

**HAMPSHIRE COUNTY COUNCIL**  
**Decision Report**

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	24 January 2024
<b>Title:</b>	Retrospective planning application for the change of use to open storage of recycled aggregate materials and the retention of ancillary office and workshop and associated works at Lockhams Recycling Ltd, Shedfield Equestrian Centre, Botley Road, Shedfield SO32 2HN (No. 22/02015/HCS) (Site ref: WR228)
<b>Report From:</b>	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, the location of the proposal has not been adequately justified in terms of its need for being located in the countryside, and is 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);
  - b) On the basis of the information submitted, and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in an unacceptable visual impact on the locality 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); and
  - c) On the basis of the information submitted, it is considered that the proposal has not demonstrated that it can be situated and drained safely and that it would not create flood risk to the site and its immediate surroundings contrary to the requirements of Policy 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013) and Policy CP17 (Flooding, Flood Risk and the Water Environment) of the Winchester City Council Local Plan Part 1 (2013).

2. 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 & 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 the open storage of recycled aggregate materials and the retention of ancillary office and workshop and associated works. 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 Mineral and 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 of the Hampshire Minerals & Waste Plan, Policy MTRA4 of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013)) and Policy DM10 of Winchester City Council Local Plan Part 2 (2017)). Furthermore, the visual impacts (Policies 5, 10 and 13 of the Hampshire Minerals & Waste Plan, Policy CP13 of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM23 of the Winchester City Council Local Plan Part 2 (2017)) and flood risk impacts (Policy 11 of the Hampshire Minerals & Waste Plan and Policy CP17 of the Winchester City Council Local Plan Part 1 (2013)) of the proposal are considered to be unacceptable. These matters do not outweighing the recognised need for increased levels of secondary aggregate production (and here the storage of) (Policies 17, 18 and 27 of the Hampshire Minerals & Waste Plan) within the County. Taking all matters into account, the proposal is considered to be contrary to Policy 1 (Sustainable minerals and waste development) of the [Hampshire](#)

[Minerals and Waste Plan \(2013\)](#) (HMWP) and paragraph 11 of the [National Planning Policy Framework \(2023\)](#) (NPPF) as the proposal does not constitute a sustainable minerals and waste development.

9. 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, the location of the proposal has not been adequately justified in terms of its need for being located in the countryside, and is 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);
  - b) On the basis of the information submitted, and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in an unacceptable visual 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); and
  - c) On the basis of the information submitted, it is considered that the proposal has not demonstrated that it can be situated and drained safely and that it would not create flood risk to the site and its immediate surroundings contrary to the requirements of Policy 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013) and Policy CP17 (Flooding, Flood Risk and the Water Environment) of the Winchester City Council Local Plan Part 1 (2013).
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 [HMWP \(2013\)](#) as the proposal does not constitute a sustainable minerals and waste management development.
11. If the Regulatory Committee resolve to refuse planning permission, the Mineral and Waste Planning 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 0.32 hectares. It comprises a large area of hardstanding and is located within a mixed-use commercial, industrial and agricultural/equestrian site (i.e. the Equestrian Centre) (see **Appendix C - Site Layout 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. Access to the site is via a shared private tarmac road through the wider Equestrian Centre site, connecting to Botley Road (A334). The site is bounded by a continuation of the private road along the northern boundary, with land beyond currently used for the grazing of horses. Land to the south is in equestrian use. Land to the east is a further area of hardstanding used for open storage. There is a range of mixed commercial uses around the entrance from Botley Road to the east.
16. Land adjoining the application site immediately to its west is used by the applicant for the processing of imported soils, crushed concrete, and other aggregates from the construction industry (see **Appendix D - CLEUD Site Layout Plan**). A Certificate of Lawfulness of Existing Use of Development (CLEUD) in respect of this operation (Processing of inert materials and builders waste for recycling and shared access was granted under Appeal ref: APP/Q1770/C/14/2219401) includes the exportation of materials off site. Further west, there is hardstanding currently used for open storage.
17. The application site and wider Equestrian Centre site are situated within the countryside.
18. The wider site is well established and as all uses have been largely non-waste (or mineral or County Council related), Winchester City Council have been and are the relevant Local Planning Authority to date.
19. 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). There are no residential properties situated within 100m of the proposed site itself.
20. The site itself is not subject to any landscape, heritage or nature conservation designations.

21. There are no European or Nationally designated ecological or biodiversity sites within 1 kilometre of the proposed development. There are three locally designated Sites of Importance for Nature Conservation (SINCs) situated within 350m of the proposed site. These are locally designated and are the Horse Wood SINC (250m), Brook Wood SINC (280m) and Shedfield Common SINC (320m). Three areas of Ancient Woodland lie within 140 to 310m of the proposed site, to the north, south/south-east and south-west respectively.
22. Whilst the site is located in Flood Zone 1, the lowest risk zone (at risk from development), it is in part identified as being within the high to medium risk extent of flooding from surface water (see **Appendix E – EA Extent of Surface Water Flooding Map**). It is not situated in a designated sensitive groundwater area.
23. The Site is not an allocated site in the adopted [HMWP \(2013\)](#) or a safeguarded waste management site.

### **Planning History**

24. The site has no previous minerals or waste planning history. With the exception of the applicant's adjoining lawful site (CLEUD granted under Appeal ref: APP/Q1770/C/14/2219401), the application site and the wider Equestrian Centre site is well established and all uses have been non-waste (or mineral or County Council related) to date. Winchester City Council have been and are the relevant Local Planning Authority to date.

### **The Proposal**

25. The applicant seeks retrospective planning permission for the change of use of the site from open countryside to the open storage of recycled aggregate materials and the retention of an ancillary office and workshop. The purpose of this retrospective application is to provide additional areas over which materials can be stored, for more efficient use of the existing and adjoining successfully appealed CLUED Appeal ref: APP/Q1770/C/14/2219401 approved (2015) licensed inert waste handling operation (see **Appendix D - Site Layout Plan**).
26. The area to be extended has already been hard-surfaced. Only inert and non-hazardous waste is received, managed and processed by the approved adjoining waste handling operation.
27. According to the applicant, the application site has been operational as an unauthorised development storing processed recycled materials and for an office and a workshop (without any planning approvals) since November 2020.

28. The existing access route connecting the site to the Botley Road (A334) is not proposed to be changed. Access to the adjoining CLUED site (Appeal ref: APP/Q1770/C/14/2219401 approved (2015)) would be achieved through this proposed site (see **Appendix C - Site Location Plan**). Furthermore, the quantities of materials moved to and from this proposed site, and subsequently treated on the adjoining site, will also remain unchanged, as approved via the successfully appealed CLUED site. The same applies to the movements of the materials to be stored here - should planning permission be approved here - prior to use on the CLUED approved adjoining waste handling operation.
29. The successfully appealed CLUED (Appeal ref: APP/Q1770/C/14/2219401) facility adjoining this site's western boundary was approved to receive and handle an average annual volume of imported materials 46,000m<sup>3</sup>. This equates to approximately 69,000 tonnes of material per annum (approximating the weight of a m<sup>3</sup> of construction and demolition waste as 1.5 tonnes).
30. The applicant has stated that 30,500m<sup>3</sup> of material is exported from the site. Annually, this equates to approximately 45,750 tonnes. This was approved under the CLUED.
31. The site operates between the hours of 07:00 and 18:00, 7 days a week with an average of 48 HGV (two-way) movements per day, and a maximum of 100. These operations were approved under the CLUED.
32. The purpose of this retrospective application is to provide additional areas over which materials can be stored, for more efficient use of the existing and adjoining successfully appealed CLUED Appeal ref: APP/Q1770/C/14/2219401 granted (2015) licensed inert waste handling operation.
33. Only inert and non-hazardous waste is received, managed and processed by the approved adjoining waste handling operation. All products (recycled aggregate materials) requiring storage within the application site are inert and non-hazardous also.
34. The proposal itself would be undertaken on the hardstanding area, within several semi-sealed, open-topped storage bays (see **Appendix D - Site Layout Plan**).
35. The application site is gated (on its eastern and western boundaries) and surrounded by 1.5m high concrete walls. It includes a large single storey portacabin-style building both of which form part of the external north-eastern/eastern site boundary. This building is used as a driver reception area, for staff welfare facilities and offices. Recycled and sorted materials' storage bays are located around its periphery.

36. Assessments and information on the impacts from **Noise** and on **Air Quality, Landscape and Trees, Drainage, Ecology** have all been submitted to support the planning application.
37. All documents associated with the planning application can be found on the planning application [webpage](#).

### **Environmental Impact Assessment**

38. 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**

39. 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.
40. 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.
41. For the purposes of this application, the statutory development plan comprises the following.

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

42. 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 17 (Aggregate supply – capacity and source);

- Policy 18 (Recycled and secondary aggregates development);
- Policy 25 (Sustainable waste management);
- 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 \(emerging\)](#)

43. 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. Paragraph 48 of the NPPF (2023) states that Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). Plan making is currently at the [Regulation 19 draft plan consultation stage](#). The consultation period began on 9 January 2024 and ends on 5 March 2024. The update to the Plan and its associated policies are only emerging policy and have not reached the formal submission stage. Due to the status of the plan at this time, the policies cannot be given any weight.
44. 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 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 17 (Aggregate supply – capacity and source);
  - Policy 18 (Recycled and secondary aggregates development);



- Policy 25: Sustainable waste management;
- 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)**

45. 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)**

46. 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).

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

**[National Planning Policy Framework \(2023\)](#)** **(NPPF)**

48. 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)**

49. 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)**

50. 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)**

51. 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'; and
- Appendix B - Locational Criteria.

#### **[Planning Practice Guidance for Waste \(15 October 2015\) \(Live\) \(PPGW\)](#)**

52. 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 \(2021\) \(WMPE\)](#)**

53. 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 \(2011\)](#)**

54. 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; and
- Part 10 Enforcement.

## Consultations

55. 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/2022/0428#>
56. **County Councillor Lumby:** Requested the item be heard and determined by the Regulatory Committee.
57. **Winchester City Council - Planning:** Objected to the proposal as it would be contrary to Local Plan Policy MTRA4 (Development in the Countryside), through its proposed location within and impacts on the countryside and rural area. They add *“that the policy is restrictive of development within the countryside with specific exceptions including the onsite expansion of existing businesses. The location plan specified that the area would be outside of agreed employment area agreed as part of the appeal related to application 13/02238/HCS. As such it would not comply with this element of the policy. MTRA4 also allows for development where there is an operational need for a countryside location. The applicant states that the need for a countryside location is due to the proximity of the neighbouring site. This is not considered to be a robust justification for the expansion of the site into the countryside and therefore does not meet the requirements of MTRA4 or Policy 5 of the Hampshire Minerals and Waste Plan”*.

Further comments include disagreement with the applicant's statement that the site is previously developed land with WCC confirming that the only authorised use of the land has only ever been agricultural, that the applicant includes contradictory descriptions of and distances to proximate ecological receptors and designations, that distances to the nearest neighbouring properties are disputed and that numerous complaints have been received from the site's unauthorised activities.

Comments made by consultees regarding landscape and archaeology impacts are supported and highways and amenity-related impacts will be assessed by the relevant consultees matters concerning WCC enforcement activities at the site and the location of a group TPO area of Upper Dagwells Copse, adjacent to the site and the subject on ongoing prosecutions regarding unauthorised tree removals are also cited.

WCC conclude that if permission is resolved to be granted, conditions requiring a robust planting scheme with details of plants and sizing is recommended.

58. **Winchester City Council - Environmental Health Officer (EHO):** Recommends refusal as the assessments and monitoring undertaken and submitted in respect of air quality and noise and their impacts and effects, have not appropriately nor adequately assessed the impacts on the locality, including on the nearest residential properties to the application site. The

submitted noise assessment does not take into account the Winchester City Council's Technical Guidance for Noise 2022.

59. **Shedfield Parish Council:** Objection on the following grounds:

- The application site is situated in a fundamentally unsustainable location and is not in accordance with the HMWP;
- Lack of consideration of other residential accommodation is scattered and livestock uses on site;
- Impact on TPO woodland;
- 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;
- 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;
- Noise complaints have been made by residents to Environmental Health Officer, the Environment Agency and Hampshire County Council; and
- Other complaints about operations at the site.

60. **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.

61. **Natural England:** Initially requested further information in relation to air quality impacts on local ecological designations. Following receipt of further information, subject to dust management being secured by condition, no objection is raised.

62. **Environment Agency:** An Environmental Permit will be required for the proposed activities.

63. **Ministry of Defence:** No safeguarding issues.

64. **Southampton Airport:** No objection.

65. **Lead Local Flood Authority:** Despite receipt of further information, concerns still exist over the failure to demonstrate that the proposed use would not cause flood risk nor be adequately drained.
66. **Local Highway Authority:** Whilst concerns over the status and suitability for HGV traffic using the shared wider Equestrian site access junction with the A334 exists, it is understood that all traffic associated with this proposal would remain unchanged (in terms of type and number) as it has already been approved under the adjoining successfully appealed CLUED Appeal ref: APP/Q1770/C/14/2219401 granted (2015) licensed inert waste handling operation.

The applicant has been asked to investigate the potential for implementing any measures that could help with road safety measures at this junction but the application cannot be resisted on road safety and capacity grounds.

67. **County Arboriculturist (Hampshire County Council):** Opposed to proposal due to risk to nearby existing trees and to the success of any proposed trees as result of the unauthorised activities and operations. Whilst the information submitted throughout was low in quality and lacking in clear detail, particularly on trees/planting removed and with regard to the TPOs in place within the vicinity of the site, the recently submitted Arboricultural Impact Assessment (AIA) and tree surveys are helpful in showing what has been affected through the development of this facility. Should planning permission be recommended, tree and root protection plans, details of existing and proposed ground levels, strategic hard and soft landscape details (as required within Table B1 in BS 5837: 2012) and including details on species and types must be included and secured by condition/legal agreement.
68. **County Archaeologist (Hampshire County Council):** No objection.
69. **County Ecologist (Hampshire County Council):** No ecological concerns. Air quality concerns raised by Natural England have been addressed.
70. **County Landscape Advisor (Hampshire County Council):** Despite the submission of surveys and proposed mitigation, concerns are raised over the adverse impacts on the local landscape as a result of the removal of vegetation, trees and planting in and within the vicinity of the site and the subsequent installation of the hardstanding. Should planning permission be granted, the applicant's offer of being able to install boundary planting, with native species to help screen the site and mitigate trees and planting removed, along the southern/south-eastern external boundaries must be secured, through a detailed landscape management plan that includes a 5 year post-planting monitoring period to ensure how planting is managed and protected and replaced (if needed), by condition/legal agreement.

## **Representations**

71. Hampshire County Council's [Statement of Community Involvement \(SCI\)](#) 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.
72. 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. During the determination of the planning application, the previously adopted Statement of Community Involvement (2017) was replaced with [Hampshire Statement of Community Involvement \(2023\)](#). This altered some of the procedures for press advertisements. At all stages of the planning process, community involvement and public consultation has been in accordance with the adopted SCI at the time each stage was taking place.
73. As of 01 January 2024, a total of 25 representations from 11 individuals (some 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;
  - 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 activities;
  - Adverse noise and vibration impacts;
  - 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);
  - Lack of an adequate Transport Assessment;
  - 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 rural, agricultural/equestrian area is difficult to understand;

- Impact on nearby residents' amenity;
- 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.

74. 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:**

75. 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.

76. 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.

77. 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.

78. 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 is not located at a distance to be considered to have proximity to directly impact on the European designated sites.

79. 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

80. 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.
81. In terms of the carbon impact of the proposal, the applicant advises that Paragraph 152 in the [NPPF \(2023\)](#) 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.
82. 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.
83. 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 \(2023\)](#).

## Commentary

84. 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

85. This first section of the commentary summarises the main policy context for the proposal.

86. 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.
87. 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.
88. 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 storage facility for recycled aggregates - meets the requirements of Policy 29 is considered in more detail in the remaining part of this commentary.
89. Whether the proposal is considered to be in accordance with paragraph 11 of the [NPPF \(2023\)](#) 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

90. 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”.*

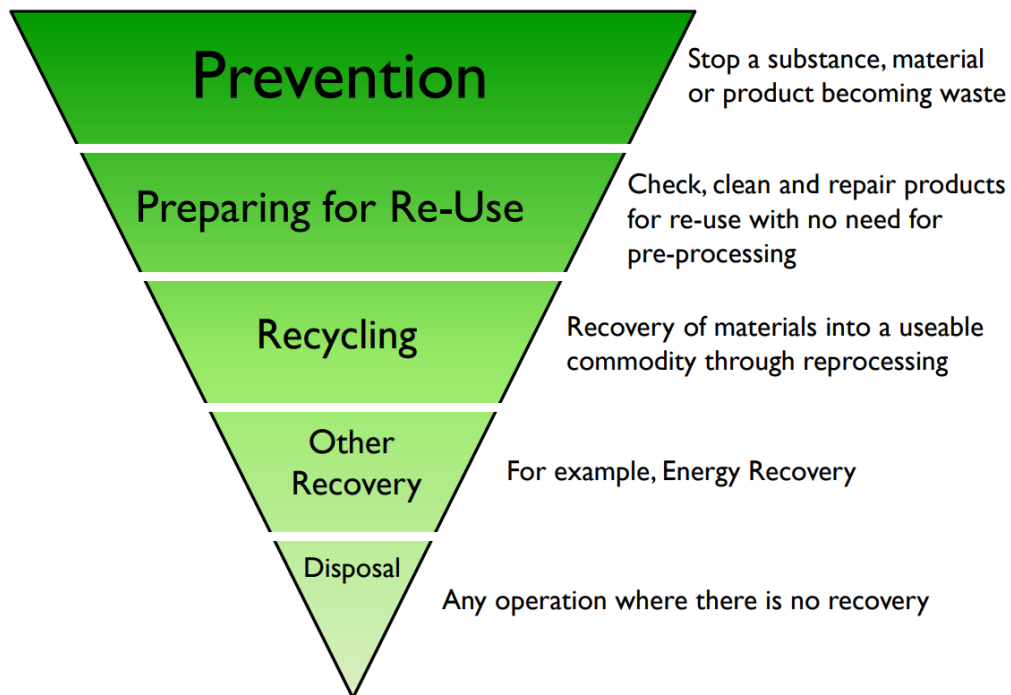
91. Furthermore, paragraph 7 requires that in the determination of waste planning applications, local authorities should:
- *“Only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local 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”.*
92. 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.*

93. Whilst the applicant has not provided specific details of any commercial customers or examples of local settlements/population centres where recycled waste materials are commonly and regularly delivered to, the site (of a new recycled aggregate storage facility) is recognised that it is both 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, and in terms of co-locating it close to an appropriate neighbouring site/facility. The acceptability of the scheme in relation to highway impacts is considered later in this commentary section.
94. In addition to contributing to the 'strategic' need for finding, providing and protecting sites such as the one proposed here, the applicant has a commercial 'need' to find a site to store recycled aggregates produced at the adjoining successfully appealed CLUED Appeal ref: APP/Q1770/C/14/2219401 granted (2015) licensed inert waste handling operation. As previously concluded having good transport links to both local and regional road networks (here including to the M27, the A32 and the A27 and A3, and the A31), as well as to sources of and/or markets for the type of waste currently being managed is a key factor in determining acceptable waste management sites and facilities throughout the county.
95. 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 recycled aggregate storage facility that will contribute to the Plan objective of dealing with 2.62 million tonnes per annum (mtpa) of non-hazardous waste by 2030, through its ability to improve the operational efficiency of the applicant's approved (2015) licensed inert waste handling operation.
96. The application 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.
97. On the basis of the recycled aggregate storage 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 \(2013\)](#).
98. Whilst the emerging update to the HMWP cannot be given any policy weight in decision making at this stage, the proposal would be considered to meet the provisions of emerging Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development).

## Application of the waste hierarchy

99. 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 (as amended). 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.
100. 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.
101. 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.
102. 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*

103. 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 storage of increased volumes of recycled aggregate following processing of imported non-hazardous waste materials, 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.
104. Whilst the emerging update to the HMWP cannot be given any policy weight at this stage, the proposal would be considered to meet the provisions of emerging Policy 25 (Sustainable waste management).

*Suitability of site location and alternatives*

105. 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.
106. Paragraphs 2.1 and 6.6 of the applicant's Planning Statement state 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 by the City Council.

107. From looking at City Council aerial photographs of the site and the wider Equestrian Centre site, it appeared to be an 'undeveloped' greenfield and woodland use (see **Appendix F – WCC Aerial Photograph (2000)**). The City Council's 2013 aerial photograph showed the site, with the exception of the access road dissecting it, still appearing to be undeveloped greenfield characterised with trees adjoining its south-eastern corner in 2013 (see **Appendix G – WCC Aerial Photograph (2013)**). The loss of natural greenfield ground conditions and the installation of hardstanding and other infrastructure at the application site and on adjoining land has been undertaken in the interim period (see **Appendix H – WCC Aerial Photograph (Latest version)**). The applicant advises that the site was 'developed' without the benefit of planning permission between September 2018 and November 2020.
108. Whilst there is disagreement between the applicant and the Local Planning Authority (Winchester City Council (WCC) - that has historically regulated the application site and the majority of the wider Equestrian Centre) on the planning status of the land in question, there is agreement that the applicant/landowner and/or parties known to them are responsible for numerous unauthorised uses, operations and activities that have been and are being undertaken here, and which are all material to the consideration and determination of this application.
109. 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'*.
110. In relation to 3 (a), the application site is located outside the Strategic Road Corridor (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).
111. In relation to 3 (b), the applicant advises that the site is 'needed' to meet a commercial 'need' to find a site to store recycled aggregates produced at the adjoining successfully appealed CLUED Appeal ref: APP/Q1770/C/14/2219401 approved (2015) licensed inert waste handling

operation. With the application site adjoining the permitted processing facility, it is debatable as to whether or a demonstrable 'special' need exists.

112. Whilst waste management uses such as this one are usually 'encouraged' to be sited suitably within urban areas/settings, previously developed land and/or commercial/industrial estates (as per part 2 of Policy 29), this unauthorised waste management site has not been. This is despite the applicant's description of the site and wider Equestrian Centre as being approved as commercial and industrial land uses. This is not the case as previously confirmed by Winchester City Council.
113. The applicant rightly states that some waste management uses and facilities can be located acceptably within the countryside. However, these are usually sites and activities that require more isolated locations such as anaerobic digestion (AD). With waste management facilities and activities such as these a more remote location might be required to ensure matters like visual screening, traffic movements, the screening of potential noise and/or air quality (including odour) are all adequately controlled. In some cases the acceptability of a proposal can be solely due to the site's remote nature providing its mitigating factors. This is not the situation here and the application site cannot be described as being 'remote' in nature.
114. 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 beyond it simply bordering the applicant's approved (2015) licensed inert waste handling operation. It is therefore difficult to ascertain if there is a 'special need' in planning policy terms for this development in this location.
115. Whilst need and co-location - in terms of the facility adjoining the applicant's extant and adjoining waste processing facility – have both been established, the application has not provided any clear information on the special need for locating here. 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 \(2013\)](#).
116. The applicant has indicated that, 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. No other alternative sites were discussed within this section of the applicant's justifications or within supplementary responses for information to the Mineral and Waste Planning Authority



117. 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 site's location has been specifically demonstrated and a special need
118. Whether this site is considered to be a suitable location for a recycled aggregates storage facility is covered by the remaining sections of this commentary, through the assessment of its acceptability in relation to landscape, ecology, highways, water environment and other matters.

#### Development in the countryside

119. 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 by Winchester City Council.
120. 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.
121. Paragraph 130 of the [NPPF \(2023\)](#) 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.
122. 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.

123. 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.
124. However, the applicant has indicated that the site is 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'.
125. The City Council have objected to the 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.
126. 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 the extension area location.
127. 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.

128. Concerns have been raised as part of the consultation process in relation to impacts on the countryside and rural setting and these are acknowledged.
129. Whilst it is acknowledged that the application site is not highly 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 historic activities in and around the site and related ongoing enforcement action on adjoining sites and land could affect the appearance of the site and its impact visually on the locality. Landscape and visual impacts are covered in a separate section of this commentary.
130. 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 \(2017\)](#).
131. Whilst the emerging update to the HMWP cannot be given any policy weight in decision making at this stage, the proposal would still not be considered to meet the provisions of emerging Policies 5 (Development in the countryside) and 29 (Locations and sites for waste management).

### Ecology

132. Paragraph 174 of the [NPPF \(2023\)](#) 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.

133. 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.
134. 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).
135. 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.
136. The retrospective nature of the facility involving the formation of hardstanding on agricultural/rural land capable of the storage of processed materials is unlikely to have had ecological impacts during construction. The site's storage bays and external walls and fencing all appear to be in a reasonable distance from the woodland edge. There will be an increase in noise and dust operationally although no processing of waste materials is proposed to take place here as those operations are undertaken on the adjoining permitted CLUED site. The dust and noise levels arising from the movements of processed materials into the application for storage will be monitored and are considered to not be significant to the woodland adjacent to the proposed recycling facility.
137. Initially, Natural England responded asking for further information and clarification on matters relating to dust control and management. The

County Ecologist indicated that their concerns had already been addressed.

138. In the response to the submission of updated information, Natural England noted that any dust or air quality impacts arising on the nearest ecological designations could be adequately controlled through the imposition of a condition requiring dust control and management. 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 such a scheme.
139. There was no other specific Biodiversity Net Gain (BNG) requirement requested by consultees in relation to this site. BNG is not currently mandatory and will only apply to applications submitted after the mandatory date.
140. 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 \(2013\)](#).
141. Whilst the update to the HMWP cannot be given any policy weight in decision making at this stage, the proposal would be considered to meet the provisions of emerging Policy 3 (Protection of habitats and species).

#### Visual impact and landscape

142. Part 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. Part d. 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 \(2013\)](#).
143. 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.
144. The application site and its access road runs through, the 'Shedfield Heathlands' Landscape Character Area (LCA), which comprises 'Hort and small holdings'. This character type is 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-west and west of the application site.

145. The applicant has asserts that Policy 13 of the [HMWP \(2013\)](#) is fulfilled as the proposed storage facility does not cause unacceptable adverse visual impact by virtue of:
- the small-scale nature of the facility;
  - the absence of public rights of way nearby; and
  - the absence of nearby residential uses.
146. The applicant has also indicated that the facility is only appreciated within the context of other commercial and industrial development, specifically that 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 matter.
147. In relation to Policy DM23, the applicant's view is 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 and activities close to the application site and due to the removal of greenfield land and trees including TPO areas, therefore the proposal would result in visual impacts to the countryside. The County Council's Arboricultural and Landscape Advisors have also commented on the application site's appearance and its impacts on the local landscape.
148. With the exception of boundary fencing, gates and office building no significant 'screening' or 'barriers' are proposed to mitigate views into and out of the application site. The design and materials of the boundary fencing, gates and building are not considered to enhance or preserve the area's 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. The removal of vegetation and trees from the application site and its surrounds also contributes to the detrimental impact on the 'countryside feel' here.
149. In terms of landscape aspects, initially, the County Council's Landscape Architect objected to the proposal. The combination of the site's utilitarian and industrial appearance and the open nature of the site within the local landscape are considered to be inappropriate and would have an unacceptable and adverse impact on the local landscape and its character. The removal of vegetation and trees both within the application site and the land and sites adjoining it (including TPO trees) has also opened up views into and out of the site from within the wider Equestrian Centre site (due west, north and east) and neighbouring land and properties (due south).
150. The Landscape Architect advised that despite the submission of surveys and proposed mitigation, concerns remain over the adverse impacts on the local landscape as a result of the removal of vegetation, trees and planting in and within the vicinity of the site and the subsequent installation of the hardstanding.

151. The Landscape Architect further advised that should planning permission be granted, in order to soften the overall adverse impact on the local landscape and its character, as a minimum, the applicant's offer of being able to install boundary planting, with native species to help screen the site and mitigate trees and planting removed, along the southern/south-eastern external boundaries must be secured, through a detailed landscape management plan that includes a 5 year post-planting monitoring period to ensure how planting is managed and protected and replaced (if needed).
152. Notwithstanding the submitted and accepted mitigation, whilst the impact of the development on the wider landscape, and on the wider setting and wider landscape character, could be considered to be low, the visual impact on the site's immediate surroundings and locality posed by this industrial development is not considered to be so. On the basis of the information before the Mineral and Waste Planning Authority at this time, the proposal is considered to have an unacceptable visual impact and is therefore is 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.
153. Whilst the emerging update to the HMWP cannot be given any policy weight in decision making at this stage, the proposal would still not be considered to meet the provisions of emerging Policy 11 (Protecting public health, safety, amenity and well-being).

#### Arboriculture

154. 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.
155. There are no existing trees or other vegetation on the application site. However, prior to the site's clearance and the installation of the hardstanding between 2018 and 2020 trees and planting were present on what was an undeveloped, greenfield and woodland site (as shown through **Appendices F, G and H**), The hardstanding was installed without planning approval and the trees (including TPO areas) were removed without consent according to Winchester City Council. The TPO affected area can be seen in **Appendix I - WCC TPO area of Upper Dagwells Copse**.
156. As already noted, Winchester City Council has indicated that the enforcement action is being taken on the unauthorised uses and activities on and close to the application site due to the removal of greenfield land and trees including TPO areas, which is currently subject to prosecution for unauthorised works to remove trees. Therefore, the proposal would result in visual impacts to the countryside. However, whilst this is outside of the

planning application area, it would have formed part of the application site up until 2013 (see **Appendix G - WCC Aerial Photograph (2013)**), and prior to 2018 when the development of the site commenced according to the applicant.

157. The County Arboriculturist requested further information in order to be able to provide meaningful comments on the application. The applicant provided further information on arboricultural issues which responded to the comments received from the County Council's Arboricultural team throughout 2023 and WCC's ongoing prosecution case for unauthorised tree (TPO) removal.
158. The applicant has confirmed that no operations take place within the root zones of the nearest trees, which would be protected, and proposed compensatory planting with a mix of trees, plants and vegetation species' to be agreed should planning permission be granted.
159. 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 could ensure no adverse impacts would be caused should planning permission be granted.
160. 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 remaining protected trees (TPOs) from unnecessary damage and destruction.
161. Whilst the update to the HMWP cannot be given any policy weight in decision making at this stage in the process, the proposal would be considered to meet the provisions of emerging Policies 11 (Protecting public health, safety, amenity and well-being) and 14 (High quality design of minerals and waste development).

#### Design and sustainability

162. The [Planning Act 2008](#) places great importance on good design and sustainability. Paragraph 126 of the [NPPF \(2023\)](#) 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 \(2023\)](#) 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 \(2023\)](#)



also advises that permission should be refused for development that is not well designed.

163. 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.
164. 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.
165. It is worth noting that the installation of the facility, including its hardstanding and associated infrastructure, 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 and other activities across the wider Equestrian Centre site.
166. The reality is that the development is already on site so the focus here is on whether the design is considered to be acceptable.
167. 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 (including the adjoining granted CLUED facility), 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.
168. 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 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 \(2013\)](#) that state new development will be expected to.

169. 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.
170. 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 \(2013\)](#).
171. Whilst the update to the HMWP cannot be given any policy weight in decision making at this stage in the process, the proposal would still not be considered to meet the provisions of emerging Policies 11 (Protecting public health, safety, amenity and well-being) and 14 (High quality design of minerals and waste development).

#### Cultural and archaeological heritage

172. Paragraph 130 of the [NPPF \(2023\)](#) 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 [NPPF \(2023\)](#) 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*'.
173. 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.

174. 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.
175. Despite having initial concerns over the potential loss of the ability to examine natural ground conditions and the impacts from ground disturbance works, through the installation of the present hardstanding, the County Archaeologist raised no objection to the proposal as there are no archaeological sites or deposits currently recorded at or close to 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 \(2013\)](#).
176. Whilst the update to the HMWP cannot be given any policy weight in decision making at this stage, the proposal would still be considered to meet the provisions of emerging Policy 7 (Conserving the historic environment and heritage assets). the proposal would still not be considered to meet the provisions of emerging

#### Impact on public health, safety and amenity

177. 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'*.
178. 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’.*

179. 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](#)
180. 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.

*a) Emissions to the atmosphere (air quality) including dust:*

181. It is acknowledged that the main impacts of this proposal would relate to potential dust emissions from transportation of processed materials from the applicant’s adjoining approved CLUED inert waste processing facility to this site and its unloading and storage on site prior to
182. No links between air quality and ecological impacts have been raised by consultees. The County Council’s Ecologist had no concerns and Natural England was content that airborne emissions from the proposal would not be considered to have a significant impact to the nearby flora and fauna, providing that dust management is conditioned.
183. Whilst concerns were raised by the EHO in relation to air quality and principally the applicant’s lack of detailed assessments, it is acknowledged that the adjoining CLUED processing facility benefits from an Environment Agency issued Environmental Permit and dust management measures that would continue to be employed. The application site would not involve any waste recycling and processing activities only storage and so would be unlikely to generate problematic and unacceptable emission to air.
184. 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 management measures and mitigation in force on the adjoining CLUED site.
185. On this basis, the proposal is not considered to have any unacceptable air quality impacts.

*b) Emissions to land:*

186. 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:*

187. 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:*

188. In addition to Policy 10 of the HMWP (2013), Policy DM20: Development and Noise of the [WCCLP Pt2 \(2017\)](#) is also of relevance here.

189. A **Noise Impact Assessment** by Venta Acoustics was submitted to support the planning application.

190. 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 Mineral and Waste Planning Authority. The EHO also confirmed that 'many complaints had been made' about the site and its activities. The Mineral and Waste Planning Authority can only comment on those which are submitted directly to the County Council.

191. In terms of complaints received since the planning application was first submitted in late 2022, the Mineral and 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 this Lockhams site specifically.

192. The Environmental Health Officer (EHO) has repeatedly rejected the applicant's submitted **Noise Impact Assessment**, including its monitoring methodologies and locations, and its conclusions stating that the development would not create any unacceptable and adverse noise-related impacts locally and on local amenity and to the local population.

193. The EHO raises the following concerns to the assessment undertaken and recommends refusal to this application for the following reasons:

- *The report was produced for the Permit of the site and does not directly report the activities that will be undertaken within the application area.*

- *The nearest residential properties have not been accounted for in the assessment, as further residential properties have since been constructed or approved via LDC. It is recommended that the consultant contact the planning department of Winchester City Council to establish the nearest residential properties to the application.*
- *The monitoring period included a bank holiday and this is not considered to generate representative background noise levels.*
- *There is no reference made in the report as to whether the site was operational during the monitoring period and if so then the measurements are no representative.*
- *I would query the whether the lack of any meteorological data in the report. A review of historical data indicate recorded wind speeds in the monitoring location greater than 5m/s making any results from remote monitoring questionable.*
- *No time interval has been stated for the assessments undertaken on each piece of equipment. There is also no reasoning for the differences in distances at which the equipment has been measured.*
- *The noise impact from equipment on site has been assessed in isolation and the report does not consider the cumulative noise impact of the machinery on site. As the site is active a 'real time' assessment of the site would have also have been expected and comparison made to the calculated figures.*
- *Reference is made to barriers in the report as a source of mitigation, however the locations or specification of these barriers are not referenced further.*
- *The report due to its age does not take into account the Winchester City Council's Technical Guidance for Noise 2022.*

194. Whilst the EHO's position and concerns are understood and acknowledged, it has to be remembered that the application being considered is solely for the retrospective storage of processed aggregates and not the processing of the imported waste materials by the applicant that created the aggregates on the adjoining CLUED site granted on Appeal (APP/Q1770/C/14/2219401 (see **Appendix D - CLUED Site Layout Plan**).
195. In allowing the applicant's Appeal granting the adjoining CLUED site and all of its processing and recycling activities and operations in 2015, the Inspector approved it as an acceptable land use within this area of the wider Equestrian Centre site.
196. This approval included the type and volumes of waste being imported, the nature and scale of recycling processes (including equipment and machinery use), the hours of use, HGV movements and most importantly determined that the CLUED site could and would operate acceptably in this location, including with regard for protecting and maintaining local amenity and the quality of life of neighbours, whether they are neighbouring agricultural/equestrian/ commercial/residential uses and activities, and ensuring impacts through noise and to air quality for example were mitigated.
197. The successfully appealed CLUED (Appeal ref: APP/Q1770/C/14/2219401) facility adjoining this site's western boundary was approved to receive and

handle an average annual volume of imported materials 46,000m<sup>3</sup>.(approximately 69,000 tonnes) of material per annum. The applicant has stated that 30,500m<sup>3</sup> of material is exported from the site annually (equates to approximately 45,750 tonnes).

198. The site operates between the hours of 07:00 and 18:00, 7 days a week with an average of 48 HGV (two-way) movements per day, and a maximum of 100. These operations were approved under the CLUED and would remain unchanged should this application be approved.
199. The application site under consideration would allow permitted HGVs to travel through it when exporting processed aggregates from its storage areas and again, these movements would be taken via the wider Equestrian Centre's existing junction with the A334 Botley Road.
200. The adjoining CLUED processing facility also benefits from having an Environmental Permit to operate, granted and regulated by the Environment Agency. The Permit also contains controls to mitigate impacts from noise, dust, vibration and odour arising during processing and recycling operations. The Environment Agency has not indicated that their Permit and its mitigatory measures are not working and have not raised any concerns directly to the Mineral and Waste Planning Authority.
201. The concerns raised over the quality and adequacy of the **Noise Impact Assessment** by the EHO in that it could and should have been better informed before submission and responded to more positively by the applicant is relevant and is acknowledged. However, the combination of the application only being for the retrospective storage of already processed aggregates from the applicant's adjoining facility, the retention of the existing mitigation measures employed through the adjoining facility's CLUED (Appeal ref: APP/Q1770/C/14/2219401) as well as that employed through the EA's Environmental Permit, coupled with no substantiated complaints having been received about the application site itself, lead the Mineral and Waste Planning Authority to agree that unacceptable and adverse impacts from noise on the locality and to those living and working nearest to the site would be unlikely.
202. Whilst the CLUED does not restrict working rather it confirmed that activities are lawful - on Sundays and recognised Bank and Public Holidays, the applicant has advised that these days are rarely worked and restrictions could be imposed on the application site to ensure it was not operating at these more sensitive and unsociable days and times.
203. In the event that planning permission were to be granted, a condition or conditions could be included in relation to working in accordance with the lawfully approved mitigatory controls being employed within the approved CLUED facility (Appeal ref: APP/Q1770/C/14/2219401) and in order to ensure noise emissions were controlled continuously, a noise management / monitoring scheme would be imposed to ensure that the nearest sensitive

receptors (usually residential properties but not exclusively) were protected throughout as a result of the cumulative land uses operating simultaneously.

204. On this basis, the proposal is not considered to have any unacceptable noise or vibration impacts from on-site operations.

*e) Lighting:*

205. For the avoidance of doubt, no external lighting beyond that associated with the office building and on plant, machinery and vehicles using the site, is proposed as part of the development.

*f) Odour:*

206. The storage of processed, inert waste materials would not include waste types that are odorous in nature. Nonetheless, this matter would be regulated through an Environmental Permit by the Environment Agency.
207. 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.
208. On this basis, the proposal is not considered to have any unacceptable odour and air quality impacts from on-site operations.

*g) Cumulative impacts:*

209. 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.
210. 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 in the same way as the lawfully approved mitigatory controls being employed within the approved CLUED (Appeal ref: APP/Q1770/C/14/2219401) have been., Conditions controlling 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.
211. Taking all matters into account, including the Environmental Permit that controls and regulates all on-site waste-related matters 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 \(2017\)](#).



212. Whilst the update to the HMWP cannot be given any policy weight in decision making at this stage in the process, the proposal would still be considered to meet the provisions of emerging Policies 11 (Protecting public health, safety, amenity and well-being).

#### Impact on surface or groundwaters and flooding

213. 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).
214. 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.
215. 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.
216. The applicant has only submitted limited water-related information pertaining to the application site. Prior to the installation of the hardstanding the application was undeveloped agricultural land as can be observed on land surrounding this site and some of its neighbouring sites within the wider Equestrian Centre.
217. The site is situated within Flood Zone 1. It is considered to be at a low risk of flooding from most sources of development. That is development that is appropriately located, installed, operated and maintained. The applicant advises that no foul water facilities are present on site with toilet facilities nearby used by staff.
218. The Environment Agency raised no concerns in relation to the pollution of surface water and risk to groundwater, confirming that the storage facility would require an Environmental Permit that would ensure emissions that could enter the water environment and adversely affect its quality, would be controlled to acceptable environmental standards. No issues relating to contamination of land and to soils has been raised by the Environmental Health Officer (EHO) either.

219. The Lead Local Flood Authority (LLFA) was consulted on this application. Their initial comments from the original submission stated that further information was required to fully consider the impacts of the proposal on the water environment. They advised:

*The application is for a 0.32 hectare site within Flood Zone 1 comprising hardstanding and ancillary buildings. A surface water flood flow path exists through the site, with some areas at high risk of surface water flooding. The layout and use of the site should consider this flow path. Surface water drainage appears to have not been considered in this application. We require the following information for a commercial development of this scale:*

- *Topographic survey;*
- *Existing drainage system details;*
- *Discharge rates, volumes and overland flow paths for the undeveloped site;*
- *Site investigation information, e.g. infiltration test results;*
- *Detailed drainage strategy, to include confirmation of a discharge location, assessment of flood risk, drainage layout, hydraulic calculations and exceedance flow routes;*
- *Water quality information for the proposed drainage system using the simple index approach; and*
- *Maintenance information for the drainage system.*

220. The LLFA added that they were uncertain if the hardstanding that forms the base of the unauthorised storage facility had been approved when installed. If it had, it could mean that the existing site's drainage system and strategy had also been approved. With a surface water flood flow path existing through the site some areas are at high risk of surface water flooding (see **Appendix E – EA Extent of Surface Water Flooding Map**). This would be key for them in assessing the proposal and its risks to the water environment.

221. Policy 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) states that minerals and waste development in areas at risk of flooding should:

- a. not result in an increased flood risk elsewhere and, where possible, will reduce flood risk overall;
- b. incorporate flood protection, flood resilience and resistance measures where appropriate to the character and biodiversity of the area and the specific requirements of the site;
- c. have site drainage systems designed to take account of events which exceed the normal design standard; and
- d. not increase net surface water run-off; and
- e. if appropriate, incorporate Sustainable Drainage Systems to manage surface water drainage, with whole-life management and maintenance arrangements.

222. In response to the LLFA's request for further information, the applicant confirmed that surface water from the site drains into gullies adjacent to the yard discharging into the adjacent pond. The applicant also confirmed that a topographic survey was being obtained to provide a more informed drainage strategy for the site.

223. Further responses from the applicant have not provided the information originally required nor the topographic survey promised. No confirmation of approvals in terms of surface water drainage have been provided and none are held by the LLFA either. The LLFA add that they would have them if they had been consulted on the installation of the hardstanding whether through the Planning regime or the Consenting regime covering works to ordinary watercourses i.e. the surface water flood flow path existing through the application site (see **Appendix E – EA Extent of Surface Water Flooding Map**).
224. In the continuing absence of any of the requested and required information (within the last two submissions), proof of what does exist in terms of surface water drainage, and with the site having been converted from a greenfield, agricultural land use to a hardstanding being used for aggregate storage without the requisite approvals, the risk to the surface water environment has not been assessed adequately and neither has any mitigation been proposed to compensate for the missing information.
225. The LLFA's continuing need for confirmation that surface water flow path running through the application site has been retained remains outstanding and without confirmatory plans and the continuation of unauthorised activities across the hardstanding-topped site, the risk to surface water drainage and flood risk has not been satisfactorily addressed for what would be a permanent proposed change to the land use.
226. On the basis of information provided, the proposal is considered not to have demonstrated that it can be situated and drained safely and that it would not create flood risks to the site and its immediate surroundings and is not in accordance with Policy 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) and Policy CP17 (Flooding, Flood Risk and the Water Environment) of the [WCCLP Pt 1 \(2013\)](#).
227. Whilst the update to the HMWP cannot be given any policy weight in decision making at this stage, the proposal would still be considered not to meet the provisions of emerging Policy 12 (Flood risk and prevention).

#### Links to Environmental Permitting

228. 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](#)).
229. Planning and permitting decisions are separate but closely linked. The Environment Agency (EA) has a role to play in both.

230. 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.
231. 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.
232. 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.
233. The Environment Agency (EA) has advised that the storage facility requires an Environmental Permit to operate. 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.
234. The Mineral and Waste Planning Authority would notify the EA once a decision has been made on this planning application, and it would be up to the EA to decide if this materially affected the extant permit.
235. 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

236. Paragraph 110 of the [NPPF \(2023\)](#) 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.*

237. In addition, paragraph 111 of the [NPPF \(2023\)](#) 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.
238. Policy 12 (Managing traffic) of the [NPPF \(2023\)](#) 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.
239. 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.
240. 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.
241. The application site is to be served by existing vehicular accesses on its eastern and western boundaries. The former would take HGVs to and from the A334 through the wider Equestrian Centre site and the latter would allow access to HGVs as well as plant and machinery from the adjoining

facility's CLUED (Appeal ref: APP/Q1770/C/14/2219401) also operated by the applicant.

242. A **Transport Statement** was not submitted with the application. Limited highways-related information allowed the Local Highway Authority to understand the following:

- *Access to the highway network is via an existing entrance off Botley Road which is in regular daily use by commercial vehicles and HGVs;*
- *The speed limit along this section of highway is 40mph;*
- *Looking north-west from the access onto the Botley Road, visibility is approximately 300m, whilst to the south-east visibility is approximately 150m (no visibility splay diagrams have been provided);*
- *The site generates around 45 HGV movements per day to and from the site; and*
- *The continued use of the site will not generate any additional movements as the proposal simply seeks to use available land more efficiently. It is anticipated that HGV movements will actually decrease as the applicant now owns their own fleet of HGV which meet the needs of the facility, and park on site when not in use (overnight). Therefore, 3rd party hauliers are no longer required to supplement the volume of material and hence fewer movements take place.*

243. Based on this initial submission, the Local Highway Authority came to the following conclusion:

*Further information needs to be provided. Although an existing access is being utilised it is not known whether the visibility splays are adequate for the measured speed of the road. A **Transport Statement** should be provided that includes:*

- *Speed and volumetric data for the A334 in the vicinity of the site;*
- *Visibility splays for the 85th percentile recorded speeds from the site access;*
- *5 year Personal Injury Accident (PIA) data for 1km either side of the site entrance for the latest 5 years should be obtained directly from Hampshire Constabulary;*
- *Full tracking for the largest vehicles accessing the site (with opposing flows tracked at the same time); and*
- *It is also noted that the site is currently only operating at a quarter of the throughput limit of 75,000t a year imposed by the Environment Agency and the applicant needs to clarify whether the throughput (and therefore vehicles numbers) is likely to increase in future years.*

*From a review of the information contained in the application I am unable to make a recommendation due to lack of information.*

*Should you wish to determine this application in the absence of this information being provided, I would recommend that the application be refused for the following reasons:*

*In the opinion of the Planning Authority the proposal involves development that cannot be reconciled with the National Planning Policy Framework and Hampshire County Council Minerals and Waste Plan (2013) Policy 12 in that the proposed*

*access is inadequate to accommodate the development safely. This would result in an unacceptable impact on the safety of users of the development and adjoining highway contrary to the NPPF and Hampshire County Council Minerals and Waste Plan.*

*On the basis of the information submitted, it has not been demonstrated that the traffic generated by the proposal and the increase in vehicle movements will not cause severe highway safety and capacity impacts on the local highway network. As such the proposal is considered to be contrary to Policy 12 (Managing traffic) of the HMWP (2013).*

244. Whilst the Local Highway Authority's position and concerns are understood and acknowledged, it has to be remembered that the application being considered is solely for the retrospective storage of processed aggregates and not the processing of the imported waste materials by the applicant that created the aggregates on the adjoining CLUED site granted on Appeal (APP/Q1770/C/14/2219401 (see **Appendix D - CLUED Site Layout Plan**).
245. As previously noted, in allowing the applicant's Appeal granting the adjoining CLUED site and all of its processing and recycling activities and operations in 2015, the Inspector accepted it as an established land use within this area of the wider Equestrian Centre site.
246. The granted CLUED confirmed the type and volumes of waste being imported, the nature and scale of recycling processes (including equipment and machinery use), the hours of use, HGV movements and most importantly accepted that the CLUED site could and would operate acceptably in this location, including with regard for both road safety conditions and highway capacity on the local road network. No improvement works were deemed to be required as part of the allowed CLUED appeal by the Inspector.
247. The successfully appealed CLUED (Appeal ref: APP/Q1770/C/14/2219401) facility adjoining this site's western boundary was accepted to receive and handle an average annual volume of imported materials 46,000m<sup>3</sup> (approximately 69,000 tonnes) of material per annum. The applicant has stated that 30,500m<sup>3</sup> of material is exported from the site annually (equates to approximately 45,750 tonnes).
248. The site operates between the hours of 07:00 and 18:00, 7 days a week with an average of 48 HGV (two-way) movements per day, and a maximum of 100. These operations were accepted under the CLUED and would remain unchanged should this application be approved.
249. The application site under consideration would allow permitted HGVs to travel through it when exporting processed aggregates from its storage areas and again, these movements would be taken via the wider Equestrian Centre's existing junction with the A334 Botley Road.

250. The concerns raised over the quality and adequacy of the **submitted traffic and highways information** by the Local Highway Authority in that it could and should have been better informed before submission and responded to more positively by the applicant is relevant and is acknowledged. However, the combination of the application only being for the retrospective storage of already processed aggregates from the applicant's adjoining facility and the retention of the approved daily two-way HGV movements and associated imported waste material volumes employed through the adjoining facility's CLUED (Appeal ref: APP/Q1770/C/14/2219401) lead the Mineral and Waste Planning Authority to agree that unacceptable and adverse impacts on the local road network in the locality nearest to the site would be unlikely.
251. The site has an existing access from the A334 Botley Road into the adjacent Equestrian Centre with direct access to the proposed storage facility via a tarmacked road. The current access is associated with the permitted use for the wider Equestrian Centre and adjoining CLUED site, the latter as granted by the Inspector who allowed the successful CLUED appeal (Appeal ref: APP/Q1770/C/14/2219401) in 2015 and, as a result, this access has not been demonstrated to be unsuitable for the proposed retrospective use.
252. Discussions about trying to improve the existing access junction between the wider Equestrian Centre and the A334 between the Mineral and Waste Planning Authority, the applicant and the Local Highway Authority have taken place despite there being no planning justification through this proposal to formally require any. Matters including the movement of signage and other obstructions in the vicinity along with the raising of the internal access road to a level similar with that of the A334. They have not been progressed any further at this time. There are a number of landowners who would be affected and who would need to sign up to any of these works. If the applicant wishes to progress any of these further the Mineral and Waste Planning Authority remains keen to discuss and liaise with other interested parties.
253. On the basis of the information before the Mineral and Waste Planning Authority at this time, the proposal is 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 \(2023\)](#). This is on the basis that the no additional HGVs nor HGV movements form part of the proposal under consideration.
254. Whilst the update to the HMWP cannot be given any policy weight in decision making at this stage, the proposal would be considered to meet the provisions of emerging Policy 12 (Managing traffic).

#### Socio-economic impacts



255. Paragraph 7 of the [NPPF \(2023\)](#) 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 \(2023\)](#) incorporates planning policy in relation to the socio economic effects of development. Specifically, paragraph 81 of the [NPPF \(2023\)](#) 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'*.
256. 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)'*.
257. 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

258. 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.
259. 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.
260. 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 Lockhams site specifically, which is the subject of this planning application.
261. 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.

262. 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.
263. 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.
264. Whilst Waste Planning Authorities work closely with the Environment Agency on regulating waste management facilities, through the Planning and Permitting regimes, only the Environment 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. Any enforcement activity to date associated with this site has been undertaken by Winchester City Council and the Environment Agency.

#### Non-material matters and other matters

265. Concerns were also raised about criminal offences 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.
266. 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.
267. 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.

#### **Conclusions**

268. The balance of the potential impacts and proposed mitigation has been set out in the commentary section of this report.
269. 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.
270. The planning balance in this case is a matter of weighing the potential impacts of the proposal set against the need for waste management capacity, and most specifically, the need for recycled aggregate storage facilities.
271. Based on the information before the Mineral and 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 of the Hampshire Minerals & Waste Plan, Policy MTRA4 of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013)) and Policy DM10 of Winchester City Council Local Plan Part 2 (2017)). Furthermore, the visual impacts (Policies 5, 10 and 13 of the Hampshire Minerals & Waste Plan, Policy CP13 of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM23 of the Winchester City Council Local Plan Part 2 (2017)) and flood risk impacts (Policy 11 of the Hampshire Minerals & Waste Plan and Policy CP17 of the Winchester City Council Local Plan Part 1 (2013)) of the proposal are considered to be unacceptable. These matters do not outweigh the recognised need for increased levels of secondary aggregate production (and here the storage of) (Policies 17, 18 and 27 of the Hampshire Minerals & Waste Plan) within the County. Taking all matters into account, the proposal is considered to be contrary to Policy 1 (Sustainable minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) and paragraph 11 of the National Planning Policy Framework (2023) as the proposal does not constitute a sustainable minerals and waste development.
272. Therefore, it is therefore recommended that permission is **REFUSED**.

### **Recommendation**

273. 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, the location of the proposal has not been adequately justified in terms of its need for being located in the countryside, and is 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);

- b) On the basis of the information submitted, and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in an unacceptable visual impact on the locality c 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); and
- c) On the basis of the information submitted, it is considered that the proposal has not demonstrated that it can be situated and drained safely and that it would not create flood risk to the site and its immediate surroundings contrary to the requirements of Policy 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013) and Policy CP17 (Flooding, Flood Risk and the Water Environment) of the Winchester City Council Local Plan Part 1 (2013).

274. 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 Layout Plan

Appendix D - CLUED Site Layout Plan

Appendix E - EA Extent of Surface Water Flooding Map

Appendix F - WCC Aerial Photograph (2000)

Appendix G - WCC Aerial Photograph (2013)

Appendix H - WCC Aerial Photograph (Latest version)

Appendix I - WCC TPO area of Upper Dagwells Copse

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2022/0428>



**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy and independent lives:</b>	No
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	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.

**Other Significant Links**

**Links to previous Member decisions:**

<u>Title</u>	<u>Date</u>

**Direct links to specific legislation or Government Directives**

<u>Title</u>	<u>Date</u>

**Section 100 D - Local Government Act 1972 - background documents**

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

Document

Location

22/02015/HCS  
WR228

Hampshire County Council

Retrospective planning application for the change of use to open storage of recycled aggregate materials and the retention of ancillary office and workshop and associated works at Lockhams Recycling Ltd, Shedfield Equestrian Centre, Botley Road, Shedfield 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.



## Appendix A

### Reasons for refusal

Based on the information before the Mineral and 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 of the Hampshire Minerals & Waste Plan, Policy MTRA4 of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013)) and Policy DM10 of Winchester City Council Local Plan Part 2 (2017)). Furthermore, the visual impacts (Policies 5, 10 and 13 of the Hampshire Minerals & Waste Plan, Policy CP13 of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM23 of the Winchester City Council Local Plan Part 2 (2017)) and flood risk impacts (Policy 11 of the Hampshire Minerals & Waste Plan and Policy CP17 of the Winchester City Council Local Plan Part 1 (2013)) of the proposal are considered to be unacceptable. These matters do not outweighing the recognised need for increased levels of secondary aggregate production (and here the storage of) (Policies 17, 18 and 27 of the Hampshire Minerals & Waste Plan) within the County. Taking all matters into account, the proposal is considered to be contrary to Policy 1 (Sustainable minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) and paragraph 11 of the National Planning Policy Framework (2023) as the proposal does not constitute a sustainable minerals and waste development.

- a) On the basis of the information submitted, the location of the proposal has not been adequately justified in terms of its need for being located in the countryside, and is 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);
- b) On the basis of the information submitted, and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in an unacceptable visual impact on the locality 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); and

- c) On the basis of the information submitted, it is considered that the proposal has not demonstrated that it can be situated and drained safely and that it would not create flood risk to the site and its immediate surroundings contrary to the requirements of Policy 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013) and Policy CP17 (Flooding, Flood Risk and the Water Environment) of the Winchester City Council Local Plan Part 1 (2013).

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.