and this is clearly related to design and appearance.
160. The proposed unauthorised development is for a new waste management facility within the countryside. Whilst it is acknowledged that it is a functional and industrial operation, its design, layout and appearance is not high in quality and certainly does not meet the highest standards of design

as required by Policy CP13 (High Quality Design) of the [WCCLP Pt 1 \(2013\)](#) that states new development will be expected to.

161. Furthermore, neither does the proposal demonstrate an analysis (to be undertaken by the applicant) of the constraints and opportunities of the site and its surroundings, and how these have informed the principles of design, how the detailed design responds positively to its neighbours and the local context, and lastly, how the proposal makes a positive contribution to the local environment and creates an individual place with a distinctive character and the accompanying landscape framework has been developed to enhance both the natural and built environment.
162. On this basis, is considered that the proposal is not in accordance with Policies 13 (High-quality design of minerals and waste development) and 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy CP13 (High Quality Design) of the [WCCLP Pt 1 \(2013\)](#).
163. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is not considered to meet the provisions of emerging Policies 11 (Protecting public health, safety, amenity and well-being) and 13 (High quality design of minerals and waste development).

Cultural and archaeological heritage

164. Paragraph 130 of the [NPPF \(2021\)](#) relates to developments which are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'. In addition, paragraph 194 of the [NPPF \(2021\)](#) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 200 states that '*any harm to or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*'. Paragraph 201 states that '*where a proposed development will lead to substantial harm to a designated heritage asset planning permission should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm*'. Paragraph 202 states that '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'.
165. Policy 7 (Conserving the historic environment and heritage assets) of the [HMWP \(2013\)](#) requires minerals and waste development to protect and, wherever possible, enhance Hampshire's historic environment and heritage assets (designated and non-designated), including their settings unless it is

Calibri demonstrated that the need for and benefits of the development decisively outweigh these interests.

166. Policy CP20: Heritage and Landscape character of the [WCCLP Pt 1 \(2013\)](#) sets out criteria for conservation and enhancement of the historic environment. Policy DM26 (Archaeology) of the [WCCLP Pt2 \(2017\)](#) sets out Archaeology should be considered through planning applications.
167. The County Archaeologist raised no objection to the proposal. There are no archaeological sites currently recorded at this location. On this basis, the proposal is in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the [HMWP \(2013\)](#) and Policy CP20: Heritage and Landscape character of the [WCCLP Pt 1 \(2013\)](#).
168. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policy 7 (Conserving the historic environment and heritage assets).

Impact on public health, safety and amenity

169. Paragraph 174 of the [NPPF \(2021\)](#) states that planning decisions should *'contribute to and enhance the natural and local environment by: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate'*.
170. In relation to pollution control and associated health issues, Government policy concerning pollution control is most clearly set out within the [NPPF \(2021\)](#) and the [NPPW \(2014\)](#) including its supporting planning practice guidance. Paragraph 185 of the [NPPF \(2021\)](#) states that *'planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'*.

171. Paragraph 005 of the [PPGW](#) states that ‘planning authorities can ensure that waste is handled in a manner which protects human health and the environment through testing the suitability of proposed sites’... against the policies in paragraphs 004 to 007 and the factors in Appendix B of the [PPGW](#)
172. Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. It sets out a number of criteria. This is echoed in Policy DM19 (Development and Pollution) of the [WCCLP Pt2 \(2017\)](#). Also, Policy 10 states that any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development.
173. The site already benefits from an Environmental Permit (EPR/WE1474AB). More information on this is set out later in the commentary. As part of this permit, an Environmental Risk Assessment were approved by the EA.
- a) *Emissions to the atmosphere (air quality) including dust:*
174. It is acknowledged that the main impacts of this proposal would relate to potential dust emissions and emissions from transportation.
175. The site already benefits from an Environmental Permit (EPR/WE1474AB). As part of this permit, a Dust and Emission Management Plan was approved by the EA. This was also submitted to support the planning application.
176. No links between air quality and ecological impacts have been raised by consultees. The County Council’s Ecologist was content that airborne emissions from the proposal would not be considered to have a significant impact to the nearby woodlands, providing that all submitted dust, noise and drainage mitigation and monitoring is conditioned.
177. No concerns have been raised by the EHO in relation to air quality.
178. In the event that planning permission were to be granted, a condition could be included in relation to working in accordance with the approved Dust and Emission Management Plan.
179. On this basis, the proposal is not considered to have any unacceptable air quality impacts.
- b) *Emissions to land:*
180. The site already benefits from an Environmental Permit (EPR/WE1474AB). Storage and handling of waste, litter management and pest/vermin control

is addressed by the permit. No other concerns have been raised by consultees in relation to emissions to land.

c) Human health:

181. With the site already benefitting from an Environmental Permit (EPR/WE1474AB), all emissions whether to air, land or water are regulated through the permit. The Environment Agency in granting a Permit can, and usually does, consult the local Environmental Health Officers and local Public Health/NHS advisors. The responses that they receive are used to inform and determine a Permit and, if granted, attaching suitable conditions and controls to emissions and protect human health.

d) Noise and vibration:

182. In addition to Policy 10 of the HMWP (2013), Policy DM20: Development and Noise of the [WCCLP Pt2 \(2017\)](#) is also of relevance here.
183. Noise matters are addressed by the site Environmental Permit (EPR/WE1474AB). A **Noise and Vibration Assessment** was submitted to support the planning application.
184. Shedfield Parish Council and other responses received provided detail on noise complaints and concerns that have been made by residents to the EHO, the EA and the Waste Planning Authority. The Waste Planning Authority can only comment on those which are submitted directly to the County Council. In terms of complaints received, the Waste Planning Authority are copied into some of the complaints made to the EHO and the EA about noise, dust, burning, highways and out of hours operations for the wider Equestrian Centre as a whole which may or may not be down to Avery B specifically.
185. Initially, the EHO requested more information in relation to proposed baler and its consideration within the assessment. The response from the applicant resolved previous concerns, and the EHO withdrew their objection.
186. In the event that planning permission were to be granted, a condition could be included in relation to working in accordance with the approved Noise Management Plan with appropriate noise monitoring imposed.
187. On this basis, the proposal is not considered to have any unacceptable noise or vibration impacts from on-site operations.

e) Lighting:

188. For the avoidance of doubt, no external lighting is proposed as part of the development. This matter was initially questioned by the County Council's Ecologist but with none being installed, no ecological concerns exist.

f) *Odour:*

189. As part of this Environmental Permit (EPR/WE1474AB), an **Odour Management Plan** was approved by the EA.
190. In the event that planning permission were to be granted, a condition could be included in relation to working in accordance with the approved Odour Management Plan subject to EA approval.
191. On this basis, the proposal is not considered to have any unacceptable odour and air quality impacts from on-site operations.

g) *Cumulative impacts:*

192. Objections received from the local population and interested parties cite the proposal's impacts through emissions to air and through noise and transport-related operations on the locality.
193. The material planning matters raised above have all been considered within the commentary of this report. Should planning permission be granted, matters like noise and dust would be controlled through conditions as would hours of use and associated vehicular movements. The planning permission would work in conjunction with the applicant's Environmental Permit, issued and regulated by the Environment Agency.
194. Taking all matters into account, including the grant of an Environmental Permit (EPR/WE1474AB) by the Environment Agency that controls and regulates all on-site waste-related operations at the site, the proposal is considered to meet the requirements of Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy DM19 (Development and Pollution) of the [WCCLP Pt2 \(2017\)](#).
195. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policies 11 (Protecting public health, safety, amenity and well-being).

Impact on surface or groundwaters and flooding

196. Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) states that minerals and waste development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. This includes not releasing emissions to water (above appropriate standards) (part d).
197. Policy 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) relates to minerals and waste development in flood risk areas and sets criteria which developments should be consistent with relating to flood risk offsite, flood

protection, flood resilience and resistance measures, design of drainage, net surface water run-off and Sustainable Drainage Systems.

198. Policy CP17 (Flooding, Flood Risk and the Water Environment) of the [WCCLP Pt 1 \(2013\)](#) requires that development avoids flood risk, does not cause unacceptable deterioration to water quality or have an unacceptable impact on water quantity (including drinking water supplies), is located at a sufficient distance from existing wastewater treatment works to allow adequate odour dispersion, or takes appropriate odour control measures, and ensures that water supply, surface water drainage and wastewater infrastructure to service new development are provided and connect to the nearest point of adequate capacity.
199. A **Drainage Strategy** was submitted to support the application. This concluded that *'the proposed SUDS on site, the proposed development represents no tangible increase in surface water runoff rates into nearby waterbodies'*. Furthermore, it concluded that *'in consideration of the mitigation measures proposed, both flood risk and water quality issues arising from the proposed development have been fully addressed'*.
200. The site is within Flood Zone 1. It is considered to be at a low risk of flooding from all sources and the development will not increase the impermeability of the site.
201. The Environment Agency raised no concerns in relation to surface water and flooding nor any impacts on risk to groundwater. They confirmed that they will control any activity that may pose a significant risk to the environment through the site's permit and suggested that should planning permission be granted an Informative stating the following: *"Area used for storage, sorting and processing of waste with significant polluting risks must be carried out under cover and should not drain to the surface water system Any surface water drainage system as built, must not pose the risk of mobilising any contamination."*
202. The Lead Local Flood Authority (LLFA) was not consulted on this application. Their comments from the original submission ([21/03074/HCS](#)) stated that as the site was a commercial development with less than 1000m² of floor space or < 1 hectare in size there is no need for them to comment. With this application being exactly the same in size and scale, they were not consulted.
203. There were some responses received which raised concerns about the developments potential impact on controlled waters, particularly in relation to the adjacent ponds that are situated close to the site's eastern/south-eastern boundaries. No concerns have been raised on this matter by consultees.

204. In the event that planning permission were to be granted, a condition would be included to ensure the development takes place in accordance with the Drainage Scheme.
205. On the basis of the scale of the development and the proposed condition, the proposal is considered to be in accordance with Policies 10 (Protection of public health, safety and amenity) and Policy 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) in relation to surface water or groundwater and flooding.

Links to Environmental Permitting

206. National Planning Practice Guidance states that Planning Authorities should assume that other regulatory regimes will operate effectively rather than seek to control any processes, health and safety issues or emissions themselves where these are subject to approval under other regimes ([Paragraph 050 Reference ID: 28-050-20141016](#)).
207. Planning and permitting decisions are separate but closely linked. The Environment Agency (EA) has a role to play in both.
208. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.
209. The need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an Environmental Permit. An application for an Environmental Permit will include an assessment of the environmental risk of the proposals including the risk under both normal and abnormal operating conditions. The EA will assess the application and the adequacy of the impact assessment including whether the control measures proposed by the operator are appropriate for mitigating the risks and their potential impact.
210. The scope of an Environmental Permit is defined by the activities set out in the Environmental Permitting Regulations (England and Wales) 2016 (EPR). The aim of the EPR regime is to protect the environment from potential impacts associated with certain liable facilities or installations. The permitted activities may form a part of, but not all, of the development needing planning permission. In these cases, the planning application will need to address environmental considerations from those parts of the development that are not covered by the permit.
211. As already noted, the site already benefits from an Environmental Permit (EPR/WE1474AB), issued in 2021, which covers a Household Commercial Waste Transfer Station. As part of this permit, a Dust and Emission Management Plan, Odour Management Plan and an Environmental Risk Assessment were approved by the EA.

212. Schedule 1 of the permit dictates what activities can be undertaken on site and is set out in Figure 2. In addition, Schedule 2 of the Permit sets out the types of waste which can be accepted at the site, as set out in an extract from it in Figure 3.

Figure 2: Schedule 1 of the Permit

Schedule 1 – Operations

Table S1.1 activities	
Description of activities for waste operations	Limits of activities
R3: Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)	<p>Treatment consisting only of manual sorting/ separation and baling/compaction of non-hazardous waste for disposal (no more than 50 tonnes per day) or recovery.</p> <p>Only wastes specified in table S2.2 shall be shredded at the site in a building.</p> <p>No more than 50 tonnes of intact and shredded waste vehicle tyres (waste code 16 01 03 and 19 12 04) shall be stored at the site.</p> <p>Subject to any other requirements of this permit wastes shall be stored for no longer than 1 year prior to disposal or 3 years prior to recovery.</p> <p>Waste types as specified in Table S2.1</p>
R4: Recycling/reclamation of metals and metal compounds	
R5: Recycling/reclamation of other inorganic materials	
R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where the waste is produced)	
D9: Physico-chemical treatment not specified elsewhere which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12	
D14: Repackaging prior to submission to any of the operations numbered D1 to 13	
D15: Storage pending any of the operations numbered D1 to D14 (excluding temporary storage, pending collection, on the site where the waste is produced)	

Table S1.2 Operating techniques		
Description	Parts	Date Received
Additional information received	Approved Fire Prevention Plan; Revision 1.0	07/06/21
Additional information received	Approved Dust and Emission Management Plan; Revision 1.0	09/07/21
Response to Schedule 5 Notice dated 21/06/21	Approved Odour Management Plan; Revision 1.0	16/07/21

Figure 3: Schedule 2 of the Permit - waste types (1st page only)

Schedule 2 – Waste types

Table S2.1 Permitted waste types and quantities	
Maximum quantity	The total quantity of waste accepted at the site for the above activity shall be less than 75,000 tonnes a year.
Waste code	Description
01	Wastes resulting from exploration, mining, quarrying, and physical and chemical treatment of minerals
01 01	wastes from mineral excavation
01 01 01	wastes from mineral metalliferous excavation
01 01 02	wastes from mineral non-metalliferous excavation
01 03	wastes from physical and chemical processing of metalliferous minerals
01 03 06	tailings other than those mentioned in 01 03 04 and 01 03 05
01 03 09	red mud from alumina production other than the wastes mentioned in 01 03 10
01 04	wastes from physical and chemical processing of non-metalliferous minerals
01 04 08	waste gravel and crushed rocks other than those mentioned in 01 04 07
01 04 09	waste sand and clays
01 04 11	wastes from potash and rock salt processing other than those mentioned in 01 04 07
01 04 12	tailings and other wastes from washing and cleaning of minerals other than those mentioned in 01 04 07 and 01 04 11
01 04 13	wastes from stone cutting and sawing other than those mentioned in 01 04 07
02	Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing
02 01	wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing
02 01 03	plant-tissue waste
02 01 04	waste plastics (except packaging)
02 01 07	wastes from forestry
02 01 10	waste metal
02 02	wastes from the preparation and processing of meat, fish and other foods of animal origin
02 02 03	materials unsuitable for consumption or processing
02 03	wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production, molasses preparation and fermentation
02 03 04	materials unsuitable for consumption or processing
02 04	wastes from sugar processing
02 04 01	soil from cleaning and washing beet
02 04 02	off-specification calcium carbonate
02 05	wastes from the dairy products industry
02 05 01	materials unsuitable for consumption or processing

213. Concerns were raised about the issuing of the Environmental Permit, by the Environment Agency (EA), without the benefit of planning permission. The EA in some instances can grant Permits without planning permission being secured. This is a matter entirely for the EA to consider and address and is not relevant to the planning decision.
214. The Mineral and Waste Planning Authority would notify the EA once a decision has been made on this planning application, and it would up to the EA to decide if this materially affected the extant permit.
215. Furthermore, the Environment Agency carry out unannounced inspection visits to ensure sites are operating in accordance with permit conditions and scrutinise data associated with the development. The Environment

Agency has the powers to suspend any permits it considers are not being fully complied with and are creating an unacceptable risk. Several mechanisms are put in place to monitor to ensure compliance such as audits, site visits, data analysis and compliance checks are carried out by the regulator.

Highways impact

216. Paragraph 110 of the [NPPF \(2021\)](#) advises that when assessing specific applications for development, it should be ensured that:
- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) *safe and suitable access to the site can be achieved for all users;*
 - c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
 - d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
217. In addition, paragraph 111 of the [NPPF \(2021\)](#) states that ‘*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*’ Within this context, applications for development should, paragraph 112: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
218. Policy 12 (Managing traffic) of the [HMWP \(2013\)](#) requires minerals and waste development to have a safe and suitable access to the highway network and where possible minimise the impact of its generated traffic through the use of alternative methods of transportation. It also requires highway improvements to mitigate any significant adverse effects on highway safety, pedestrian safety, highway capacity and environment and amenity.

219. Policy DM18 – Access and Parking of the [WCLP Pt 2 \(2017\)](#) is also of relevance in particular relation to safe access, making provision for access to the site in accordance with any highway requirements on the grounds of safety, of the surrounding area.
220. Concerns have been raised about the highway impact, impact on local roads and highway safety matters as part of the consultation and these are acknowledged.
221. The site is to be served by an existing access onto the A334. If permitted, the proposals would continue to generate around 60 traffic movements, comprising 40 van / cage van / skip truck (7.5t) movements, and 20 refuse vehicle movements. The A334 Botley Road has a posted speed limit of 40mph.
222. The site has an existing access from the A334 Botley Road to the adjacent Equestrian Centre with direct access to the waste transfer site via a tarmacked road. The current access is associated with the permitted use for the site and has not been demonstrated to be suitable for the proposed retrospective use.
223. A **Transport Statement** was submitted with the application. This concluded that the proposed waste transfer station is considered to be acceptable from a highway point of view.
224. Initially, the Highway Authority requested additional information in relation to speed and volumetric data for the A334 in the vicinity of the site, visibility, Personal Injury Accident data, clarification on throughput and the tracking for the largest vehicles accessing the site. The Highway Authority noted in its response that the site is currently only operating at a quarter of the throughput limit of 75,000t a year imposed by the Environment Agency.
225. The applicant updated the information previously provided. It was noted by the Highway Authority that throughput has not been clarified and that tracking information has also not been submitted. The survey submitted information showed that 85th percentile traffic speeds northbound were 45.5mph and south-bound traffic was 44.7mph. However, the volumetric data provided has not been broken down by vehicle type so the Highway Authority was unable to comment on the impact the additional HGVs will have on the current HGV flows on the A334. It was also noted that Visibility Splays Drawing NJC-001 do not appear to include the trees or telegraph poles that are present on both sides of the access and may obstruct sight lines.
226. Personal Injury Accident (PIA) Data submitted showed that there were 26 collisions – 5 of which were classified as ‘severe’ and 21 classified as ‘slight’. One accident occurred at the site entrance where a car travelling northwest along the A334 collided with the rear of a car slowing to turn left into the equestrian centre. Twenty-five of the accidents involved cars and

one involved a cycle, none involved HGVs. The accident involving the cyclist was classified as 'severe' but did not involve any other vehicles. In addition, in terms of vehicle tracking, further diagrams need to be provided to show tracking for two HGVs at the site access 3 simultaneously. It was noted that on-site observations demonstrate over-running of the verge which appears to support the need for widening of the existing junction.

227. It is clear that from the response from the Highway Authority that at this time, not enough information has been submitted to allow the Planning Authority to suitably assess this application in relation to compliance with planning policies. The Waste Planning Authority does not consider a condition on throughout is reasonable at this time as it interrelates to a number of areas which are still outstanding.
228. On the basis of the information before the Waste Planning Authority at this time, the proposal is not considered to be in accordance with Policy 12 (Managing traffic) of the [HMWP \(2013\)](#) and Policy DM18 – Access and Parking of the [WCLP Pt 2 \(2017\)](#) and the [NPPF \(2021\)](#). This is on the basis that the proposed access is inadequate to accommodate the development safely and this would result in an unacceptable impact on the safety of users of the development and adjoining highway.
229. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is not considered to meet the provisions of emerging Policy 12 (Managing traffic).

Socio-economic impacts

230. Paragraph 7 of the [NPPF \(2021\)](#) states that achieving sustainable development is the primary objective of the planning system, with paragraph 8 confirming the importance that the economic role of development has in delivering sustainable development. Further to this, the [NPPF \(2021\)](#) incorporates planning policy in relation to the socio economic effects of development. Specifically, paragraph 81 of the [NPPF \(2021\)](#) states that: *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'*.
231. For waste sites, this is built on by paragraph 4.38 of the [HMWP \(2013\)](#) which acknowledges that appropriately managed *'waste development (are) important to support employment and provision of services in rural areas (including more sustainable energy supplies)'*.
232. The application does not provide much detail on the potential socio-economic impacts of the proposal other than to say that the *'WTS forms an important part of the approach to dealing with waste and the Waste*

Hierarchy and that the site *'serves as important local facility which also supports the local economy and provides local employment'*. The Mineral and Waste Planning cannot dispute this assertion although employment at the site would only be for 4 people according to the applicant.

Monitoring and enforcement

233. If permission were granted, the Site would be inspected by officers in the Minerals and Waste Planning Authority's Monitoring and Enforcement team to ensure compliance with any permission granted.
234. Many responses received related to other complaints about operations at the site and the wider Equestrian Centre site. This included comments made by Shedfield Parish Council. These are noted.
235. As previously stated, before this unauthorised waste management use commenced here, Winchester City Council were, in the main, the relevant Local Planning Authority responsible for regulating the wider Equestrian Centre site. The Waste Planning Authority's Enforcement officers work closely with those at Winchester City Council and are copied in on a lot of complaints (along with WCC and the EA) about the wider Equestrian Centre rather than the unauthorised Avery B site specifically, which is the subject of this planning application.
236. As part of the operations on the application site they are part of any cumulative impact/s being complained about and/or investigated. On an individual basis the application site is located away from any residents and are believed to be unlikely to be the main source of any noise, dust or highway impact. As the application site has an Environmental Permit (to operate) any such complaints would go directly to the EA, to investigate and ensure compliance with conditional requirements and to prevent activities and emissions causing harm to the environment and/or human health.
237. With the exception of being notified of the unauthorised waste management facility and its operations that this planning application seeks to address, any specific complaints received about this site are largely still received via Winchester City Council and are difficult to discern (if it is noise-related for example) from the wider Equestrian Centre, and its multitude of approved and unauthorised uses and operations. There have been no substantiated complaints about noise operations associated with this development to date.
238. The Environment Agency would also inspect the Site as part of monitoring the Environmental Permit. The Environment Agency has the powers to suspend any permits it considers are not being fully complied with and are creating an unacceptable risk.

239. Whilst Waste Planning Authorities work closely with the Environment Agency on regulating waste management facilities, through the Planning and Permitting regimes, only the Environmental Agency can enforce conditions that are not being complied with or where a complaint has been made and has been substantiated, on a site's permit.

Non-material matters and other matters

240. Concerns have been raised about the possibility of toxic or flammable materials in the area. All waste handled by the site would be regulated by the site's Environmental Permit and monitored by the Environment Agency for compliance.
241. Concerns were also raised about a criminal offence having taken place. Any allegations made concerning crime and criminal activity should be made to the appropriate enforcing body, whether that is to Hampshire Constabulary or to the Environment Agency's Crime Team.
242. Case law has established that fear of crime can be a material consideration, and this has been broadened to include public concern. Therefore, genuine but unsubstantiated fears may be material considerations but they are likely to be given little weight if there is no objective supporting evidence.
243. Concerns were also raised about the poor enforcement history of the site. These are acknowledged. As already noted, there is an enforcement history on the site through Winchester City Council, who have been the relevant and lead Local Planning Authority for the wider Shedfield Equestrian Centre.
244. Responses, including comments made by Shedfield Parish Council, raised concerns that the applicant's Permit's site plan does not match the planning application's site plan (red line plan). Permitting boundaries do not have to match planning ones (although they often do). This is a matter for the Environment Agency and the applicant to resolve.

Conclusions

245. The balance of the potential impacts and proposed mitigation has been set out in the commentary section of this report.
246. The County Council in its role as Minerals and Waste Planning Authority is required to determine applications in accordance with the Development Plan unless material considerations dictate otherwise.
247. The planning balance in this case is a matter of weighing the potential impacts of the proposal set against the need for waste capacity.

248. Taking all matters into consideration, based on the information before the Waste Planning Authority, and on balance, a clear and demonstrated 'site-specific' and 'special' need for the new, unauthorised development proposed within this planning application has not been made (Policies 5 and 29), and the landscape (Policies 5, 10 and 13) and traffic (Policy 12) impacts of the proposal are considered to be unacceptable and do not outweigh the need for waste management capacity (Policy 27). The proposal is therefore considered to be contrary Policy 1 (Sustainable minerals and waste development) of the HMWP (2013) and paragraph 11 of the [NPPF \(2021\)](#) as the proposal does not constitute a sustainable minerals and waste development. Therefore, it is therefore recommended that permission is **REFUSED**.

Recommendation

249. That planning permission be REFUSED for the reasons set out below and as outlined in **Appendix A:**
- a) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in landscape impact contrary to the requirements of Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013), Policy CP13 (High Quality Design) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM23 (Rural Character) of the Winchester City Council Local Plan Part 2 (2017);
 - b) The location of the proposal has not been adequately justified in terms of its need for being located in the countryside, contrary to the requirements of Policies 5 (Protection of the countryside) and 29 (Location of waste management development) of the Hampshire Minerals & Waste Plan (2013), Policy MTRA4 (Development in the Countryside) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM10 (Essential Facilities and Services in the Countryside) of Winchester City Council Local Plan Part 2 (2017); and
 - c) 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.
250. 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 management development.

Appendices:

Appendix A – Reasons for Refusal

Appendix B – Committee Plan

Appendix C – Site Location Plan

Appendix D – Site Layout Plan

Appendix E – WCC Aerial Photograph (2013)

Appendix F – WCC Aerial Photograph (Latest version)

Appendix G – WCC TPO area of Upper Dagwells Copse

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2022/0384>

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 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.

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

22/01797/HCS
WR228

Hampshire County Council

Retrospective planning application for a Waste Transfer Station (Sui Generis) at Avery B, Shedfield Equestrian Centre, Botley Road SO32 2HN

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.

2. Equalities Impact Assessment:

See guidance at <https://hants.sharepoint.com/sites/ID/SitePages/Equality-Impact-Assessments.aspx?web=1>

*Inset in full your **Equality Statement** which will either state*

- why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or*
- will give details of the identified impacts and potential mitigating actions*

Appendix A

Reasons for Refusal

Taking all matters into consideration, based on the information before the Waste Planning Authority, and on balance, a clear and demonstrated 'site-specific' and 'special' need for the new, unauthorised development proposed within this planning application has not been made (Policies 5 and 29), and the landscape (Policies 5, 10 and 13) and traffic (Policy 12) impacts of the proposal are considered to be unacceptable and do not outweigh the need for waste management capacity (Policy 27). The proposal is therefore considered to be contrary Policy 1 (Sustainable minerals and waste development) of the Hampshire Minerals and Waste Plan (2013) and paragraph 11 of the National Planning Policy Framework (2021) as the proposal does not constitute a sustainable minerals and waste development.

That planning permission be REFUSED for the reasons set out below and as outlined in **Appendix A**:

- a) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in landscape impact contrary to the requirements of Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013), Policy CP13 (High Quality Design) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM23 (Rural Character) of the Winchester City Council Local Plan Part 2 (2017);
- b) The location of the proposal has not been adequately justified in terms of its need for being located in the countryside, contrary to the requirements of Policies 5 (Protection of the countryside) and 29 (Location of waste management development) of the Hampshire Minerals & Waste Plan (2013), Policy MTRA4 (Development in the Countryside) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM10 (Essential Facilities and Services in the Countryside) of Winchester City Council Local Plan Part 2 (2017); and
- c) 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 management development.

Note to Applicant

1. In determining this planning application, the Waste 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 Act 1990.
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.