

**HAMPSHIRE COUNTY COUNCIL
Decision Report**

Decision Maker:	Regulatory Committee
Date:	14 February 2018
Title:	Retrospective application to regularise the biomass boiler and associated development and the waste operations at Four Dells Farm, Poles Lane, OTTERBOURNE SO21 2DY (Application No. 17/01081/HCS) (Site Ref: WR215)
Report From:	Head of Strategic Planning

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1. Recommendation

- 1.1 It is recommended that planning permission be granted subject to the conditions listed in integral Appendix B.

2. Executive Summary

- 2.1 The planning application is for retrospective permission to regularise the biomass boiler and associated development at Four Dells Farm, Poles Lane, Otterbourne.
- 2.2 This application is being considered by the Regulatory Committee as there is significant public interest in the operation of the site.
- 2.3 Key issues raised are:
- Regularisation of the permission for a biomass boiler on the site. The use of the site for waste recycling and for 2 biomass boilers has been established in previous planning permissions;
 - Regularisation of the waste operations on the site. The biomass boiler operation is now the key operation on the site, therefore any permission should seek to ensure enforceable waste operation on the site;
 - Countryside location. The site is established as a waste operation within a farm complex utilising a previous agricultural building in the open countryside;
 - 24 hour operation. The Site Management Plan, submitted as part of the application, sets out unmanned 24 hour operation of the biomass boiler on the site;
 - Noise. There are 3 forms of noise issue on the site. Night-time biomass plant noise from the 24 hour operation, waste operation noise, including wood shredding, and the emergency steam release issue. The steam release issue has caused noise nuisance events over a number of

months resulting in public complaints and a Statutory Noise Nuisance Notice from Winchester City Council Environmental Health. The Environmental Health Officer [EHO] in their consultation response recommends conditions to enable acceptable operation of the site, including a condition to limit working hours and non working hour noise levels, and another to require the submission and approval of a revised Environmental Management Plan for the site; and

- Landscape impact and visual amenity. The proposed development does have an impact on the landscape and visual amenity of the area. However, it is considered that this impact is not sufficiently significant to conflict with policy. Lighting impact is to be mitigated by condition.

2.4 A committee site visit took place on Monday 2 October 2017.

2.5 The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2011](#).

2.6 It is considered that the proposal would be in accordance with the relevant policies of the adopted [Hampshire Minerals & Waste Plan](#) [HMWP] (2013). It is considered, on balance, that the adverse impacts of the proposed development, on the landscape and public amenity, can be mitigated through the use of conditions and therefore do not significantly outweigh the benefits in accordance with Policy 1 (Sustainable minerals and waste development) of the HMWP 2013.

3. The Site

3.1 The proposed development is located in the open countryside north of Poles Lane, approximately 0.7 kilometres [km] southwest of Compton Down, 0.8km west of Otterbourne, 2.4km east of Hursley and 2km north of Chandler's Ford. The site occupies 0.7 hectares [ha] and is an existing waste recycling development within Four Dells Farm. The 'farmyard curtilage' of Four Dells Farm has been developed to include a number of industrial and waste uses. The site itself has flat topography, the surrounding land has a gradual rise from Poles Lane to the south up to Shepherds Lane to the north, which results in Shepherds Lane overlooking the site. The land is generally open with runs of mature woodland and hedges dividing up arable fields, particularly to the north of the site.

3.2 The existing application site comprises of the following:

- An existing waste operation for the recycling of waste wood, plasterboard, and green waste, including the shredding of waste, permitted by Planning Permission [PP] 10/01128/HCS;
- An existing agricultural building to the centre of the site, constructed in 2002 and now permitted for waste use, known throughout this report as the 'waste building';
- A hardpacked earth external work area surrounding the building;

- An existing bund with planting to the site's north perimeter, originally 4metres high, with planting upon its outside facing slope;
- The western area of the proposed site is currently permitted for industrial B2 and B8 use under PP06/02429/FUL; and
- The site is accessed via a 240metre long shared haulage road onto Poles Lane.

3.3 The current planning permissions for the site, 10/01128/HCS and 15/02770/HCS, allow for:

- Permission to import up to 32,000 tonnes of wood, plasterboard and green waste, of which no more than 10,000 tonnes shall be plasterboard;
- 15/02770/HCS gives ancillary planning permission, for the installation of 2 biomass boilers within the existing waste building for drying wood chip and the generation and export of electricity;
- A limit of 4metre high external stockpiles;
- Plasterboard, gypsum and similar to only be processed and stored inside the waste building;
- Shredding, processing and recycling of wood and green waste to the area east of the waste building;
- Vehicular access via Poles Lane only. There is no condition limiting number of HGV movements to and from the site;
- Hours of operation where HGVs, plant and machinery shall only enter, leave or operate between 0700-1800 Monday to Friday and 0700-1300 on Saturday, with no working on Sunday or recognised public holidays;
- Conditioned timing for all mechanical chipping and pelleting operations, and plasterboard processing, to be between 0800-1700 Monday to Friday with no work on Saturday, Sunday or recognised public holidays;
- Permission for out of hours unmanned operation of the biomass boilers and associated chip dryer, limited to inside the building;
- Permission to burn fuel in the biomass boilers, no other burning on the site; and
- Operation of the site in accordance with the approved environmental management scheme for the control of noise, dust and odour as per the conditions of PP 10/01128/HCS.

3.4 The site has the following constraints:

- 600metres south; Otterbourne Waste Transfer Station, Poles Lane (Hampshire County Council Site Reference WR018). This is a safeguarded waste site in the HMWP 2013. The application site is within the buffer of the transfer station which is also an historic landfill site;
- It is adjacent to Four Dell Waste Facility (Hampshire County Council Site Reference WR205). This site is a safeguarded aggregate recycling waste site in the HMWP 2013;
- 730metres from the M3 motorway, part of the Hampshire [Strategic Road Network](#) (nearest junction is 12, 3.6km south);
- 190metres southeast; Dean Copse ancient woodland;

- 200metres south; Ampfield – Baddesley – Chilworth – Lordswood Biodiversity Opportunity Area [BOA];
- 70metres northwest; Public footpath right of way;
- 480metres north; Shepherds Lane public bridleway right of way; and
- The site is within the Eastleigh airport Airfield Safe Guarding Zone.

3.5 The nearest residential properties to the site are:

- 65metres southwest; Four Dells Farmhouse;
- 425metres southeast; Dean Croft, numerous dwellings;
- 530metres northeast; Shepherds Lane, numerous dwellings;
- 650metres west; Silkstead Lane, numerous dwellings; and
- 680metres east; Windrush Cottage.

4. Planning History

4.1 The planning history of the site is as follows:

Application no.	Proposal	Decision	Date issued
15/02770/HCS	The installation of 2 biomass boilers to provide heat for the drying of wood chip to produce a more marketable product, and the generation and export of electricity, with the erection of 2 flues to the existing building	Granted	10.02.16
10/01128/HCS	Variation of conditions 2 and 3 of Planning permission 08/02657/HCS to allow processing of gypsum from waste plasterboard	Granted	8.10.10
08/02657/HCS	Development & operation of the facility for the recycling of waste wood and other recycled materials	Granted	16.03.09

5. The Proposal

5.1 Planning Permission [PP] 15/02770/HCS, granted in 2016, permitted the installation for 2 biomass boilers on the site. This application seeks retrospective permission for development not permitted by PP 15/02770/HCS. The applicant states that the previous application was not fully informed by industry expertise and so does not present a buildable or workable biomass boiler scheme for the site.

5.2 The proposal is for the following, as shown on Site Layout Plan 106/63A (Appendix D) and the waste building plans and elevations shown on Proposed Drawing 106/62C:

- Internal waste building arrangement including a single biomass boiler in a new location at the western end of the existing building, generating 420kW electrical and 4MW of thermal energy, and a woodchip dryer and dry chip storage area;
- External developments to the existing waste building consisting of:
 - 2 walking floor fuel feeders and frames to the north elevation, 6.7metres high;
 - A dry product elevator (approximately 9metres high), transformer building, ash conveyer and cladding projection (approximately 4.5metres high) to accommodate the woodchip dryer to the south elevation; and
 - A new 13metres high flue, a dormer roof projection and dryer outlet ducts to the roof;
- A new, tanked excavation into the floor of the existing waste building to accommodate the biomass boiler;
- Rearrangement of the external storage and processing areas;
- Extension of the waste site to incorporate an area to the west currently permitted for industrial B2 and B8 use;
- A water storage tank to the northern bund to support the dust management scheme;
- Cutting back into the existing northern bund to allow for a new steel post and concrete panel retaining wall to improve access to the building;
- Installation of mobile concrete block walls to a height of 4metres to contain external stockpiles; and
- Installation of concrete hardstanding to the primary wood processing area.

5.3 The proposed operation on the site will consist of the following, as set out in the submitted Site Management Plan, dated 30 November 2017:

- Importation of general tree surgeon waste, large roundwood logs, pallets and construction timber, predominantly via Light Good Vehicles [LGVs];
- Daytime operations 0700-1800 Monday to Friday, 0700-1300 Saturdays consisting of deliveries and site vehicle operations;
- Wood chip shredding 0800-1700 Monday to Friday, consistent with existing conditions;
- 24 hour, 7 day per week unmanned boiler and dryer operation, including the external walking floors, elevators and conveyors;
- The use of 1 JCB on Sundays and public holidays for maximum of 1 hour in exceptional circumstances to load the walking floor should it run out of wood chip;
- 4metres high, sorted external stockpiles;
- Parking for cars, number unknown, beyond the south edge of the site for staff and visitors;
- Dust, noise, odour and mud management are proposed as per the Site Management Plan. A noise assessment has been submitted as part of the application; and
- Lighting, security and drainage are proposed as per the Site Management Plan.

- 5.4 The operator has an Environmental Permit for operation of the biomass boiler at the site issued by Winchester City Council. No increase in the tonnage of imported waste material is proposed. No employment details were submitted with this application.
- 5.5 The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). Screening under the EIA Regulations has been carried out on the proposed development as supplied. The development is classified as a Schedule 2 development as it falls within Category 11, (b) Installations for the disposal of waste (unless included in Schedule 1) and exceeds the size threshold. However, whilst being identified under the Regulations, it is not deemed an EIA development requiring an Environmental Statement.

6. Development Plan and Guidance

- 6.1 The following plans and associated policies are considered to be relevant to the proposal:

National Planning Policy Framework (2012) (NPPF)

- 6.2 The following paragraphs are relevant to this proposal:
- Paragraph 11: Determination in accordance with the development plan;
 - Paragraph 14: Presumption in favour of sustainable development;
 - Paragraph 28: Support economic growth in rural areas;
 - Paragraph 64 (refuse poor design);
 - Paragraph 98 (determining renewable and low carbon energy planning applications); and
 - Paragraph 123 (Health and quality of life).

National Planning Policy for Waste (2014) (NPPW)

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

National Waste Planning Practice Guidance (NWPPG) (last updated 15/04/2015)

- 6.4 The following paragraphs are relevant to the proposal:
- Paragraph 050 (Planning and regulation);
 - Paragraph 051 (main role of the environmental permit); and
 - Paragraph 052 (working together with other agencies).

Hampshire Minerals & Waste Plan (2013) (HMWP)

- 6.5 The following policies are relevant to the proposal:
- Policy 1 (Sustainable minerals and waste development);
 - Policy 2 (Climate change – mitigation and adaptation);
 - Policy 5 (Protection of the countryside);
 - Policy 10 (Protecting public health, safety and amenity);
 - Policy 12 (Managing traffic);
 - Policy 13 (High-quality design of minerals and waste development);
 - Policy 25 (Sustainable waste management);
 - Policy 27 (Capacity for waste management development); and
 - Policy 28 (Energy recovery development).

Winchester City Council (Local Plan Part 1 – Joint Core Strategy – Adopted 2013) (WCCLPP1)

- 6.6 The following policies are relevant to the proposal:
- Policy MTRA 4 (Development in the countryside);
 - Policy CP12 (Renewable and decentralised energy); and
 - Policy CP13 (High Quality Design).

Winchester City Council (Local Plan Part 2 – Development Management & Allocations - adopted April 2017) (WCCLPP2)

- 6.7 The following policies are relevant to the proposal:
- Policy DM20 (Development and noise); and
 - Policy DM23 (Rural character).

7. Consultations

- 7.1 Consultation was carried out in accordance with the [Statement of Community Involvement](#). The proposals were subsequently re-publicised on two occasions in order to allow for the consultation and public consideration of further information submitted by the applicant. Set out below are the final consultation responses of the consultees.
- 7.2 **County Councillor Warwick:** Has objection due to 24 hour operation, impact on local residents and businesses, poor management and design, no noise mitigation, overnight noise, shredding noise, over-scaled physical development and dust.
- 7.3 **Planning Policy (Hampshire County Council):** Provided information on the Hampshire Minerals and Waste Plan (2013).
- 7.4 **Winchester City Council:** Has no objection.

- 7.5 **Winchester City Council, Environmental Health Officer (EHO):** Has no objection with conditions to control noise, dust and require a new environmental management plan covering noise, dust and odour.
- 7.6 **County Landscape Architect (Hampshire County Council):** Has objection due to insufficient visual screening to mitigate the visual impact to amenity and the countryside landscape setting.
- 7.7 **Compton and Shawford Parish Council:** Has objection due to recurring impacts on the local community and neighbouring businesses from the operation of the site from night-time noise and light pollution.
- 7.8 **Hursley Parish Council:** Has objection due to night-time noise impacts caused by emergency steam release on a number of occasions.
- 7.9 **Otterbourne Parish Council:** Raises serious concerns about noise, site management, emissions and out of hours and unsheeted vehicle deliveries.

8. Representations

- 8.1 Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
- 8.2 In complying with the requirements of the SCI, Hampshire County Council:
- Published a notice of the application in the [Hampshire Independent](#);
 - Placed notice of the application at the application site;
 - 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 within approximately 250 metres of the boundary of the site.
- 8.3 As of 31 January 2018, a total of 15 representations to the proposal had been received. All 15 object to the proposal. The main areas of concern raised in the objections relate to the following areas:
- Noise – for the two noise issues; night-time steam releases (multiple occurrences on 4 occasions in 3 months) and, secondly, loud day-time operational noise including vehicles and their reversing alarms, particularly early in the morning, and the shredding of wood;
 - Air pollution from boiler exhaust fumes;
 - Light pollution;
 - Visual impact from Shepherds Lane bridleway;
 - Inappropriate and unacceptable, non-agricultural development in a rural location;
 - Nature of the development; out of scale with surroundings and industrial in appearance;

- No justifiable need for the development;
- Increased vehicle movements and safety impacts of traffic;
- Poor operational management;
- Significant technical issues;
- Site safety and security;
- Safety, health and amenity of local residents;
- Staff being on the site 24 hours a day;
- Lack of community involvement with regard to the application; and
- The application is retrospective.

The above issues will be addressed within the following commentary.

9. Commentary

Principle of the development

- 9.1 PP 15/02770/HCS established the acceptance of a biomass boiler at the Four Dells Farm site. The site provides an increase in waste management capacity for energy recovery and recycling of green waste on an existing waste site in accordance with Policies 2 (Climate Change – mitigation and adaptation) and 25 (Sustainable waste management) of the HMWP 2013. The Hampshire Minerals and Waste Plan supports Combined Heat and Power [CHP] development that allows for the recovery of energy from waste and increases Hampshire's waste management capacity in accordance with Policies 27 (Capacity for waste management development) and 28 (Energy recovery development) of the HMWP 2013. The proposal is also in accordance with Policy CP12 (Renewable and decentralised energy) of the WCCLPP1 2013.
- 9.2 The NPPF 2012 Paragraph 28 (Support economic growth in rural areas) supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.
- 9.3 Paragraph 98 (determining renewable and low carbon energy planning applications) of the NPPF 2012 states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and should approve the application if its impacts are (or can be made) acceptable. Therefore this report considers the impacts of the proposed development and considers whether they are acceptable or can be made acceptable through mitigation.

Development in the countryside

- 9.4 The site is a previously developed site for waste use, with an area to the west with B2 and B8 industrial use, and is in an area of open countryside.

- 9.5 HMWP 2013 Policy 5 (Protection of the countryside) requires waste development in the open countryside to be a suitable reuse of previously developed land and, where appropriate and applicable, for the development to meet the highest standards of design, operation and restoration.
- 9.6 WCCLPP1 2013 Policy MTRA 4 (Development in the countryside) will only permit development provided that development is proportionate to the nature and scale of the site, its setting and countryside location and that development proposed in accordance with this policy should not cause harm to the character and landscape of the area or neighbouring uses, or create inappropriate noise and/or light and traffic generation.
- 9.7 WCCLPP2 2017 Policy DM23 (Rural character) states that outside defined settlement boundaries, development proposals which accord with the Development Plan 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.
- 9.8 It is considered that the principle of the proposal is in accordance with the above policies; it uses a suitable existing waste site and is therefore acceptable in principle in the open countryside. The quality of the design, operation, scale and impact in the countryside location are considered below.

Landscape impact and good quality design

- 9.9 HMWP 2013 Policy 10 (Protecting public health, safety and amenity) states that a waste development should not have an unacceptable visual impact and Policy 13 (High-quality design of minerals and waste development) states waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape. It states that the design of appropriate built facilities should be of a high-quality and contribute to achieving sustainable development. This policy is supported by the NPPF 2012 Paragraph 64 (Refuse poor design) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It is also supported by WCCLPP1 Policy CP13 (High Quality Design).
- 9.10 The NPPW 2014 Paragraph 7 (Determining planning applications) states that when determining waste planning applications, WPAs should ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.
- 9.11 The County Landscape Officer has raised an objection on the following grounds:

- Inadequate screening for the proposal; and
- The additional new features to the waste building have made the site appear more industrial and less like the original farm complex. The rural location and presence of a public rights of way network (including Shepherd's Lane, bridleway to the north) makes the sensitivity of the landscape high. The current application does not address the landscape and visual impacts of the proposal.

- 9.12 Public representations raise the issues of the visual impact of the development from the Shepherds Lane Bridleway (north of the site) and a view that the development is out of scale with its surroundings and is industrial in appearance.
- 9.13 Additional information was submitted by the applicant, stating that the earth bund behind (north of) the site is not in Brooke Energy's possession, and therefore it is outside of their control to offer additional planting on the bund. The applicant does put forward suggested planting, should agreement be made with the landowner.
- 9.14 The bund was secured by condition on a previous permission on the site. This included a 5 year aftercare period for the planting on the bund. This aftercare period has now ended. The bund is outside of the site area (red line area) of the application, and as such is outside the control of the applicant and the determination of this application. There is no proposal to remove the bund, but its retention or enforcement cannot be secured by condition.
- 9.15 The elements of particular concern for visual impact are the 'dormer' roof projection to the south side of the roof, the 13metre high flue and the 2 walking floor fuel feeders and frames to the north elevation, which are 6.7metres high, and so sit above the eaves of the waste building. A partial re-cladding of the roof of the building has highlighted the building in the landscape. No visual impact assessment was provided with the application.
- 9.16 It is considered that the impact of the flue is not significant, being only a little greater in height than the two smaller flues permitted by PP 15/02770/HCS. Its impact can be mitigated in part by a condition to remove the black band from it to allow it to blend better into the landscape.
- 9.17 The dormer roof projection sits below the roof ridge height and faces to the south of the building. It does not have a visual impact on the more sensitive rural landscape to the north and is screened to the east and west by other buildings in the farmyard complex. It is not an example of good quality design, but is of a finish and colour to blend in with the existing roof and it is considered to not have a significant adverse impact on the landscape and visual amenity.
- 9.18 When viewing the site from Shepherds Lane to the north of the site, the closest public view point, the visual impact is predominately due to the

existing waste building. This is a former agricultural barn. The proposed development of the 2 walking floor fuel feeders is considered to make a contribution to visual impact. However, it is not felt to be of sufficient significance, when viewed from public access points and the dwellings to the north, to justify refusal of the application.

- 9.19 Therefore on balance, the proposed development is not considered to conflict with HMWP 2013 policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) with respect to visual impact on amenity, the local landscape and quality of design.

Lighting

- 9.20 HMWP 2013 Policy 10 (Protecting public health, safety and amenity) states that a waste development should not cause unacceptable lighting.

- 9.21 The Site Management Plan, dated 30 November 2017, states there are two types of external lighting at the site. Security lighting, to be controlled by PIR sensor and so only triggered by motion outside of operating hours. Secondly, yard safety lights, for operations during operating hours. These are to be turned off outside the hours of operation. These are shown on the Security and Lighting Plan, Drawing 106/69. The Site Management Plan also identifies that lighting from within the waste building are visible outside via the building's roof lights and states that these will be turned off outside of hours of operation, other than in the case of an emergency.

- 9.22 The issue of the impact of lighting is raised by a number of public representations and the consultation responses of the Parish Councils. It is considered that, with a condition to ensure the site operates by the approved management plan, lighting on the site can be controlled as to not cause a significant adverse impact on the rural landscape and neighbour's amenity and should be no greater than would be required for a broad range of commercial uses. The EHO consultation response also recommends a condition to restrict external lighting to that approved by the WPA. Therefore, the proposed development can be considered in accordance with HMWP 2013 Policy 10 (Protecting public health, safety and amenity) with respect to lighting.

Working with other Regulatory Bodies

- 9.23 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](#))

- 9.24 Planning and permitting decisions are separate but closely linked. 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 at an acceptable level.

9.25 In the case of this application, consultees and public representations have raised a number of issues that are generally outside of the regulatory scope of the WPA and this planning application. These issues are non-typical noise, emissions and site safety and security. These issues are typically under the control of the Environmental Permit body, in this case Winchester City Council, and/or the Health and Safety Executive [HSE]. In this case, there are 3 areas that fall primarily to other regulators:

- Non-typical noise from the emergency release of steam (see noise section below).
This type of noise (as opposed to the general day to day operational noise) is normally not capable of being controlled by planning condition and would be investigated by the EHO officer.
- Emissions.
Flue emissions from the site are controlled under the environmental permit issued by Winchester City Council; and
- Site safety and security.
These issues are the concern of the EHO of Winchester City Council and the HSE, but can be influenced by the WPA when considering the design and layout of a facility.

Noise

9.26 HMWP 2013 Policy 10 (Protecting public health, safety and amenity) states that a waste development should not cause unacceptable noise. WCCLPP2 Policy DM20 (Development and Noise) states that development which generates noise pollution or is sensitive to it will only be permitted where it accords with the Development Plan and does not have an unacceptable impact on human health or quality of life. WCCLPP2 Policy DM23 (Rural Character) also states that development will be permitted where they do not have an unacceptable effect on the rural character of the area, by means of impacts on the tranquillity of the environment.

9.27 Further information in the form of the Abnormal Noise Mitigation Plan (Dated 20 December 2017) and the revised operational noise assessment (report ref SA-5217-1) were provided by the applicant.

9.28 The issue of noise is raised by all public representations and additional information has been sought from the applicant and considered by the EHO.

9.29 The EHO now raises no objection subject to conditions. They are disappointed that the revised information still does not fully assess all the current noise impacts from an amenity perspective. However, the EHO considers, on balance, that the noise issues can be resolved through the use of appropriate planning conditions. This takes into consideration the fact that

permission is already granted for major elements of the waste operation at the site.

9.30 It is identified that there are 3 key forms of noise which are issues for this proposal; 1) that generated by the biomass boiler and associated plant, 2) the general waste operations during normal operating hours (i.e. 0700-1800 Monday to Friday and 0700-1300 Saturdays) and 3) the emergency steam release issue.

1. Biomass boiler plant noise

The biomass boiler and associated plant is proposed to operate 24 hours a day, 7 days per week. Therefore this will generate some noise outside of normal operating times, including during the night; It is considered by the Winchester City Council EHO and the WPA that the noise generated by the biomass boiler and its associated plant would not cause an adverse noise impact during normal operating hours as the plant has a low operating noise. The EHO recommends a condition to any permission hereby granted using stated noise level limits, one for during normal operating hours and one for outside these operating hours, to control the impact of the operation of this plant.

2. Wood shredding and other waste processing operational noise

The site is permitted under its existing Planning Permission for the wood shredding during the period of 0800-1700 Monday to Friday and processing of waste during operating hours. Noise and operating hours are currently conditioned. Wood shredding is proposed in the Site Management Plan, to take place during the same time period. This does not propose a change to the current planning permission, 10/01128/HCS. However, the purpose of the waste processing has changed to providing fuel for the biomass boiler. The wood shredding operation is of particular concern to the EHO who identifies that the type of material being processed has shifted from green waste towards a combination of green waste and wood pallets. It is the EHO's view that this is the most significant daytime noise source and, due to the short term peak noise characteristic of the activity, control of this would be best achieved through a noise condition that requires the submission of a revised environmental management plan and a second noise condition that uses a 15 minute noise criteria rather than a more typical 1 hour. This gives a better weighting to such shorter term noise impacts.

3. Emergency steam release noise

Significant noise has been caused by emergency steam release activities that have occurred at the site. These have occurred on at least 4 separate occasions between July-December 2017 and tend to consist of bursts of very loud noise, reoccurring a number of times during the night. This noise is described as equivalent of a jet engine by the public representations citing this as a reason to reject the application. The applicant states this is noise associated with emergency 'teething problem' events for the biomass boiler caused by a combination of

technology and the management procedure for off site monitoring of the site during out of hours operations.

- 9.31 This form of noise is usually considered non-typical, as referred to in the 'Working with other Regulatory Bodies' section above. In December 2017, Winchester City Council Environmental Health Team issued a Statutory Noise Nuisance Notice to the operator under the Environmental Protection Act 1990 on this issue.
- 9.32 In order to address this issue in the context of the planning application, the applicant submitted a statement titled 'Abnormal Noise Mitigation Plan', dated 20 December 2017. The noise events are caused by a sudden steam blow off to release pressure build up in the plant. The plan states the implementation of the installation of a steam relief valve that would release that pressure in a controlled manner sooner and more gradually and in doing so not cause a significant noise event. The plan also states that the new system would release the steam inside the building through an expansion tank. This should also reduce the visual impact of that steam. The EHO is satisfied that a condition controlling the noise outside of operating hours would be satisfactory to control issues such as this in planning terms.
- 9.33 The EHO response therefore proposes that conditions are added to any permission granted to allow for enforceable control of noise at the site. A condition regarding the submission and approval of a revised environmental management plan covering dust, noise and odour from both material processing and the operation of the biomass plant is also recommended.
- 9.34 The Noise assessment and the EHO response states it is considered that noise impact from the expected operation of the site is acceptable and in accordance with HMWP 2013 Policy 10 (Protecting public health, safety and amenity) when subject to the conditions recommended.
- 9.35 It is highlighted here that any non-typical noise generated by the operation, that would be considered a public nuisance, will continue to be regulated by Local Authority Environmental Health.

Dust

- 9.36 Policy 10 (Protecting public health, safety and amenity) of the HMWP requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts, including not causing unacceptable dust.
- 9.37 The issue of dust has been raised by the public representations. The final EHO consultation response states that Winchester City Council environmental health has had to deal with issues regarding the fallout of saw dust from the material processing onto the adjacent industrial premises. Where these are directly associated with the production of fuel for the Biomass plant these can be resolved through the air pollution permitting

regime (Environmental Permitting (England and Wales) Regulations 2016). However there are other potential dust sources, such as vehicle movement and green waste not used as fuel in the biomass plant, that fall outside this regulatory control.

9.38 The Site Management Plan, dated 30 November 2017, identifies three primary causes of dust generation on the site. These are listed below with discussion:

- Emissions from the biomass boiler.
This is regulated by the Environmental Permit;
- Shredding wood material.
Shredding of wood is currently permitted on site by previous planning permission. The Site Management Plan does not include sufficient information to demonstrate wood shredding will not create an adverse impact and a condition is proposed; and
- Movement around the site.
The site has a concrete hardstanding. This does not extend to the access route to the site. The Site Management Plan describes managed practice for external operations to control dust.

9.39 It is therefore considered appropriate and proportionate to ensure dust management is included in the requirement for a new revised environmental management plan. With the inclusion of this condition the proposal is considered to be in accordance with HMWP 2013 Policy 10 (Protecting public health, safety and amenity).

Vehicles movements

9.40 A number of public representations and parish responses raise concern about LGVs and HGVs using the site. They refer to material being deposited on the highway due to vehicles being unsheeted, the number and times of vehicles entering and leaving the site and the noise of the vehicles, particularly from reverse warning beepers.

9.41 The current planning permission has no condition limiting vehicle movement numbers to and from the site. PP 10/01128/HCS includes condition 2 (annual imports) that limits importation to 32,000 tonnes per annum, and this application does not seek to vary this limit. Therefore, it would be considered overly onerous to now seek to limit the number of vehicle movements where no additional importation to or exportation from the site is proposed.

9.42 The issues of unsheeted vehicles and reverse warning beeper noise are significant amenity issues. It is therefore recommended that any permission granted should include conditions to address sheeting delivery vehicles entering or leaving the site, that delivery vehicles should only enter and leave the site during the conditioned operating hours and that all plant and vehicles that operate on the site should be fitted with white-noise type reversing alarms and that no vehicles, including delivery vehicles, shall use conventional reversing alarms on the site. These conditions would allow the

proposal to be considered in accordance with HMWP 2013 Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic).

Summary

- 9.43 The decision of whether to grant or refuse permission for the proposed development is a matter of balance between the established benefits and the considered level of significance of its adverse impacts. The benefits include renewable energy generation and an increase in capacity of waste management for the area on a current waste site. The impacts of the development include landscape impact, and impact on public amenity and health due to appearance, noise, light and dust. The significance of these impacts is increased by the introduction of some night-time operation.
- 9.44 It is considered that appropriate conditions on any permission granted can address the issues of noise, dust, light and operational management as well as enable effective monitoring of the site. The emissions and associated health issues fall under the environmental permit rather than the regulatory control of the planning system. The landscape impacts are increased, but not significantly, relative to the existing permitted uses on the site. On balance, having regard to the range of permitted uses on the site, it is considered that the benefits of the proposal outweigh any harm.

Conclusion

- 9.45 It is considered that the benefits of the proposed development outweigh the impacts to amenity and the surrounding countryside landscape. It is considered that the visual impact of the proposal is not sufficiently significant to refuse the application and that the amenity impacts of the development, in particular noise and dust, can be mitigated and managed via conditions to the extent to be an acceptable development.
- 9.46 It is therefore considered that the proposal would be in accordance with the policies of the Hampshire Minerals and Waste Plan 2013 when considered with the recommended conditions proposed in appendix B of this report.

Appendices:

Integral Appendix A – Corporate or Legal Information

Integral Appendix B – Conditions

Appendix C - Location Plan, 106/60.

Appendix D - Site Layout Plan, 106/63A.

Appendix E – Decision Notice for Planning Permission 10/01128/HCS

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	No
People in Hampshire live safe, healthy and independent lives:	No
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	No
OR	
This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:	
The proposal does not link to the Corporate Strategy 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 planning authority.	

Section 100 D - Local Government Act 1972 - background documents

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

DocumentLocation

17/01081/HCS
WR215

Hampshire County Council

Four Dells Farm, Poles Lane,
OTTERBOURNE SO21 2DY
(Retrospective application to regularise the
biomass boiler and associated
development and the waste operations

CONDITIONS

Implementation

1. This permission is granted as an alternative to planning permission 15/02770/HCS and the implementation of this permission prohibits any future implementation of planning permission 15/02770/HCS. The effect of this condition is that either one but not both permissions may be implemented.

Reason: To prevent unacceptable intensification of use and cumulative environmental impact resulting from the implementation of both permissions 15/02770/HCS and 17/01081/HCS such that development on the site can be considered in accordance with the Hampshire Minerals and Waste Plan 2013.

2. No more than 32,000 tonnes of wood, plasterboard, and green waste per year shall be imported to the site. Of this 32,000 tonnes, no more than 10,000 tonnes of plasterboard shall be imported to the site per annum. A record of the quantity of waste brought to the site shall be sent to the Waste Planning Authority annually and shall also be made available to the Waste Planning Authority on request.

Reason: In order to ensure there is no unacceptable intensification of the use which would lead to harm to the environment or local amenity in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

3. The waste material processed at the site shall be restricted to wood, plasterboard and green waste and ancillary material (such as nails, wire and packaging) only.

Reason: In the interests of local amenity and ensure that the development meets Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Removal of permitted development rights

4. Notwithstanding the provisions of Parts 4, 7 and 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order):
 - (i) fixed plant or machinery, buildings, structures and erections or private ways shall not be erected, extended, installed or replaced at the site without the prior agreement of the Waste Planning Authority in writing; and
 - (ii) no telecommunications antenna shall be installed or erected without the prior agreement of the Waste Planning Authority in writing.

Reason: to protect the amenities of the area in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

Burning of Material

5. With the exception of wood fuel burned in the biomass boiler, there shall be no other burning of material on the site.

Reason: To ensure that the development meets Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Storage

6. The external storage and stockpiles of unprocessed and processed green and wood waste shall only take place in the locations shown on approved drawing Site Layout Plan, drawing 106/63A, dated 01 December 2018, and shall be no higher than 4 metres above the existing ground level.

Reason: To limit the impact on landscape and visual amenity and ensure that the development meets Policy 13 (High-quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013).

7. No gypsum or plasterboard shall be stored, stockpiled or processed externally. All plasterboard and gypsum operations and storage shall take place within buildings.

Reason: To limit the impact of dust generated by the process and ensure that the development meets Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Hours of Operation

8. The unmanned 24 hour operation of the biomass boiler and associated chip dryer shall take place in strict accordance with the limitations defined in the Site Management Plan, received 01 December 2017, and any future revision to that document submitted to and approved by the Waste Planning Authority.

Reason: To limit out of hours noise and lighting in the interest of public amenity and ensure that the development meets Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

9. No mechanical wood chipping/shredding, pelleting operations, or plasterboard processing shall take place outside of the hours of 0800 and 1700 Monday to Friday with no working on Saturday, Sunday or recognised public holidays.

Reason: To limit noise in the interest of public amenity in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

10. No vehicles delivering or collecting materials shall enter or leave the site and no plant or machinery (other than the biomass boiler and associated chip dryer) shall be operated except between the following hours: 0700-1800 Monday to Friday and 0700-1300 on Saturday. There shall be no working on Sunday or recognised public holidays.

Reason: To limit noise in the interest of public amenity in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Environmental Management Plan

11. Within 2 months of the date of this planning permission, the applicant shall submit to and have approved by the Waste Planning Authority a revised Environmental Management Plan for the control of dust, noise and odour from both material processing and the operation of the biomass plant at the site. This shall include:
 - Dust management arrangements both from material processing and vehicular movement;
 - Measures to ensure compliance with condition 12 (Noise levels);
 - An assessment of additional measures and mitigation to reduce amenity impacts from short duration noise events (i.e. reduction in L_{Amax} to that reasonably practicable);
 - Proposals on how to deliver and maintain the recommended mitigation measures;
 - Management and training arrangements;
 - Plant and equipment maintenance procedures and record keeping; and
 - Site security.

The site shall be run in accordance with the approved Environmental Management Plan, and any future revision submitted to and approved by the Waste Planning Authority, for the lifetime of the development hereby approved.

Reason: To ensure environmental impacts of operation are controlled and minimised in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Noise

12. The specific noise levels associated with any on site plant, machinery or equipment shall not exceed:

- Between the hours of 07:00 and 18:00 a L_{Aeq} (15 minute) of 70dB anywhere on the site boundary; and
- Between the hours of 18:00 and 07:00 a L_{Aeq} (15 minute) of 60dB anywhere on the site boundary.

Such measurements shall be made in free field conditions in the absence of significant off site noise sources.

Reason: To prevent adverse noise amenity impacts on neighbours in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013) of the Hampshire Minerals & Waste Plan (2013).

Lighting

13. Lighting on the site shall be in accordance with the Site Management Plan, received 01 December 2017, and any future revision submitted to and approved by the Waste Planning Authority. The site shall not be lit outside of operating hours as stated in condition 10 above.

Reason: To control the impact on landscape and visual amenity for 24 hour operation and ensure that the development meets Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Visual impact

14. Within 2 months of the date of this planning permission, the black band on the flue, as shown on the plan and elevations on the Proposed Drawing, 106/62C, shall be removed. The flue shall not be painted/re-painted without the prior written approval of the Waste Planning Authority.

Reason: To reduce the impact on landscape and visual amenity and ensure that the development meets Policy 13 (High-quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013).

Highways

15. No vehicle shall leave the site unless it has been cleaned sufficiently to prevent mud and spoil being carried on to the public highway. In the event that mud and spoil from vehicles leaving the site are deposited on the public highway, measures shall be taken to clean the highway.

Reason: In the interests of highway safety in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

16. All vehicles entering or leaving the site loaded with waste or materials shall be securely sheeted.

Reason: In the interests of highway safety to prevent the deposition of material on the public highway or the generation of wind blown dust in accordance with Policies 10 (Protecting public health, safety and amenity) and Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

17. Means of vehicular access to the site shall be from the road junction with Poles Lane only.

Reason: In the interests of highway safety in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

18. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times, shall be fitted with and use effective silencers and be fitted with and use white-noise type reversing alarms. When on site, no vehicle shall use conventional reversing alarms.

Reason: To minimise noise disturbance from operations at the site in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Drainage

19. Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any soakaway or other surface water drainage system. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, and if not present, be installed within 2 months of the date of issue of this planning permission hereby granted and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s).

Reason: To prevent pollution of the water environment in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Plans

20. The development hereby permitted shall be carried out in accordance with the following approved plans: **106/60, 106/61, 106/62C, 106/63A, 106/69, 106/72.**

Reason: For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant

1. In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 3.5 tonne un-laden.
3. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.