

# Public Document Pack



## NOTICE OF MEETING

<b>Meeting</b>	Regulatory Committee
<b>Date and Time</b>	Wednesday, 16th December, 2020 at 10.00 am
<b>Place</b>	Virtual Teams Meeting - Microsoft Teams
<b>Enquiries to</b>	members.services@hants.gov.uk

John Coughlan CBE  
Chief Executive  
The Castle, Winchester SO23 8UJ

### FILMING AND BROADCAST NOTIFICATION

This meeting is being held remotely and will be recorded and broadcast live via the County Council's website.

### AGENDA

**1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence received.

**2. DECLARATIONS OF INTEREST**

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Personal Interest in a matter being considered at the meeting should consider, having regard to Part 5, Paragraph 4 of the Code, whether such interest should be declared, and having regard to Part 5, Paragraph 5 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

**3. MINUTES OF PREVIOUS MEETING (Pages 5 - 8)**

To confirm the minutes of the previous meeting

**4. DEPUTATIONS**

To receive any deputations notified under Standing Order 12.

**5. CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements the Chairman may wish to make.

**6. ROBERT MAYS SCHOOL WEST STREET ODIHAM (Pages 9 - 40)**

To consider a report of the Director of Economy, Transport and Environment regarding a planning application for Provision of two new grass pitches (with no floodlighting), retention of large areas of the existing natural habitat, provision of fencing to control access and new gated link paths from the main school campus at Robert Mays School, West Street, Odiham, Hook RG29 1NA (Application No. 20/01082/HCC) (Site Ref: HRE006).

**7. SALVIDGE FARM BUNNY LANE TIMSBURY (Pages 41 - 82)**

To consider a report of the Director of Economy, Transport and Environment regarding a planning application for Variation of conditions 2, 9 and 10 of Appeal decision reference APP/Q1770/A/11/2161324 (Planning Application Reference: 10/02712/CMA) to reshape and improve the existing peripheral north eastern landscape bund to facilitate enhanced screening from wider views into the site and improve biodiversity on the site's periphery and to accommodate a temporary wash plant operation in the southern section of the site for a period of twelve months only at Salvidge Farm, Bunny Lane, Timsbury SO51 0PG (Application No. 20/01753/CMAS) (Site Ref: TV066).

**8. LAND AT THREE MAIDS HILL OFF A272 WINCHESTER (Pages 83 - 128)**

To consider a report of the Director of Economy, Transport and Environment regarding a planning application for Development of an Inert Waste Recycling Facility at Land at Three Maids Hill, off A272, Winchester SO21 2QU (Application No. 20/01765/HCS) (Site Ref: WR243).

**9. LAND AT ROESHOT CHRISTCHURCH (Pages 129 - 130)**

To consider a report of the Director of Economy, Transport and Environment regarding an application for an extension of time for the satisfactory completion of the Section 106 Agreement to secure Ecological Protection and Restoration of the site on Land at Roeshot, Christchurch, Hampshire (Application No. 16/10618) (Site Ref: NF269).

**10. MONITORING AND ENFORCEMENT UPDATE (Pages 131 - 142)**

To consider a report of the Director of Economy, Transport and Environment regarding the Monitoring and Enforcement work undertaken by Strategic Planning during the period July 2020 to December 2020.

**ABOUT THIS AGENDA:**

**On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.**

**ABOUT THIS MEETING:**

**The press and public are welcome to observe the public sessions of the meeting via the webcast.**

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# Agenda Item 3

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY  
COUNCIL held at the castle, Winchester on Wednesday 21st October, 2020

Chairman:

\* Councillor Peter Latham

- |                                 |                               |
|---------------------------------|-------------------------------|
| * Councillor Lance Quantrill    | * Councillor Alexis McEvoy    |
| * Councillor Christopher Carter | * Councillor Neville Penman   |
| * Councillor Mark Cooper        | * Councillor Stephen Philpott |
| * Councillor Rod Cooper         | * Councillor Roger Price      |
| Councillor Roland Dibbs         | * Councillor Jan Warwick      |
| * Councillor Jane Frankum       | Councillor David Harrison     |
| * Councillor Andrew Gibson      | * Councillor Pal Hayre        |
| * Councillor Keith House        | Councillor Roger Huxstep      |
| * Councillor Gary Hughes        | Councillor David Simpson      |
| * Councillor Wayne Irish        |                               |

\* Present

## 220. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Roland Dibbs. Councillor Pal Hayre attended as a deputy.

## 221. **DECLARATIONS OF INTEREST**

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

## 222. **MINUTES OF PREVIOUS MEETING**

The minutes of the last meeting were reviewed and agreed.

## 223. **DEPUTATIONS**

The Chairman confirmed that five deputations had been received for the meeting and that they would have 10 minutes each to address the Committee.

224. **CHAIRMAN'S ANNOUNCEMENTS**

Members were reminded of a remote training session on waste sites on the 27 November.

225. **A303 IBA RECYCLING FACILITY DRAYTON ROAD BARTON STACEY**

***Variation of Condition 14 of Planning Permission Number 17/00172/CMAN to allow a temporary increase in annual throughput at The A303 IBA Recycling Facility, Drayton Road, Barton Stacey SO21 3QS (No. 20/01480/CMAN)  
(Site Ref: TV231)***

The Committee considered a report from the Head of Strategic Planning (item 6 in the minute book) regarding an application for a temporary increase in annual throughput at the IBA recycling Facility in Barton Stacey.

The officer summarised the application, which was a result of the pandemic and a delay in standard working practices over the past few months. Members were shown aerial photos of the site, as well as elevation photos showing stockpiles and the surroundings. The temporary increase was the equivalent of 40 lorry movements a day.

It was confirmed that there was an update report, which updated Condition 14 to read as follows: "No more than 180,000 tonnes of Incinerator Bottom Ash waste shall be delivered to the site per year except during 2020 and 2021 when no more than 205,000 tonnes of Incinerator Bottom Ash shall be delivered to the site ***per year***".

The Committee received two deputations on the application. Councillor Nigel Cooper from Barton Stacey Parish Council accepted that there were delays resulting from the pandemic, but there were concerns about planning creep and elements of the application becoming more permanent. There were also concerns that the tonnage would exceed those permitted.

Rob Westell addressed the Committee on behalf of the applicant and emphasised how the site was an important part of the waste infrastructure of Hampshire. The Environment Agency had granted a variation to the existing permit to assist the site in continuing, and it had been noted that tonnage levels had fluctuated since June due to various factors. Permits and permissions had also taken longer to come through. The applicant reassured the Committee that permission was only being sought for the essential continuation of works temporarily and there was no risk of a planning creep, as feared by residents.

During questions of the deputations it was confirmed that it had been agreed by the operator that the tonnages would be calculated by calendar year.

During questions of the officer the following points were clarified:

- The site was obliged to keep and maintain weighbridge information, which the Council had access to;
- Condition 11 was an open-ended condition that covered any dust issues irrespective of the stock pile amounts.

During debate, the Committee accepted that the application was a temporary necessity for the site and that Hampshire County Council were in control with regards to monitoring the conditions.

### **RESOLVED**

Planning permission was granted subject to the amended conditions

#### Voting:

Favour: 15

Abstentions: 1

### 226. **GRUNDEN SAND AND GRAVEL LTD. FRITH END SAND QUARRY FRITH END BORDON**

***Variation of condition 1 of Planning Permission 30633/034 to extend the time period of extraction to 31 December 2022 and completion of restoration within a further period of 2 years at Grundon Sand and Gravel Ltd Frith End Sand Quarry, Frith End, Bordon GU35 0QR (No. 30633/038) (Site Ref: EH121)***

The Committee received a report from the Head of Strategic Planning (item 7 in the minute book) regarding an extension of time for works at a quarry at Frith End in Bordon.

The officer introduced the item, showing the Committee aerial photos and footage from the site. On a plan of the site it was indicated which areas had been processed and were due for restoration along with those that still needed to be extracted. It was anticipated that there was approximately 120,000tonnes of mineral still remaining. Flooding that had occurred following a burst riverbank and issues around Covid had meant that that more time was now required to complete the work on site and an extension to time was being sought.

The Committee received three deputations on this item. Brian Davey addressed the Committee as a local resident and had concerns over planning creep on site and felt that the extension of time was longer than what should be necessary for a 10 month delay. There was also fear that approval of the extension would lead on to further requests and expansion.

Stewart Mitchell addressed the Committee on behalf of the applicant to reassure that the request was only to assist with the delays to existing work and the site was crucial for providing mineral for Hampshire.

Councillor Mark Kemp-Gee spoke as the local Member and thanked Grundons for the liaison panel that had proved successful and well managed, and also for their support of the local Kingsley Centre, which had continued throughout lockdown. Cllr Kemp-Gee also confirmed that the site had flooded before and shared residents concerns that a two year extension seemed a long time.

During questions of the officers, the following points were clarified:

- The extraction at the site included both soft and silica sand
- Future development had not been proposed and was irrelevant to the application being sought in any case
- The flooding of the river had not been caused by the quarry

During debate, Members agreed that the flooding on site was something that would need to be addressed by the Environment Agency and that the application should only be able to complete the works previously sought for in the original permission.

It was confirmed that an update report had been circulated, which summarised updates from County Ecology, the Flood Risk permit and representations.

**RESOLVED:**

Planning permission was granted subject to the update report and conditions listed in Appendix A.

Voting:

Favour: 16 (unanimous)

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Chairman,



## HAMPSHIRE COUNTY COUNCIL Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	16 December 2020
<b>Title:</b>	Provision of two new grass pitches (with no floodlighting), retention of large areas of the existing natural habitat, provision of fencing to control access and new gated link paths from the main school campus at Robert Mays School, West Street, Odiham, Hook RG29 1NA (No. 20/01082/HCC) (Site Ref: HRE006)
<b>Report From:</b>	Head of Strategic Planning

**Contact name:** Kirk Denton

**Tel:** 0370 779 2554

**Email:** [Kirk.denton@hants.gov.uk](mailto:Kirk.denton@hants.gov.uk)

### Recommendation

- 1 That, subject to all parties amending a Section 106 Agreement between Hart District Council and the land owner/s for the land to be retained as 'open land', the Director of Economy, Transport and Environment be authorised to GRANT permission subject to the conditions listed in Appendix A and any additional conditions required following receipt of additional drainage information and consultation responses.

### Executive Summary

- 2 The planning application is for the provision of two new grass pitches (with no floodlighting), retention of large areas of the existing natural habitat, provision of fencing to control access and new gated link paths from the main school campus at Robert Mays School, West Street in Odiham.
- 3 This application is being considered by the Regulatory Committee as it constitutes 'major development' and as a Regulation 3 application (a Local Planning Authority applying to itself for consent) it is subsequently required to be determined by the Regulatory Committee.
- 4 Key issues raised are:
  - The need to address a shortfall in playing field provision at Robert May's School;
  - Impact upon adjacent residents;
  - The design of the proposal; and
  - Loss of part of an area of public open space; and Impact on trees, flora and fauna.

- 5 The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
- 6 It is considered that the proposal would be in accordance with the relevant policies of the adopted [Hart District Local Plan](#) and the Odiham and North Warnborough Neighbourhood Plan.
  - The proposal is on land allocated for the proposed use;
  - It will provide additional grass sports pitches to address an existing shortfall in playing field provision at Robert May's School and in other settlements in the vicinity;
  - Be in keeping with local character in terms of scale, design, landscaping and layout and avoid any material loss of amenity to adjoining residential uses;
  - Not have a significant adverse effect on protected plant or animal species or their habitats and would protect the countryside through the creation and enhancement of features of nature conservation by providing compensatory habitat to mitigate that to be lost;
  - Not give rise to traffic flows which would cause material detriment to the amenities of nearby properties or to highway safety and have adequate arrangements on site for the parking of vehicles;
  - Not unacceptably increase the risk of flooding on site or other land;
  - Include new planting to maintain the value of trees and hedgerows affected by the proposal;
  - Not seriously detract from the amenity and consequent recreational value of well-used footpaths and other public rights of way; and
  - Include provision for a Community Use Plan setting out how and when the main pitch will be made available for community.
- 7 That planning permission be granted subject to the conditions listed in Appendix A.

### **The Site**

- 8 Robert May's School is an eight Form-Entry Academy Secondary school which lies to the north-west of the village of Odiham.
- 9 The school currently has capacity for 1,200 pupils and employs 152 members of staff. The school lies approximately 800 metres to the north-west of the village centre and is accessed from West Street immediately to the south.
- 10 The school is situated in a predominantly rural area with a subsequently wide catchment area between Basingstoke in the west, Farnborough in the east and bounded by the A31 to the south and A33 to the north.

- 11 The application site comprises a field of semi-mature dense scrub, grassland and woodland and occupies approximately 2.6 hectares of land which abuts Robert May's school to the west, existing housing areas to the north and south and agricultural land to the east. The field currently comprises an unmanaged area of land formed of rough grass and scrub habitats.
- 12 The nearest residential properties lie adjacent to the northern and southern boundaries of the application site. The pitches, at their closest point, would be 23 metres from the curtilage of properties on the northern boundary and approximately 60 metres from the rear of properties on the southern boundary.
- 13 A shared use footway / cycleway between West Street and Bufton Field (Public Right of Way (PROW) footpath Odiham 7) lies adjacent and parallel to the western boundary of the site.
- 14 There are no ecological designations on or surrounding the site. The site is not identified as being at risk from flooding from rivers or the sea or known to be susceptible to surface water flooding.

### Planning History

- 15 The planning history of the site is as follows:

<b>Application No</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date Issued</b>
01/00739/REM	Robert Mays School, West Street, Odiham, Hook, RG29 1NA	Construct 60 no. 2 storey 1,2,3 and 4 bedroom houses, garages, open space and associated infrastructure	Granted	03.09.20
16/02232/HCC	Robert Mays School, West Street, Odiham, Hook, RG29 1NA	Construction of one grass sports pitch and one open access grass space for community recreation benefit, including associated	Granted	25.01.17

		earthworks, fencing and drainage.		
16/02229/HCC	Robert Mays School, West Street, Odiham, Hook, RG29 1NA	Provision of new accommodation to expand the existing Robert May's School by one form of entry (150 pupils) with associated remodelling and expansion of car park and coach drop off, including the demolition of the caretakers bungalow	Granted	19.10.16
17/00559/HCC	Robert Mays School, West Street, Odiham, Hook, RG29 1NA	Un-lit Multi-Use Games Area with 4m high sports fencing, acoustic barrier, mounding and tree planting	Granted	23.05.17

- 16 16/02232/HCC was determined by Hart District Council in their role as the Local Planning Authority. The permission did not involve development of the land subject of this application but required it to be retained as 'open land' for public access. This was secured through a section 106 legal agreement as part of the permission.

### **The Proposal**

- 17 The proposal is for the change of use of land to two new grass pitches (with no floodlighting), retention of large areas of the existing natural habitat, provision of fencing to control access and new gated link paths from the main school campus.
- 18 This application specifically supersedes previous application 16/02232/HCC for a very similar sports pitch proposal which was granted planning permission in on the 25th January 2017.
- 19 The applicant has detailed that Hampshire County Council Children's Services has identified a requirement for an additional 150 pupil places

within Robert May's existing catchment. These pupils are already in the primary school system or from known housing development forecasts.

- 20 The applicant has detailed that the existing school land was assessed against the Department for Education BB103 requirements for a 1,350 capacity school and for enlargement to 1,500 pupils. This analysis showed that the school playing fields are currently under the recommended area and that after the expansion the school would be well below the guidance areas set out in the Department for Education BB103 requirements. The aim of the development is to ensure the school would be only slightly under the guidance areas once both pitches are constructed.
- 21 Two grass playing pitches are proposed, one larger than the other. The larger pitch is proposed to be on the northern section of the site and be 115 metres x 64 metres with a grass playing surface to allow for either full size rugby or football pitches. The layout Plan is set out in Appendix C.
- 22 The smaller pitch is proposed to be to the south of the larger pitch and be 70 x 50 metres with a grass surface and to be capable of being used for 7 v 7 football.
- 23 The main pitch will be constructed to a 1 in 100 diagonal cross-fall from south-west to north-east. The smaller pitch will have a cross-fall of 1:80.
- 24 Between the two pitches a tree/landscape planting copse is proposed which will be protected by habitat fencing. To the north, east and south of the proposed pitches the existing habitat areas would be retained.
- 25 Fencing is proposed on the site, on the north-east and partial of the western boundary of the northern pitch 3 metres tall ball catching fencing is proposed. 1.8 metres fencing is proposed around the application site to secure the facility.
- 26 Residential dwellings are to the north and south of the application site. On Bufton Field, Queens Road, on the east side of Dunleys Hill and on the northern side of West Street and Western Lane. On the northern boundary the proposed pitch would be between approximately 25 and 42 metres from the boundary of resident's properties at Bufton Field. On the southern boundary the proposal would be approximately 60 metres from the nearest residential properties on West Street.
- 27 Land at the southern section of the site is higher than the northern section of the site being approximately 93 m AOD lowering to approximately 86 AOD near the rear of dwellings on Bufton Field
- 28 Odiham Footpath 7 runs adjacent to the western boundary of the development site.

- 29 Future pedestrian access to the new pitches is proposed to be via the existing Public Right of Way on the western boundary of the site adjacent to the southern pitch.
- 30 A mower access gate is also proposed on the western boundary although further north adjacent to the northern pitch.
- 31 Vehicular access during construction will be by temporary arrangement in the south-western corner of the site. Construction vehicles will access the site by crossing hard-surfaced areas of the school site from the existing vehicular access and parking areas. The proposed highway works are set out in Appendix D.
- 32 During the school day the site will be used exclusively by the school and students will walk to the site. Outside of school hours, the site will be made available in the evenings and weekends for community bookings made via the school.
- 33 No external lighting is proposed as part of this application.
- 34 The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
- 35 Screening under the EIA Regulations has been carried out on the proposed development as supplied.
- 36 The development is classified as a Schedule 2 development as it falls within Category 10 b) and exceeds the size threshold. However, whilst being identified under the Regulations, it is not deemed an EIA development requiring an Environmental Statement.

### **Development Plan and Guidance**

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

#### **[National Planning Policy Framework \(2019\) \(NPPF\)](#)**

- 38 The following paragraphs are relevant to this proposal:
- Paragraph 11: Presumption in favour of sustainable development;
  - Paragraph 80: Support of sustainable economic growth;
  - Paragraph 94: Ensuring sufficient choice of school places is available to meet the needs of existing and new communities;
  - Paragraph 170: Contributions and enhancement of natural and local environment; and
  - Paragraph 102-103: Sustainable transport.

## Hart Local Plan Strategy & Sites 2032 Adopted 30 April 2020

39 The following policies are relevant to the proposal:

- Policy SD1: Sustainable Development;
- Policy NBE2: Landscape;
- Policy NBE4: Biodiversity;
- Policy NBE5: Managing Flood Risk;
- Policy NBE8: Historic Environment;
- Policy NBE9: Design;
- Policy INF2: Green Infrastructure;
- Policy INF3: Transport;
- Policy INF4: Open Space, Sport and Recreation;
- Policy INF5: Community Facilities; and
- Policy INF8: Safeguarded Land for Education.

## Odiham and North Warnborough Neighbourhood Plan (2014 - 2032) (Adopted June 2017)

40 The following policy is relevant to the proposal:

- Policy 10 (Education).

### **Consultations**

41 **Councillor Glen** - No objection subject to the usual noise mitigation requirements.

42 **Arboriculture** - No objection subject to a condition to ensure the recommendations contained within the arboricultural documentation are implemented and condition relating to planting and aftercare.

43 **Rights of Way Manager** – No objection to the proposal subject to a condition relating to the temporary closure of the footpath and informatives.

44 **Natural England** – No objection.

45 **Local Highway Authority** - No objection.

46 **Environmental Health Hart** - Was notified.

47 **Odiham Parish Council** - No objection, with the following comments: OPC expresses an interest in being involved in the Community Use agreement and an interest in commuted funds should any of the land be transferred to OPC. OPC raised concerns about the temporary closure of a well-used footpath alongside the site from Buffon Fields to West Street

- 48 **Hart District Council** - No objection.
- 49 **County Ecologist (HCC)** – No objection, subject to condition relating to an ecological Appraisal and Ecology Strategy.
- 50 **Sport England** - Sport England supports this application, as the creation of two new playing pitches is to be welcomed. Sport England does not wish to raise an objection to this application, nor do we wish to recommend any conditions should planning consent be granted.
- 51 **Landscape Planning and Heritage (Landscape) (HCC)** - Was notified
- 52 **Landscape Planning and Heritage (Archaeology) (HCC)** - No objection subject to conditions relating to securing an archaeological evaluation and subsequent mitigation and reporting.
- 53 **Lead Local Flood Authority** - Further information is requested including details of infiltration testing and the groundwater levels to ensure a suitable unsaturated zone can be provided. Information is also needed in relation to the change in levels and how this could affect the overland flow routes of surface water if the drainage system failed to operate (exceedance flows). Update on this will be reported in an update to the Committee.

## Representations

- 54 Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
- 55 In complying with the requirements of the SCI, Hampshire County Council:
- 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 within 50 metres of the boundary of the site.
- 56 As of 12<sup>th</sup> November 2020, a total of 12 representations to the proposal have been received. All objected to the proposal. The main areas of concern raised in the objections related to the following areas:
- Proposal during construction and future use will cause noise pollution, particularly during the day and weekends;
  - Proposal would generate more traffic and parking problems in the area;
  - Privacy to properties would be reduced
  - Proposal would compromise security to properties;
  - Proposal could result in harm to local natural wildlife and their habitat;



- Closing the walkway while works are being carried out would cause inconvenience as pathway is used daily;
  - Proposed pitches would be underutilised, sufficient facilities are already available;
  - Proposal will result in devaluing property prices in the area; and
  - Proposal will spoil existing views from back of houses.
- 57 The above issues will be addressed within the following commentary, (except where identified as not being relevant to the decision).

### **Habitats Regulation Assessment [HRA]**

- 57 The [Conservation of Species and Habitats Regulations 2017](#) (otherwise known as the 'Habitats Regulations') transpose European Directives into UK law.
- 58 In accordance with 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.
- 59 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.
- 60 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.
- 61 The HRA screening hereby carried out by the LPA/MWPA considers the proposed development to have **no likely significant effect** on the identified European designated sites due to:
- It is not located at a distance to be considered to have proximity to directly impact on the European designated sites;
  - The site is not considered to have any functional impact pathways connecting the proposed works with any European designated sites; and;
  - The proposal does not have any significant increase on any adverse impacts the wider site may have.

## Climate Change

62 Hampshire County Council declared a climate change emergency on 17 June 2019. This proposed development has been subject to consideration of Policy NBE5 – (Managing Flood Risk), NBE9 (Design) of the Hart Local Plan and *Paragraph 148 of the NPPF (2019)*. The proposal is for playing fields with no lighting. Whilst no carbon assessment was submitted as part of the application, due to the nature of the proposed development there would be minimal carbon emission in the construction and operation of the facility.

## Commentary

### Principle of the development

63 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the plan unless material considerations indicate otherwise.

64 Paragraph 11 of the NPPF (2019) contains a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay. This is echoed in Policy SD1 of the Hart Local Plan (2020) which states 'Planning applications that accord with the policies in the Development Plan (including, where relevant, policies in Neighbourhood Plans) will be approved unless material considerations indicate otherwise'.

65 Section 8 of the NPPF (2019) relates to promoting healthy and safe communities. Paragraph 94 details that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. The Policy states that local planning authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on application.

66 The proposal will provide additional grass sport pitches to cater for an existing shortfall in formal grass sport area at the school and provide for 150 additional pupils. The proposed sport pitches would be outside of the complex of the existing school, located on land outside the settlement boundary.

67 Policy SS1 of the Hart Local Plan (2020) details that development will be focused within defined settlements, on previously development land in sustainable locations, and on allocated sites as shown on the Policies Map.

- 68 The application site on land outside a settlement boundary as defined by Policy SS1 although is on land safeguarded for education and allocated as such by Policy INF8 of the Hart Local Plan (2020).
- 69 Policy INF8 of the Hart Local Plan (2020) seeks to safeguard the application site for educational use unless the Local Education Authority confirms the land in question is no longer required for educational purposes.
- 70 The Odiham and North Warnborough Neighbourhood Plan (2014 - 2032) has been adopted and forms part of the development plan. Policy 10: Education supports the use of this site for educational uses provided that the use is confined to outdoor recreation and a legal obligation is made to secure the shared use of such facilities with the local community. An advisory note is therefore recommended to be attached to any subsequent decision notice to inform the developer that implementation of the proposal would be subject to the developer securing a legal agreement.
- 71 As identified in section 3 (Planning History) of the report, the land comprising Bufton Field is subject to a section 106 legal agreement between Hart District Council and the land owner/s for the land to be retained as 'open land'. The proposal for the enclosure of the pitches will necessitate the removal of this 'open land' restriction on the site. This would be achieved through a variation to the existing legal agreement held by Hart District Council. An advisory note is therefore recommended to be attached to any subsequent decision notice to inform the developer that implementation of the proposal would be subject to the developer securing a variation to the existing legal agreement.
- 72 It is therefore considered the proposed development is in principle acceptable in accordance with the relevant paragraphs of the NPPF (2019) as well as the relevant policies of the Hart Local Plan (2020) and Odiham and North Warnborough Neighbourhood Plan (2014 - 2032).

#### Visual impact and landscape

- 73 Policy NBE2 (Landscape) of the Hart Local Plan (2020) details that development proposals must respect and wherever possible enhance the special characteristics, value or visual amenity of the District's landscapes.
- 74 In addition, Policy NBE9 (Design) of the Hart Local Plan (2020) requires all developments should seek to achieve a high quality design and positively contribute to the overall appearance of the local area. (Protecting public health, safety and amenity) protects residents from significant adverse visual impact.

- 75 The applicant states that the following key principle emerged from the Site Strategy Workshop's, consultation with the Parish Council and public meetings:
- Provide grass pitches that will make up for the shortfall in flat grass sports area on the school site currently, but do not include floodlighting as it would be a nuisance to neighbours and would be overly intrusive within the green gap between Odiham and North Warnborough;
  - Retain large areas of the existing natural habitat and develop them as study and wildlife protection areas;
  - Provide fencing to control access and to provide new gated link paths from the main campus across the public path to the pitches, but do not provide direct access from Bufton Field housing estate to deter nuisance parking from potential weekend pitch users; and
  - Provide a carefully designed land drainage scheme to make sure that lower lying land is not at risk of flooding.
- 76 The application site is proposed to be fenced off with 1.8 metre tall open mesh fencing from the adjacent open land and would include new gated link paths from the main school campus across the public footpath to the pitches.
- 77 The fencing and playing fields will change the character of the open countryside, however, whilst the fencing would be up to three metres high in places, it would not be a solid structure and views across the application site would largely be retained by virtue of the transparency of the wire-mesh design.
- 78 It is considered that the open, light weight and sympathetic appearance of the fencing will reduce any impact regarding the openness of the area and any concerns regarding potential coalescence of adjacent settlements as a result of the application.
- 79 The siting of the sports pitches adjacent the school grounds will provide access from the main school facilities. The applicant states that the playing fields have been designed to be fully accessible allowing inclusion for all staff, pupils and visitors.
- 80 The development is subsequently considered to be in accordance with Policies NBE2 (Landscape) and NBE9 (Design) of the Hart Local Plan (2020).

### Amenity

- 81 Paragraph 127 of the NPPF (2019) sets out the criteria to ensure well designed developments. This includes their function, visual attractiveness, being sympathetic to local character and history, establishing and maintaining a strong sense of place, optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks and create places that

- are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users
- 82 The concerns that have been raised from adjacent residents in terms of harm to residential amenity are noted.
- 83 Given the separation distances and mature vegetation between the fencing and sports pitches and the neighbouring dwellings, any impact regarding loss of amenity would be limited. The application proposal does not include any floodlighting and therefore hours of use would be limited to daylight hours.
- 84 The proposal includes the provision of landscape planting to mitigate the impact of the development and enhance its setting following completion. Existing habitat offering vegetative screening between the site and dwellings on Queens Road to the north will also be retained to limit the initial visual impact of the development from this aspect.
- 85 Planning conditions are recommended to prevent the installation of any external lighting on site without prior approval, to require the submission of a detailed Landscaping Scheme, protect the existing tree group between the northern pitch and residential properties to the north of the site for the duration of the development and to ensure the development is implemented in accordance with the approved plans. These are included in Appendix A. It is therefore considered that the development will not be harmful to the residential amenities of occupants of Bufton Fields, Laurel Close, Dunley's Hill, West Street and Western Lane.
- 86 Concerns raised by members of the public regarding nuisance issues during construction are noted. The applicant has stated that during the construction phase, contractor's working hours will be limited to minimise disruption to the community and to avoid unnecessary Health and Safety risks and nuisance to neighbouring property owners. Provisions will be made to ensure that vehicles leaving the construction site will not transfer mud and other debris onto the highway.
- 87 Conditions on any approval requiring the submission and approval of a Construction Management Plan and a Waste Management Plan would mitigate any safety and nuisance concerns regarding construction vehicles and construction works during the temporary construction phase.
- 88 With the proposed conditions, it is therefore considered the proposal is in accordance with Paragraph 127 of the NPPF (2019) in terms of residential amenity.

## Cultural and Archaeological Heritage

- 89 Policy NBE8 (Historic Environment) of the Hart Local Plan (2020) details that development proposals should conserve or enhance heritage assets and their settings, taking account of their significance.
- 90 The proposal is not in the proximity of any listed buildings or Conservation Areas. The County Archaeologist has commented on the application and raise no objections although details any planning permission issued should secure not only the Archaeological Evaluation described but also the subsequent mitigation and reporting. These conditions are included within Appendix A to the report.
- 91 The proposal is therefore considered to in accordance with Policy NBE8 (Historic Environment) of the Hart Local Plan (2020).

## Ecology

- 92 Policy NBE4 (Biodiversity) of the Hart Local Plan (2020) relates to the enhancement and conservation of biodiversity set outs the all development will be expected to avoid negative impacts on existing biodiversity and provide a net gain where possible.
- 93 If significant harm 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, or, in the case of European Protected sites does not comply with the Conservation of Habitats and Species regulations 2017, then planning permission will be refused.
- 94 The application has been supported by a Preliminary Ecological Appraisal dated November 2019 and a further Ecological Appraisal dated October 2020.
- 95 The Ecological Appraisal comprised badger, bat, hazel dormouse and reptile surveys. Great crested newt surveys were cancelled as a result of Covid-19 safety measures. Therefore, a desk-based Great Crested Newt Assessment was completed, which forms part of this Ecological Appraisal.
- 96 The proposed works involve removing the interior areas of habitat to make way for new non illuminated sport pitches whilst retained northern, eastern and southern boundary habitats.
- 97 The report details that the impacts of the proposal are a slight reduction in bat foraging and commuting habitat and a minimal risk of encountering individual great crested newts during site clearance works.
- 98 A Mitigation Strategy is provided, detailing measures to minimise identified impacts and to provide appropriate compensation and enhancement to offset those impacts. This includes mitigation measures for foraging and

commuting bats and great crested newts, compensation for bats and enhancement measures for bats and other mammals, breeding birds and invertebrates.

- 99 Implementation of these measures should ensure no overall net loss of biodiversity and deliver biodiversity enhancements for a range of species. Proposed measures can be secured via conditions on any approval.
- 100 The County Ecologist has been consulted on the application and they view there would be no harm to protected species although have some concerns regarding the net loss of habitat and type of habitats to be created not reflecting what is existing. A condition is recommended that requires the creation of species rich grassland over the creation of woodland/trees within the site and include the siting of approximately 2000m<sup>2</sup> of habitat to be managed as grassland habitat (managed as a meadow). It is considered this would ensure no net loss of biodiversity and be in accordance with Policy NBE4 of the Hart Local Plan and Chapter 15 of the NPPF. Such a condition can be imposed on any potential approval.
- 101 Natural England have raised no objection to the application and have commented, 'Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes'.
- 102 It is therefore considered the proposed development is in accordance with Policy NBE4 of the Hart Local Plan. The proposed development avoids negative impacts on existing biodiversity and provide a biodiversity net gain.

#### Arboriculture

- 103 Policy NBE2 (Landscape) of the Hart Local Plan (2020) states that were appropriate 'proposals will be required to include a comprehensive landscaping scheme to ensure that the development would successfully integrate with the landscape and surroundings'.
- 104 The application was supported by an Arboricultural method statement and an Arboricultural Impact Assessment. The submitted Arboricultural Impact Assessment contains recommendations and refers to a separate Arboricultural Method Statement and Tree Protection Plan.
- 105 The supporting documents details that the proposal will result in the loss of approximately 0.7ha of low value regeneration and three semi mature sycamore trees of moderate value.
- 106 The submitted Ecological Strategy on plan P10998 -L-7106 – REV P3 details extensive proposed planting on the northern boundary of the site, in the centre of the site.

- 107 The County Arboriculturalist has commented on the application, they raise no objection to the proposal although recommends that the recommendations and provisions contained within the submitted documents are adequate for the preservation of trees, provided they are adhered to in full. Appropriate condition to require the recommendations contained within the Arboricultural Impact Assessment and to ensure appropriate after care is provided to the proposed landscaping can be imposed on any approval.
- 108 Due to appropriate protection and mitigation proposed it is considered the development is in accordance with Policy NBE2 (Landscape) of the Hart Local Plan (2020).

### Sport England

- 109 Sport England have been consulted on the application, they welcome the provision of two new playing pitches and raise no objection nor do they recommend conditions on any approval.
- 110 The proposed development is therefore considered to be in accordance with paragraph 97 of the NPPF (2019) which seeks to protect existing open spaces, sports and recreational buildings and land including playing fields.

### Flooding

- 111 The application site is within Flood Zone 1, land having less than 1 in 1,000 annual probability of river or sea flooding.
- 112 The application was supported by a Ground Investigation Report, the report indicates that the site is underlain by White Chalk Subgroup. Falling head infiltration tests were undertaken in two of the investigative boreholes and these showed infiltration rates of 10-4 m/s indicating that infiltration was good.
- 113 The land drainage system will be designed to be capable of draining the site without flooding for 1 in 100 year storm flows plus climate change allowance, without putting the lower lying housing at and other third party land at risk from flooding.
- 114 Drainage works for the proposed development consist of linear sand banding and linear land drain/soakaways.
- 115 The development is for a grass sport pitches which would not involve hardstanding and would be comparable to the existing scrub and grassland situation on site. The Lead Local Flood Authority has requested further information regarding drainage and ground water levels. It is considered that with the additional information and appropriate conditions the proposed development would not result in any adverse impact upon local or wider flooding issues. Any additional information will be reported at the meeting.



## Highways impact

- 116 Policy INF3 (Transport) of the Hart Local Plan (2020) states that proposals for development will be supported where they amongst other factors, integrate into existing movement networks; provide safe, suitable and convenient access for all potential users; provide appropriate parking provision and do not have a severe impact on the operation, safety or accessibility of the local or strategic highway networks.
- 117 A Transport Technical Note was submitted as part of the application. The document details that community use of the facility would be outside of school hours in the evening and weekends when traffic movements are lower. Based on the proposed size of the pitches, the Technical Note supplied with the application estimates that there would be a maximum of 88 community users if all pitches were used to maximum capacity. There is an all-weather pitch also available for community use within the school site which can accommodate around 35 users. In total 123 potential users of the site could be on site for any given time slot.
- 118 As community users of the pitches would be outside of school hours users of the facility will have use of the schools parking facilities. Car parking on site comprises of 91 (including two accessible) car parking spaces which will increase to 102 (including three accessible) when the school expands. Coach bays are also available within the schools parking facilities which could provide an additional 31 car parking bays. 35 cycle parking spaces are present assisting and promoting sustainable transport, one motorcycle bay and three minibus spaces are also available.
- 119 Concerns have been raised by members of the public regarding potential car parking and traffic problems. The submitted Transport Assessment concludes that the key roads in the vicinity of the site are unlikely to experience a detrimental impact as a result of this application and that there would be no significant highway or transportation matters as a result of the development. The Highway Authority has been consulted on the application, they have no comments on the application and view the proposal would not have a significant impact upon the highway.
- 120 Whilst concerns are noted it is considered there is sufficient car parking spaces available on site. Community users of the facility would be using the site outside of school times when car parking facilities would be available and traffic volumes would be low. It is therefore considered the proposed development would have no adverse impact upon the local highway network and parking provision. It is therefore considered the proposed development accords with Policy INF3 (Transport) of the Hart Local Plan (2020).

## Public Right of Way

- 121 Policy INF3 (Transport) of the Hart Local Plan (2020) specifically details that proposals for development will be supported where they 'protect and where possible enhance access to public rights of way'.
- 122 A public right of way runs to the west and parallel to the west of the site. The applicant has detailed that temporary closure of the public right of way footpath that runs north and south to the western side of the land will be required at strategic times during the works.
- 123 The proposal development will involve a new 1.8 metre tall fence and additional landscaping adjacent to the public right of way, gates are proposed within this fencing to allow access to the proposed facilities, users of the footpath will therefore have a new experience when travelling along the footpath.
- 124 Concerns have been raised by members of the public regarding impact and closure of the footpath and these are noted.
- 125 County Rights of Way have been consulted on the application. They have raised no objection although have advised the applicant enters into discussions regarding a temporary closure of the footpath and informative's on any permission to protect the footpath. Appropriate conditions can be imposed on any permission to secure protection of the public right of way, ensure any damage following construction works is appropriately repaired and restored to its original condition and appropriate diversion routes are made available.
- 126 Any impact to the public right of way would be temporary during the construction phase. The proposed development would therefore have minimal impact upon the public rights of way. The proposal is therefore considered to be in accordance with Policy INF3 (Transport) of the Hart Local Plan.

## Conclusions

- 127 The development is considered to be in accordance with the relevant policies included in the Hart District Local Plan (2020) and Odiham and North Warnborough Neighbourhood Plan and would:
- Provide additional grass sports pitches to address an existing shortfall in playing field provision at Robert May's School and in other settlements in the vicinity as supported by Policy DEV 19 (Land between Dunley's Hill, North Warnborough and Robert Mays School, Odiham);

- Be in keeping with local character in terms of scale, design, landscaping and layout and avoid any material loss of amenity to adjoining residential uses;
- Not have a significant adverse effect on protected plant or animal species or their habitats and would protect the countryside through the creation and enhancement of features of nature conservation by providing compensatory habitat to mitigate that to be lost;
- Not give rise to traffic flows which would cause material detriment to the amenities of nearby properties or to highway safety and have adequate arrangements on site for the parking of vehicles;
- Not unacceptably increase the risk of flooding on other land;
- Include new planting to maintain the value of trees and hedgerows affected by the proposal;
- Not seriously detract from the amenity and consequent recreational value of well-used footpaths and other public rights of way; and
- Include provision for a Community Use Plan setting out how the main pitch will be made available for community use.

128 It is considered that the proposal would be in accordance with the relevant paragraphs of the NPPF (2019) as well as relevant policies of the development plan.

### **Recommendation**

129 That, subject to all parties amending a Section 106 Agreement between Hart District Council and the land owner/s for the land to be retained as 'open land', the Director of Economy, Transport and Environment be authorised to GRANT permission subject to the conditions listed in Appendix A and any additional conditions required following receipt of additional drainage information and consultation responses.

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Layout Plan

Appendix D – Proposed Highway Works

Other documents relating to this application:

<https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=21164>

**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
<b>OR</b>	
<b>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:</b>	
the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste or local planning authority.	

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

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

Document

Location

20/01082/HCC  
HRE006

Hampshire County Council

Robert Mays School, West Street, Odiham  
Hook RG29 1NA  
(Provision of two new grass pitches (with no floodlighting), retention of large areas of the existing natural habitat, provision of fencing to control access and new gated link paths from the main school campus

## **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.

## CONDITIONS

### Time

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. No work relating to the construction of the development hereby permitted, (including works of preparation prior to operations, the delivery of construction materials, skips or machinery, nor the removal of waste materials) shall take place before 0800 or after 1800 Monday to Friday inclusive, before 0800 or after 1400 on Saturday and not at all on Sunday or recognised Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties in accordance with Paragraph 127 of the National Planning Policy Framework (2019).

3. Prior to the commencement of development, a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall incorporate the following measures as set out in the ecology recommendations:

- the previously-agreed species mitigation measures (with particular reference to foraging bats and breeding / foraging opportunities for birds),
- additional precautionary measures relating to the tree felling,
- the detailed planting scheme for the compensatory habitat at the adjacent school and the enhanced retained on-site habitat;
- detailed fencing layout, and
- the locations and specifications of the various species-specific enhancements (bat / bird boxes etc.).

The development shall be implemented in accordance with the approved details.

Reason: To ensure the development is in accordance with Policy NBE4 (Biodiversity) of the Hart Local Plan (2020).

4. Prior to the commencement of development, a detailed scheme of landscaping for the areas of the site outside of the off-site compensatory

habitat and the enhanced retained on-site habitat; shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the types, size and species of all trees and shrubs to be planted; details of all trees to be retained; and details of fencing/enclosure of the site, phasing and timescales for carrying out the works, and provision for future maintenance. Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The development shall be implemented in accordance with the approved details.

Reason: To ensure the development is in accordance with Policy NBE2 (Landscape) of the Hart Local Plan (2020).

5. Prior to the commencement of the development details of the RAL colour code of fencing to be erected on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the development is in accordance with Policy NBE9 (Design) of the Hart Local Plan (2020).

6. Prior to commencement, an updated Ecological Appraisal and Ecology Strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include the creation of species rich grassland over the creation of woodland/trees within the site, and include the siting of approximately 2000m<sup>2</sup> of habitat to be managed as grassland habitat (managed as a meadow).

Reason: to ensure no net loss of biodiversity in accordance with Policy NBE4 (Biodiversity) of the Hart Local Plan and Chapter 15 of the National Planning Policy Framework (2019).

7. Prior to the commencement of the development, surface water drainage details including the location and design of proposed drainage infrastructure and associated supporting calculations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that on-site drainage infrastructure is adequately designed to prevent any increase in net surface water run-off from the site and to ensure the development is in accordance with paragraph 163 of the National Planning Policy Framework (2019).

8. No development shall take place until the applicant has secured the implementation of a programme of Archaeological Assessment in accordance with a Written Scheme of Investigation (WSI) which shall be submitted to and approved by the Local Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist within the proposed development area.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets in accordance with Policy NBE8 (Historic Environment) of the Hart Local Plan (2020) and paragraph 189 of the National Planning Policy Framework (2019).

9. No development shall take place until the applicant has secured the implementation of a programme of Archaeological Mitigation of Impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Local Planning Authority.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations in accordance with Policy NBE8 (Historic Environment) and paragraph 189 of the National Planning Policy Framework (2019).

10. Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available in accordance with Policy NBE8 (Historic Environment) and paragraph 189 of the National Planning Policy Framework (2019).

11. Within three months of occupation of the development a site wide Biodiversity Management Plan (BMP) shall be submitted to the Local Planning for approval in writing. The BMP shall demonstrate how the site will be managed in the long term, including details of personnel / organisations responsible for undertaking and reviewing this, at least two biodiversity monitoring visits and periodic checks and repairs of the post and rail fencing.



Reason: To ensure the development is in accordance with Policy NBE4 (Biodiversity) of the Hart Local Plan (2020).

12. There shall be no external lighting on site.

Reason: To limit the landscape and visual impact of the development and to limit the impact of the development on the amenity of local residents in accordance with paragraph 127 of the National Planning Policy Framework (2019).

13. The development hereby permitted shall be carried out in accordance with the document titled 'Arboricultural Impact Assessment' dated 14.05.20, document titled 'Arboricultural Method Statement' for 'Robert May's School Remote Field' (dated 9th August 2016) and drawing titled 'Arboricultural Method Statement (AMS)' dated 19/05/20 submitted with the application.

Reason: To ensure the development is in accordance with Policy NBE2 (Landscape) of the Hart Local Plan (2020).

14. Any damage caused during the construction of the development hereby approved, by vehicular access to Public Right of Way Odiham 7 shall be repaired to the 'countryside specification' or returned to its original standard following completion of the development.

Reason: To ensure the development is in accordance with Policy INF3 (Transport) of the Hart Local Plan (2020).

15. Prior to occupation of the development hereby permitted, a Community Use Plan shall be submitted to the Local Planning Authority for approval in writing. The Plan shall include details of how and when the pitches will be made available for use by the community. The development shall subsequently be implemented in accordance with the approved details.

Reason: To ensure that consideration is given to the provision of the enclosed pitch for community use in accordance with Policy 10 (Education) of the Odiham and North Warnborough Neighbourhood Plan (2014 - 2032).

## Plans

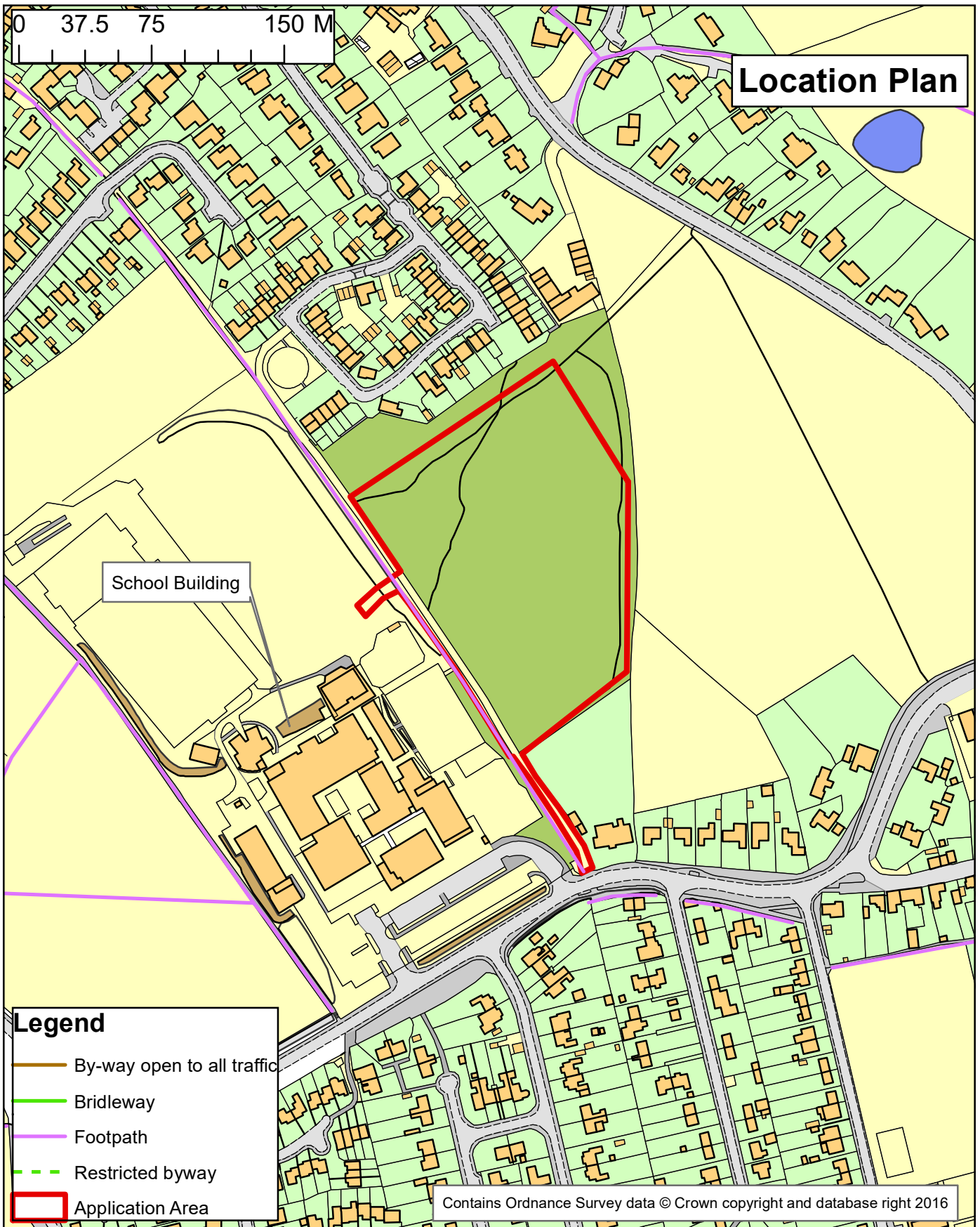
16. The development hereby permitted shall be carried out in accordance with the following approved plans: **P10998-L-7100RevP2, P10998-L-**

**7101RevP3, P10998-L-7102RevP3, P10998 - L-7103RevP3, P10998 - L-7105RevP2, P10998 - L-7106RevP3**

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

**Informatives**

1. In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2019), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. The applicant is advised that a legal agreement exists requiring the land the subject of this application be maintained as open land. Implementation of the proposal would therefore be subject to a developer securing a variation to the existing legal agreement
3. The preparation of a Construction Traffic Management Plan to be submitted and approved by the Highway Authority, including lorry routes, parking and turning provision to be made on site and measures to prevent mud from being deposited on the highway is advised in order to ensure the safety of school children and the general public.
4. 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.
5. There must be no surface alterations to a public Right of Way without the consent of Hampshire County Council as Highway Authority. To carry out any such works without this permission would constitute an offence under s131 Highways Act 1980.
6. No builders or contractor's vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the footpath so as to obstruct, hinder or provide a hazard to users.



**Provision of two new grass pitches (with no floodlighting), retention of large areas of the existing natural habitat, provision of fencing to control access and new gated link paths from the main school campus at Robert Mays School, West Street, Odiham Hook RG29 1NA**

**Application No: 20/01082/HCC  
Site Ref: HRE006**

**Regulatory Committee**

**16 December 2020**

**1:3,000**



**Hampshire  
County Council**

**Page 35**

**Drawn by: Strategic Planning Economy, Transport and Environment**

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0 20 40 60 80 m



Play Area

BUFTON FIELD

Existing Water Main

Existing Water Main

Off site native tree planting belt to ecologists recommendations - see separate drawing L-7106

New mower access gates

3 Nr trees to be removed

New pedestrian access gate and link path - (plastic grid with gravel fill)

Proposed 115 x 64m playing surface to allow for either full sized rugby or football pitch markings (with sand banding land drainage at 1m centres directly across contours)

Proposed 70 x 50m second pitch area to allow for 7 v 7 football pitch markings (no sand banding to be provided as part of this application)

Games Court

**GROUND MODEL CALCULATIONS:**

Ground model calculated cut = 5900m<sup>3</sup>

Ground model calculated fill required = 6750m<sup>3</sup>

Add 400m<sup>3</sup> allowance for imported materials for sand banding land drainage and soak-aways

Add 150m<sup>3</sup> allowance for imported topsoil for 2 Nr top dressing operations

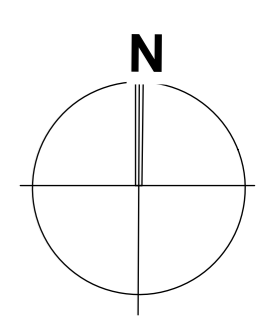
Add 200m<sup>3</sup> allowance for carting away root and concrete debris etc.

Add 885m<sup>3</sup> allowance for bulking factor (15%)

**Net Cut and Fill = 385m<sup>3</sup> surplus material**

Note:- All surplus material (including the 200m<sup>3</sup> of assorted debris) will be removed from site = 585m<sup>3</sup> cart away.

- KEY**
- Existing levels
  - Proposed levels
  - Proposed 0.1m contours
  - Proposed extent of level grass playing surface
  - Existing vegetation retained
  - Proposed wildflower seeding areas
  - Proposed grass embankment re-seeding areas
  - Re-wilding Habitat planting (Mix of trees and fruiting shrubs) - see drawing L-7106 for details
  - Avenue Tree Planting
  - Proposed 1.8m high Zaun Duo-sport Lite boundary fencing
  - 3m high Zaun Duo-sport ball stop fencing
  - 1m high post / mesh ecology protection fencing incorporating reptile survey sheeting at low level where shown on separate Ecology Strategy Plan L-7106
  - Surveyed location of existing water mains
  - Planning Application and construction site boundary



rev	description	date	by
P1	Draft/Planning Issue	29.03.19	crf
P2	Pre Application Consultation Issue	05.02.20	crf
P3	Planning Issue	30.04.20	crf

**Planning Issue**

**Notes**

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**Hampshire County Council**

**PROJECT**  
**Robert Mays Secondary School Expansion - Bufton Field Sports Field Construction**

SCALE  
 1:400 @A1  
 1:800 @A3

DATE  
 March 2019 crf

DRAWN, CHKD.  
 crf

DRAWING No.  
**P10998 - L-7103**

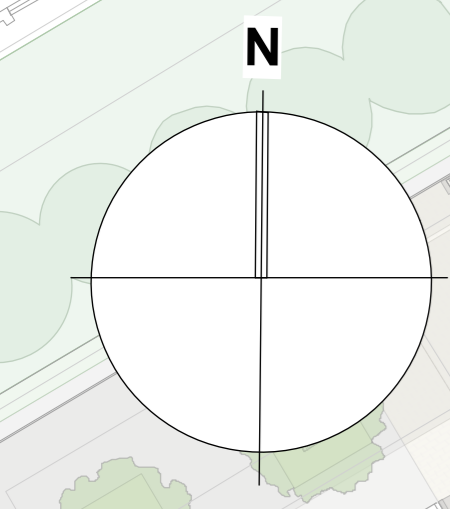
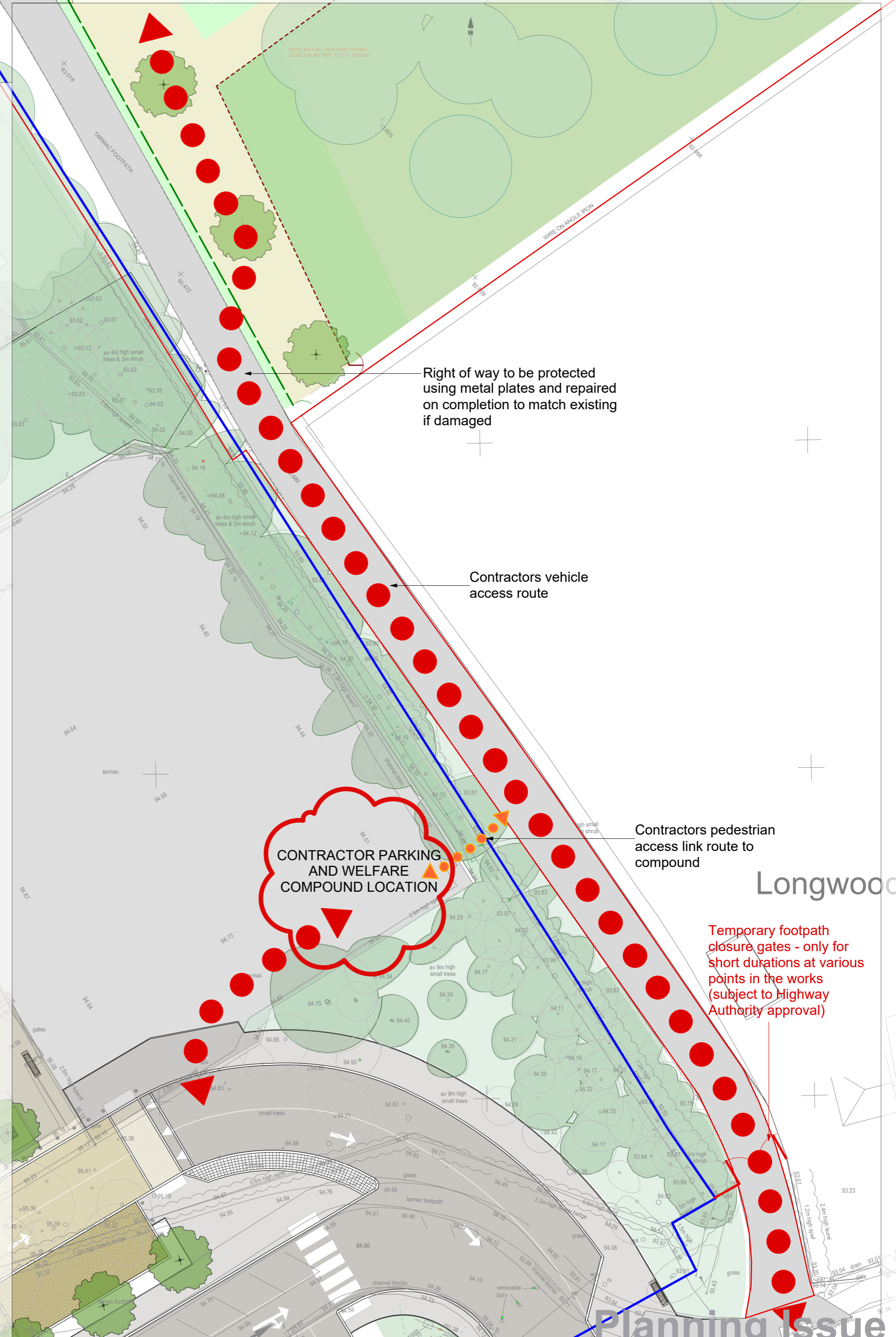
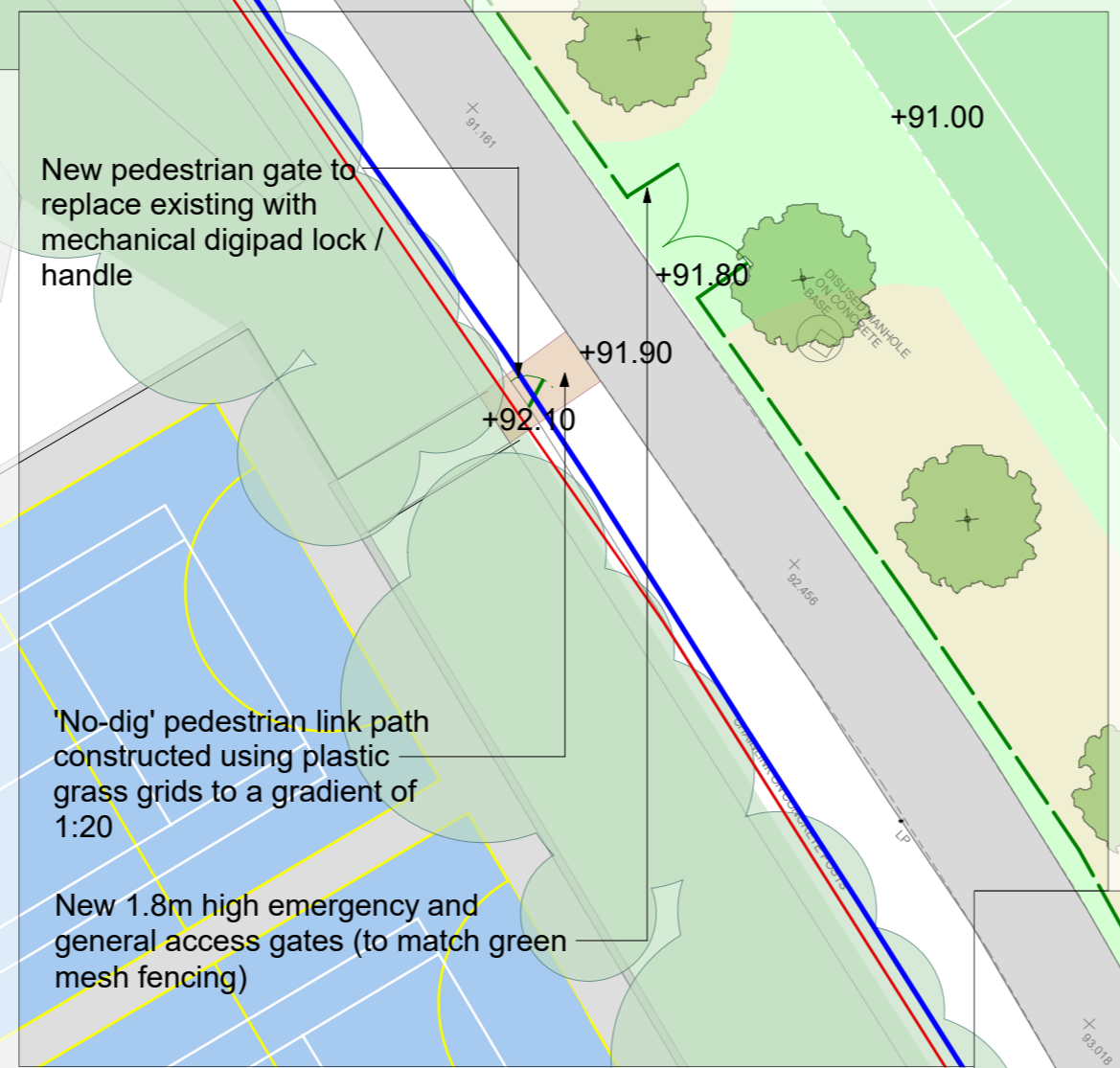
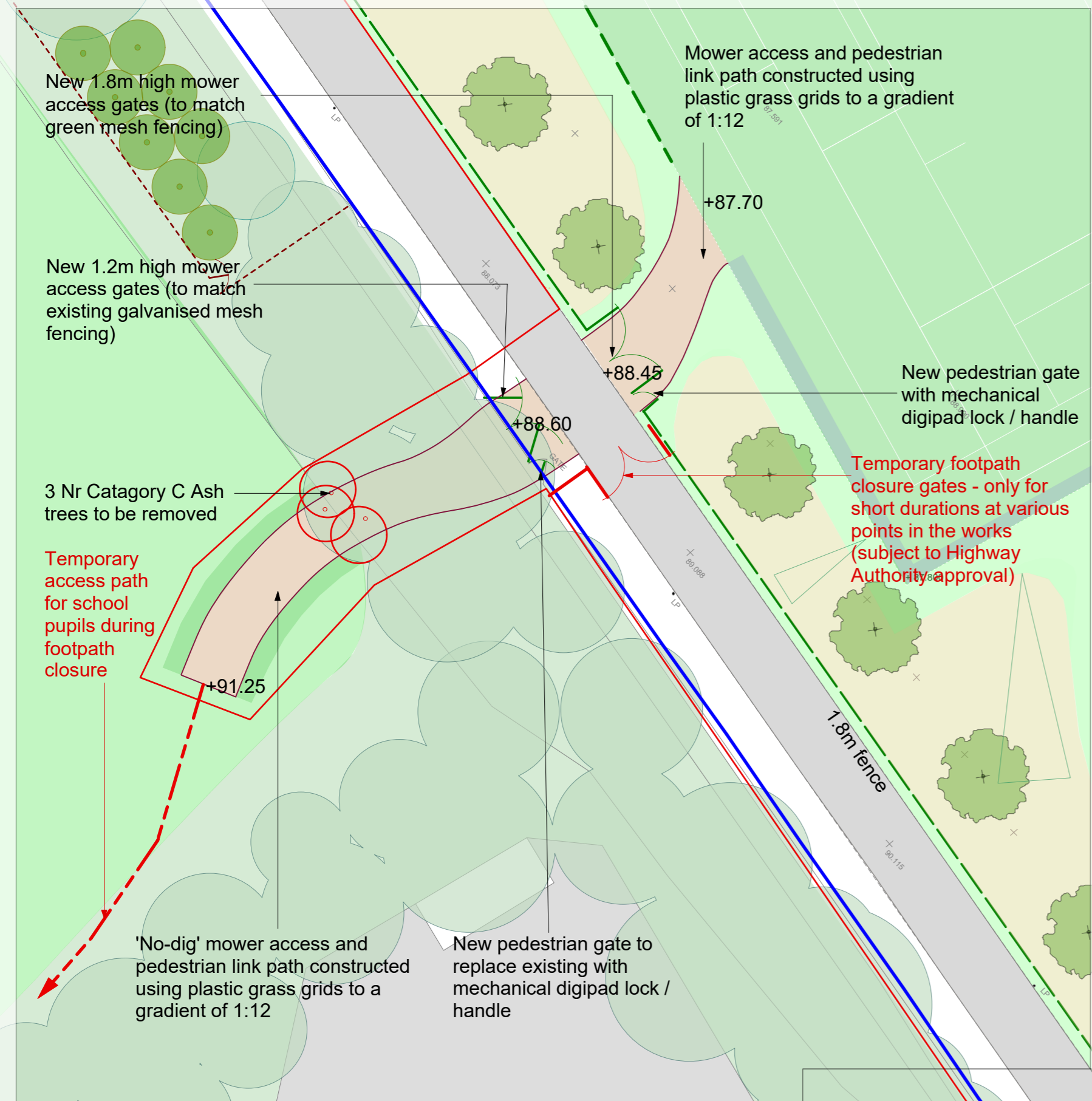
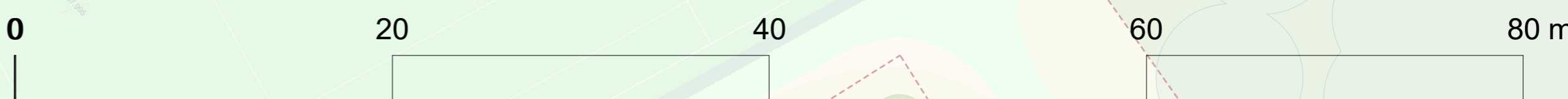
FILE REF.

HCC Property Services, Three Minsters House, 76 High Street, Winchester SO23 8UL. tel: (01962) 847801

**SHEET CONTENTS**  
**Proposed Site Strategy**

REVISION  
**P3**

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rev	description	date	by
P1	Draft Planning Issue	04.09.19	crl
P2	Planning Issue	30.04.20	crl

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**Hampshire County Council**

**PROJECT**  
Robert Mays Secondary School Expansion - Buton Field Sports Field Construction

**SCALE**  
1:250 @A1  
1:500 @A3

**DATE**  
Aug 2019

**DRAWN**  
crl

**CHKD.**

HCC Property Services,  
Three Minsters House,  
76 High Street, Winchester SO23 8UL.  
tel: (01962) 847801

**SHEET CONTENTS**  
Proposed Highway Works

**DRAWING No.**  
P10998 - L-7105

**REVISION**  
P2

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## HAMPSHIRE COUNTY COUNCIL Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	16 December 2020
<b>Title:</b>	Variation of condition 2, 9 and 10 of Appeal decision reference APP/Q1770/A/11/2161324 (Planning Application Reference: 10/02712/CMA) to reshape and improve the existing peripheral north eastern landscape bund to facilitate enhanced screening from wider views into the site and improve biodiversity on the site's periphery and to accommodate a temporary wash plant operation in the southern section of the site for a period of twelve months only at Salvidge Farm, Bunny Lane, Timsbury SO51 0PG (No. 20/01753/CMAS) (Site Ref: TV066)
<b>Report From:</b>	Head of Strategic Planning

**Contact name:** Sam Dumbrell

**Tel:** 0370 779 7412

**Email:** [sam.dumbrell@hants.gov.uk](mailto:sam.dumbrell@hants.gov.uk)

### Recommendation

1. That planning permission be GRANTED subject to the conditions listed in **Appendix A.**

### Executive Summary

2. The planning application seeks approval for the variation of 3 conditions (No. s 2, 9 and 10) on Appeal decision reference APP/Q1770/A/11/2161324) at the existing Bunny Lane site waste processing site at Salvidge Farm, Bunny Lane, Timsbury SO51 0PG.
3. The rationale of the proposed changes to the site is to allow improvements and enhancements to the existing peripheral bund along the site's north-eastern boundary and to temporarily install a wash plant within the site's southern margin to help manage and screen the excess amounts of imported material that presently occupy the site.
4. It is considered that the proposal would be in accordance with the relevant policies of the adopted [Hampshire Minerals & Waste Plan \(HMWP\) 2013](#) and the [Test Valley Borough Revised Local Plan \(2016\)](#) .
5. This application is being considered by the Regulatory Committee after being called in by the local County Councillor.

7. The only statutory consultees to object are Michelmersh & Timsbury and Braishfield Parish Councils. 1 representation was received from a member of the public.
8. The Regulatory Committee was unable to visit the site due to Covid-19 imposed restrictions.
9. The key issues raised are:
  - Visual impact;
  - Air quality impacts;
  - Noise impacts;
  - Impacts on the water environment; and
  - The part retrospective nature of the application.
10. The site is an existing waste management facility which is safeguarded by Policy 26 (Safeguarding - waste infrastructure) and contributes towards an adequate and steady supply of aggregates for Hampshire and surrounding areas. It is considered that the proposal would be in accordance with the relevant policies of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) and that the proposal would:
  - be acceptable in principle;
  - contribute in providing a steady and adequate supply of recycled and secondary aggregates for Hampshire by allowing an additional means of screening imported materials at an existing permitted waste management facility that is safeguarded for such purposes within the Hampshire Minerals and Waste Plan (2013);
  - not cause unacceptable adverse visual impacts;
  - not cause unacceptable adverse effect on ecology and biodiversity;
  - not cause unacceptable adverse effects on the water environment; and
  - not cause unacceptable adverse public health and safety or unacceptable adverse amenity impacts.
11. Therefore, it is recommended that permission be GRANTED subject to the conditions in **Appendix A**.

### **The Site**

12. The entire site occupies an area of approximately 6.2 hectares of land. The Location Plan (see **Appendix B**) shows that the site lies approximately 4 kilometres to the north of the town of Romsey, with the villages of Timsbury and Braishfield situated approximately 0.5 kilometres due west and 2 kilometres due east respectively.
13. The site can be subdivided into three distinct areas (see **Appendix C**). The northern third comprises large stockpiles of imported materials/waste and

an area for concrete crushing, the central third houses the materials recycling facility (MRF) and associated materials and waste storage areas, site buildings (offices and welfare facilities), vehicle/plant storage and parking areas plus the weighbridge and the southern third contains the a further operational area associated with the production of recycled and secondary aggregates. This area is less intensively used. Wood shredding and soil blending is also undertaken within this area of the site. The storage of materials (as required when demand higher), containers, skips and other equipment is also undertaken here as an overflow area.

14. Access to the site is achieved from Bunny Lane at the site's south-eastern corner. Access to the wider highway network and Romsey and Southampton is gained via the A3057 due west of the site, where Bunny Lane joins it.
15. The site lies within the countryside and is bounded by hedgerows and trees along its northern and western boundaries. Beyond these are restored former mineral workings (north) and undeveloped grassland and agricultural land (west). The sites eastern boundary is bordered by a shared informal access track and restored former mineral workings characterised by water features, planting and grassland areas. The south-western and southern boundaries are bordered by less mature and significant planting and Bunny Lane.
16. Public footpath 'Route Number 4' runs along the route of Bunny Lane alongside the site's southern boundary and adjoins the site's north-eastern corner.
17. 'Hill Top' and 'Little Herons' are the nearest residential properties to the site situated approximately 0.1 and 0.2 kilometres north-west and west of the northern/north-western boundary. The next nearest residential properties are located approximately 0.3 kilometres to the north of the site on Redland Drive and within the village of Michelmersh further north. Bunny Lane House is situated approximately 0.4 kilometres west of the site at the entrance to Bunny Lane. Other residential properties within the village of Timsbury on Manor Lane and St Andrews Close lie approximately 0.6 kilometres to the west.
18. Timsbury Lake, occupied by Warash Maritime Academy, is situated on land south of Bunny Lane approximately 0.4 kilometres south of the site. The Casbrook Household Waste Recycling Centre is situated approximately 0.4 kilometres to the north-east of the site. A number of industrial units forming 'Hunts Farm' are located approximately 0.6 kilometres on Rudd Lane to the north (beyond Redland Drive).
19. The site is not located in a sensitive surface water area (in Flood Zone 1, the lowest risk zone) but is situated in a sensitive groundwater area being

situated on the boundary between Zones 2 and 3 of the Environment Agency's Groundwater Source Protection Zones (SPZs).

20. The site is not situated within any designated sensitive heritage, ecological or landscape sites.

### Planning History

21. The relevant planning history of the site is as follows.

<b>Applicati on no.</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/00902/ CMAS	Variation of condition 12 (Hours of operation for HCVs) of Appeal Decision APP/Q1770/A/11/2161324	Withdrawn	09/06/2016
15/03107/ CMAS	Variation of conditions 12 (Hours of operation for HCVs) and 22 (HCV movements) of Appeal Decision APP/Q1770/A/11/2161324	Withdrawn	25/01/2016
15/00006/ CMAS	Removal of an existing lean to building and replacement with a picking station including associated conveyors and containers, replacing an existing picking station with a larger unit, provision of concrete surfacing for aggregate storage, minor extension and relocation of the existing offices/mess rooms and revision of vehicle manoeuvring/car parking area with associated changes to approve Layout Drawing 396C/SL/2 (March 2011 as referenced in Condition 2 of Appeal Decision APP/Q1770/A/11/2161324	Granted	22/04/2015
10/02712/ CMAS	Change of use to retain permanently and extend recycling facility with ancillary development and activities	Refused Allowed on Appeal APP/Q1770/A/11/2161324	04/08/2011 12/07/2012
10/00745/ CMAS	Variation of Condition 5 (Remove boundary bund) on Planning Permission 09/00540/CMAS	Withdrawn	22/06/2010

22. The facility operates under Appeal Decision APP/Q1770/A/11/2161324, granted in 2012 by the Planning Inspectorate following a successful appeal against the County Council's refusal to grant planning permission under 10/02712/CMAS in 2011.
23. Appeal Decision APP/Q1770/A/11/2161324 allowed the facility to become permanent in nature, to extend its operational area (to today's current site area) and incorporate additional operations ancillary to the main use, including designated working and storage areas, peripheral bunding and environmental mitigation and enhancements (implemented through conditions and legal agreements).
24. The facility has been operating under Appeal Decision APP/Q1770/A/11/2161324 since 2012. No changes have been made to permitted operations in the interim.

### **The Proposal**

25. Planning permission is sought for the variation of conditions 2, 9 and 10 on Appeal decision reference APP/Q1770/A/11/2161324).
26. Condition 2 presently reads:

*The development hereby permitted shall be carried out in accordance with the following approved plans:*

Drawing no. 369C/10 – Location Plan – October 2010  
 Drawing no. 396C/AP1 – Application Plan – May 2010  
 Drawing no. 396C/SL/2 – Site Layout – March 2011  
 Drawing no. BL002Rev.a – Revised Landscape Mitigation Scheme – Apr 2011  
 Drawing no. BL003 – Cross Section Through Proposed Peripheral Bund – October 2010  
 Drawing no. BL005 – Indicative Cross-Sections A-A' to C-C' – April 2011  
 Drawing no. BL006 – Indicative Cross-Sections D-D' to F-F' – April 2011  
 Drawing no. BL007 – Proposed Landscape Planting Scheme – April 2011  
 Drawing no. Figure 1 – Site Context, Landscape Character and Viewpoint Locations – October 2010  
 Drawing no. Figure 2 – Viewpoints 1 & 2 – October 2010  
 Drawing no. Figure 3 – Viewpoints 3 & 4 – October 2010  
 Drawing no. Figure 4 – Viewpoints 5 & 6 – October 2010  
 Drawing no. DBLC001 – Viewpoint 5: Existing and indicative proposed view – January 2011  
 Drawing no. Figure 5 – Viewpoints 7 & 8 – October 2010  
 Drawing no. Figure 6 – Viewpoints 9 & 10 – October 2010  
 Drawing no. Figure 7 – Viewpoints 11 & 12 – October 2010

Drawing no. Figure 8 – Viewpoints 13 & 14 – October 2010  
Drawing no. Figure 9 – Viewpoints 15 & 16 – October 2010  
Drawing no. Figure 10 – Viewpoints 17 & 18 – October 2010  
Drawing no. Figure 11 – Viewpoints 19 & 20 – October 2010  
Drawing no. Figure 12 – Viewpoints 21 & 22 – October 2010  
Drawing no. Figure 13 – Tranquillity Map – October 2010  
Drawing no. Figure 14 – Viewpoint 15: Existing and Indicative Proposed View – October 2010  
Hampshire County Council Rights of Way Office – Proposed diversion of part of Michelmersh Footpath No.4 – Amended April 2011.

27. Condition 9 presently reads:

No plant on the site shall exceed 4m in height above the existing ground level. All machinery loading material/waste onto or off stockpiles, plant and vehicles, shall operate in a manner that ensures it is entirely below the level of the bunds and associated screening vegetation in that part of the site. When not being operated all plant and machinery shall be in a location where it is entirely below the level of the bunds in that part of the site.

28. Condition 10 presently reads:

The “campaign” foam mix and wood shredding shall only take place in the bunded south west corner of the site as shown on approved drawing no. 396C/SL/2 (March 2011). No more than one campaign activity (concrete crushing, wood shredding or foam mix) shall take place on the site at the same time.

29. The applicant advises that through varying these three conditions, the site’s permitted operations would be improved without adversely affecting the local environment and its residents.

30. The first change sought seeks to improve and enhance the existing peripheral bunding at and along the north-eastern boundary of the site. On the northern boundary the bund would be extended laterally eastward by 10 metres matching the existing bund height of 5 metres.

31. Alongside the site’s north-eastern boundary bunding would be built up to a height of 4 metres and increased to 9 metres in width over its length of approximately 150 metres. The changes would be undertaken using inert waste/materials already on site.

32. These works would be completed with planting using native trees and shrubs in keeping with that used on the western boundary. Other existing peripheral site bunding - on the western and southern boundaries - would have minor improvement works involving new and additional planting to strengthen current levels of screening (see **Appendix F**).

33. These works to site bunding (see **Appendix D**) would improve both screening of the site from external views and help to reduce emissions through site derived noise throughout the locality.
34. The second change sought seeks to install and use a wash plant for a trial period of a 12 months to process imported materials on site that the applicant has been unable to sell and as a consequence export. Materials produced would include gravels, sharp sand and building sand.
35. The proposed wash plant would comprise a number of component parts and be installed within the south-western corner of the site (see **Appendix D**).
36. The wash plant would occupy an area of 72 metres in length (north to south) by 27 metres in width (east to west) with the tallest part of the plant standing to a height 9.2 metres (see **Appendix E**). The peripheral bunding adjoining this plant stands to a height of 5 metres (4 metre high bund with approximate 1 metre high planting).
37. The wash plant would require the applicant to install a groundwater supply borehole to secure the volumes of water (approximately 50,000 litres per day) required to run it. This would need to be approved and regulated by the Environment Agency not by the County Council. All water used would be recycled and reused at all times.
38. In advance of the determination of this planning application, the applicant decided to install the proposed wash plant. Following the receipt of complaints from the Parish Council and local residents the County Council investigated.
39. Council officers were advised that the plant had been installed due to the supplier's delivery timescales being only possible in Autumn 2020. This left the applicant no choice officers were advised.
40. Whilst the plant has not been brought into use, Council officers advised the applicant that this should not have been undertaken as without planning permission, this element of the proposal was unauthorised development
41. Council officers explained that whilst this wash plant was unauthorised whilst it was not being used and with the application being determined in during late 2020, the plant would not be required to be removed. The applicant is aware that the risk of installing it before the planning application is considered by Regulatory Committee, is entirely theirs.
42. Additionally, the applicant has proposed the construction of a further bund to be situated on the eastern side of the proposed wash plant to help with screening (visual and noise). This bund, if required, would also be constructed from on-site materials.

43. As a result of the above changes sought, Condition 2 is proposed to be varied (in *italics* and/or ~~struck through~~) to read:

The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 369C/10 – Location Plan – October 2010

Drawing no. 396C/AP1 – Application Plan – May 2010

~~Drawing no. 396C/SL/2 – Site Layout – March 2011~~

Drawing No. 001 – Site Location Plan – July 2020

~~Drawing no. BL002Rev.a – Revised Landscape Mitigation Scheme – Apr 2011~~

Drawing No. 002 – Revised Landscape Mitigation Scheme and Site Layout – July 2020

Drawing No. 003 – Existing and Proposed Bunds (Northern Section) – July 2020

Drawing No. 004 – Cross Section of Wash Plant (Southern Section) – July 2020

Drawing no. BL003 – Cross Section Through Proposed Peripheral Bund – October 2010

Drawing no. BL005 – Indicative Cross-Sections A-A' to C-C' – April 2011

Drawing no. BL006 – Indicative Cross-Sections D-D' to F-F' – April 2011

Drawing no. BL007 – Proposed Landscape Planting Scheme – April 2011

Drawing no. Figure 1 – Site Context, Landscape Character and Viewpoint Locations – October 2010

Drawing no. Figure 2 – Viewpoints 1 & 2 – October 2010

Drawing no. Figure 3 – Viewpoints 3 & 4 – October 2010

Drawing no. Figure 4 – Viewpoints 5 & 6 – October 2010

Drawing no. DBLC001 – Viewpoint 5: Existing and indicative proposed view – January 2011

Drawing no. Figure 5 – Viewpoints 7 & 8 – October 2010

Drawing no. Figure 6 – Viewpoints 9 & 10 – October 2010

Drawing no. Figure 7 – Viewpoints 11 & 12 – October 2010

Drawing no. Figure 8 – Viewpoints 13 & 14 – October 2010

Drawing no. Figure 9 – Viewpoints 15 & 16 – October 2010

Drawing no. Figure 10 – Viewpoints 17 & 18 – October 2010

Drawing no. Figure 11 – Viewpoints 19 & 20 – October 2010

Drawing no. Figure 12 – Viewpoints 21 & 22 – October 2010

Drawing no. Figure 13 – Tranquillity Map – October 2010

Drawing no. Figure 14 – Viewpoint 15: Existing and Indicative Proposed View – October 2010

Hampshire County Council Rights of Way Office – Proposed diversion of part of Michelmersh Footpath No.4 – Amended April 2011.

44. As a result of the above changes sought, Condition 9 is proposed to be varied (*in italics*) to read:



No plant on the site shall exceed 4m in height above the existing ground level (*except for the temporary washing plant (McCloskey operations)*). All *other* machinery loading material/waste onto or off stockpiles, plant and vehicles, shall operate in a manner that ensures it is entirely below the level of the bunds and associated screening vegetation in that part of the site. When not being operated all plant and machinery shall be in a location where it is entirely below the level of the bunds in that part of the site.

45. As a result of the above changes sought, Condition 10 is proposed to be varied (*in italics and/or struck through*) to read:

The “campaign” foam mix and wood shredding shall only take place in the bunded south west corner of the site as shown on approved ~~*drawing no. 396C/SL/2 (March 2011)*~~ *Drawing No. 002 – Revised Landscape Mitigation Scheme and Site Layout – July 2020*. No more than one campaign activity (*washing plant, concrete crushing, wood shredding or foam mix*) shall take place on the site at the same time.

46. No changes to the approved hours of use, including the entry to and exit from the site by HCVs, are sought and would remain at 07:30 - 17:30 Monday to Friday and 07:30 -12:30 on Saturdays only.
47. No changes to the approved maximum number of HCV two-way movements generated by the site on any one day would be 208 (104 in and 104 out) are proposed.
48. No changes to the annual permitted amount of waste materials imported to the site, which is 150,000 tonnes, are proposed.
49. Many of the extant conditioned mitigation schemes, controlling impacts from dust, noise, vehicle cleaning amongst others would also be retained. These conditions can also be reviewed and amended should there be material reasons for doing so.
50. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). A Screening Opinion confirming this was issued by the County Council on 09 September 2020.

#### **Development Plan & Guidance**

51. The following plans and associated policies are considered to be relevant to the proposal:

[National Planning Policy for Waste \(2014\) \(NPPW\)](#)

52. 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)

53. The following paragraphs are relevant to the proposal:

- Paragraph 045 (Counties and other Planning Authorities working on waste planning matters);
- Paragraph 047 (Expanding/extending waste management facilities); and
- Paragraphs 050 - 051: (Planning and environmental regulation).

**Hampshire Minerals & Waste Plan (HMWP) 2013**

54. The following key policies are relevant to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 2 (Climate change);
- Policy 3 (Protection of habitats and species);
- Policy 5 (Protection of the countryside);
- 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); and
- Policy 26 (Safeguarding - waste infrastructure).

**Test Valley Borough Revised Local Plan (2011 - 2029) (2016) (TVBLP)**

56. The following policies are relevant to the proposal:

- Policy E1 (High quality development in the borough);
- Policy E3 (Protect, conserve and enhance landscape character);
- Policy E5 (Biodiversity);
- Policy E7 (Water management);
- Policy E8 (Pollution); and
- Policy LHW4 (Amenity).

**Michelmersh & Timsbury Village Design Statement (2001)**

57. This Supplementary Planning Document (SPD) was adopted by Test Valley Borough Council (TVBC) in 2001 for use in the consideration of and to influence development proposals within the Parish.

58. The Village Design Statement seeks to protect the history and character of this historic agricultural settlement, noting that the area does include land uses such as industrial, commercial and mineral extraction amongst more traditional agricultural and residential ones.

#### National Planning Policy Framework (2019)

59. The following paragraphs are relevant to this proposal:
- Paragraphs 11 & 12: Presumption in favour of sustainable development;
  - Paragraph 47: Determination in accordance with the development plan unless material considerations indicate otherwise;
  - Paragraphs 54 - 55 & 58: Use of planning conditions and obligations and enforcement action;
  - Paragraph 98: Protect and enhance public rights of way;
  - Paragraph 170: Conserve and enhance the natural environment;
  - Paragraphs 180: Prevent pollution of local area;
  - Paragraphs 181 - 183: Ensure development is appropriately located and effectively integrated into its setting, ensuring impacts on the local environment are mitigated; and
  - Paragraphs 203 - 208: Facilitating the sustainable use and supply of minerals.

#### National Planning Practice Guidance

60. Elements of National Planning Practice Guidance NPPG (Live) are also relevant, those being:
- Air quality (1 November 2019);
  - Climate change (15 March 2019);
  - Flood risk and coastal change (6 March 2014);
  - Noise (22 July 2019);
  - Planning obligations (1 September 2019);
  - Use of planning conditions (23 July 2019); and
  - Water supply, wastewater and water quality (22 July 2019).

#### **Consultations**

61. **County Councillor Perry:** Shares the concerns raised by the Parish Councils' and local residents. The benefits of the work the applicant undertakes is acknowledged.
62. **Test Valley Borough Council - Planning:** Concern raised over height of wash plant and visual impact it will have on the local area, particularly to the south and west. Lack of visual impact assessment undertaken even for a temporary development. Detailed planting plan will be required with

landscape management to ensure successful establishment. Concerns raised by Environmental Health Officer over a lack of noise, dust and drinking water impacts.

63. **Test Valley Borough Council - Environmental Health Officer (EHO):** No objection or comments to make.
64. **Michelmersh & Timsbury Parish Council:** Objection on the grounds of unacceptable visual impacts on the local landscape from the proposed wash plant, no noise evidence to justify the bunding improvement works, no dust mitigation included for the proposed wash plant, some proposed plans and bunding dimensions appear conflict with each other and concerns that these changes to the site would impact unacceptably on the local community. The Parish Council are also critical of the applicant who has installed the wash plant on site in advance of the application being determined, and without planning permission.
65. **Braishfield Parish Council:** Support the views of Michelmersh & Timsbury Parish Council.
66. **Environment Agency:** Confirmation that the proposed wash plant will need to incorporate appropriate drainage mitigation measures and that an abstraction licence will need to be secured from the Agency to abstract groundwater.
67. **Southampton Airport:** No objection.
68. **County Ecologist:** Advises that proposed underplanting works will require careful consideration and implementation to ensure the protection of any protected species' and their habitats.
69. **Highway Authority:** No objection.
70. **County Landscape:** Advises that suitable and specific planting proposals, to help with screening of the proposed wash plant, in terms of timing and seasons must be used throughout.
71. **Lead Local Flood Authority:** No objection.
72. **County Planning Policy:** Subject to satisfying other relevant policies in the HMWP (2013), the proposed development would contribute to achieving Hampshire's targets for producing recycled and secondary aggregates.
73. **County Rights of Way:** No direct impacts for Footpath 505 to the south and east of the site should be created. Consideration should be given to impacts through noise and appropriate mitigation on users of this right of way from the wash plant.

## Representations

74. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted procedure and publicity requirements associated with determining planning applications.
75. In complying with the requirements of the SCI, HCC:
- Published a notice of the application in the [Hampshire Independent](#);
  - Placed notices 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 100 metres of the boundary of the site as set out in the SCI).
76. When further information was submitted by the applicant in response to comments received, all consultees and the local population originally notified of the proposal, plus those who submitted comments independently, were all informed and invited to comment further.
77. As of the 30 November 2020, 1 [representation](#) in opposition the proposal had been received from a local resident. The main areas of concern raised in the objection relate to the following areas:
- Ongoing failure to manage existing boundaries and stop materials and waste leaving the site and polluting adjoining land and watercourses;
  - Bunding and stockpiles' dimensions breach existing conditions, specifically quality of planting and maximum heights;
  - No noise reduction need demonstrated for the bunding;
  - The bunding changes would create visually intrusive features;
  - Use of site derived waste to form bunds is just a waste disposal ruse;
  - Materials on site are not all uncontaminated and inert as required by condition and the EA;
  - The wash plant has been installed already without planning approval; and
  - The proposed development should be EIA development.
78. The above issues will be addressed within the following commentary.

## Commentary

### Principle of the development

79. The principle of the site as the location of waste management and specifically the production of recycled and secondary aggregate from imported waste materials has already been determined through the historical permissions granted, in particular appeal decision APP/Q1770/A/11/2161324 and planning permission 15/00006/CMAS granted in 2012 and 2015

respectively. Both of these allow waste management and ancillary operations to be undertaken on a permanent basis.

80. The application relates to a well-established and authorised waste management facility that contributes to the supply of recycled and secondary aggregates in Hampshire, which accords with the relevant policies of the Hampshire Minerals and Waste Plan (HMWP) (2013).
81. The wider established waste management facility is safeguarded through Policy 26 (Safeguarding – waste infrastructure) of the HMWP (2013), which helps protect strategically important waste management infrastructure against redevelopment and inappropriate encroachment unless the site is no longer required and the merits of any such redevelopment outweigh the safeguarding need.
82. Policy 1 (Sustainable minerals and waste development) of the adopted HMWP (2013) states that the Hampshire Authorities will take a positive approach to minerals and waste development that reflects the presumption in favour of sustainable development contained in the NPPF (2019). The development of the site will be supporting economic growth by maintaining a supply of recycled and secondary aggregates required for use in the building industry and in the construction and/or repair of roads and transport infrastructure. Avoiding the need for the extraction of primary aggregates (i.e. virgin sand and gravels) is a significant step in safeguarding natural resources and as such a highly sustainable form of both minerals and waste development.
83. In support of Policy 1 above, Policy 25 (Sustainable waste management) seeks to divert 100% of waste generated from landfill and to maximise the use of existing infrastructure at existing waste sites to co-locate operations that seek to reduce the disposal of waste and increase the use of waste materials as a resource.
84. Policy 17 (Aggregate supply – capacity and source) of the HMWP (2013) states that an adequate and steady supply of aggregates until 2030 will be provided for a variety of sources including land-won, marine won and 1mtpa of recycled and secondary aggregates. This is expected to be augmented through the safeguarding and developing of infrastructure at sites such as the Bunny Lane facility.
85. Hampshire's most recent [Local Aggregates Assessment \(LAA\) 2019](#) indicates that the supply of local sand and gravel is currently at a rate of 1.18 million tonnes per annum (mtpa). This is substantially below the requirement of Policy 17 of 1.56 mtpa. In terms of the landbank, this accounts for 5.81 years (Table 3 of the LAA). For sharp sand and gravel specifically, the local requirement is 6.59 years. This means that currently Hampshire is below the requirement of a minimum seven-year landbank overall for sharp sand and gravel as required by the NPPF (2019) and as a result is not meeting the policy requirements of Policy 17 (Aggregate supply – capacity and source) of

the HMWP (2013). The landbank of sand and gravel resources in Hampshire is therefore below the national required minimum level. The proposed development at the Bunny Lane site helps to contribute towards this requirement, and current shortfall for sand and gravel.

86. Policy 18 (Recycled and secondary aggregates development) of the HMWP (2013) is supportive of the development of sites like that being considered at Bunny Lane to help meet Policy 17's requirement of 1mtpa of recycled and secondary aggregates through the proposed wash plant whilst avoiding the extraction of additional primary aggregates (i.e. virgin sand and gravels).
87. Therefore, the proposal to develop the wash plant and existing infrastructure at Bunny Lane will help to contribute to Hampshire's supply of aggregates by enabling the production of additional volumes of recycled and secondary aggregates at a quicker rate than is currently being undertaken. The proposals would be in accordance with Paragraphs 80 and 83 - 84 of the National Planning Policy Framework (NPPF) (2019) all of which encourage the importance of local business needs, the rural economy and the diversification of this economy.
88. The proposed development is considered to be in accordance with Policies 1 (Sustainable minerals and waste development), 17 (Aggregate supply – capacity and source), 18 (Recycled and secondary aggregates development), 25 (Sustainable waste management) and 26 (Safeguarding – waste infrastructure) of the HMWP (2013) as by installing the wash plant at the site, sands and gravels can be cleaned and separated from the imported waste materials at a quicker rate, thereby contributing to an adequate and steady supply of sand and gravel, and complying with Paragraphs 11 & 12 (Presumption in favour of sustainable development) and 203 - 208 (Facilitating the sustainable use and supply of minerals) of the NPPF (2019).

#### Visual impact and landscape

89. Policy 5 (Protection of the countryside) of the HMWP (2013) identifies minerals and waste-related development as a development which will be permitted in the countryside 'if it related to the existing land use', 'meets local needs' and/or involves 'the suitable use of previously developed land...and their curtilages or hard standings'. It also indicates that development will be expected to meet highest standards of design, operation and restoration. In addition, Policy 13 (High-quality design of minerals and waste development) of the HMWP (2013) states that minerals and waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and townscape. It also states that the design of appropriate built facilities for minerals and waste development should be of a high-quality and contribute to achieving sustainable development. Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013) protects residents from significant adverse visual impact.

90. Policies E3 (Protect, conserve and enhance landscape character) and E1 (High quality development in the borough) of the TVBLP (2016) both require that development proposals must respect and wherever possible enhance the special characteristics, value or visual amenity of the District's landscapes and that all developments should seek to achieve a high-quality design and positively contribute to the overall appearance of the local area.
91. A proportionate assessment of the impact of the development - the changes to the peripheral bunding and the installation of the wash plant, the latter for a temporary period of 12 months, within the extant operational waste management facility - upon the landscape and visual amenity was undertaken by the applicant. This acknowledged that the ongoing operations as approved in 2012 on a permanent basis through appeal decision APP/Q1770/A/11/2161324 would continue to mitigate any adverse or negligible effect on the local visual and residential amenity.
92. The application's assessment of its impact upon the landscape and visual amenity concluded that: "The changes to the extant activities will not have any substantial adverse effects on either landscape character, or visual receptors." Whilst the County Council's Landscape Officer notes that there will be some visual impacts caused, it is agreed that subject to proposed improvement and enhancement works to site bunding (see **Appendix D**), incorporating appropriate planting and the ongoing management of this planting, would provide acceptable screening of the site from external views. This is particularly important to the west/south-west of the site (as raised by the Parish Council and local residents) as that will be where the wash plant, which in one section stands to a height of 9.2m which is 5-4.m higher than the peripheral bunding, would be situated and used for a 12 month period.
93. As already acknowledged the principle of the location of the site in the countryside has already been determined. The focus here should be on the changes to the peripheral bunding and the installation and use of the proposed wash plant for a period of 12 months.
94. The changes to the peripheral bunding would be undertaken using inert waste/materials already on site, and therefore no new transitory visual impacts created by vehicular movements to and from the site would be created as existing consented vehicular movements would remain unchanged and continue to be controlled by condition.
95. These works would be completed with planting using native trees and shrubs in keeping with that used on the western boundary. Other existing peripheral site bunding - on the western and southern boundaries - would have minor improvement works involving new and additional planting to strengthen current levels of screening. Again, these works would be controlled by conditions, including the replacement of any mitigatory planting should any fail or be harmed following planting and for a period of 5 years thereafter.



96. The stockpiles of imported waste and materials in the northern third of the site do exceed maximum permitted levels as controlled by Condition 11 on appeal decision APP/Q1770/A/11/2161324, which have a 'maximum of 4m above ground level'. In places this exceedance is easily double, and in places slightly higher. In response, the applicant has advised that during the first half of 2020 importation of permitted materials continued but following the impacts of Covid-19 on the building industry demand dropped significantly for recycled products leaving an abnormal amount of material on site requiring storage.
97. This breach of Condition 11 has been raised by objectors as a breach of planning controls. Whilst this is correct, the applicant's proposals to use these materials to undertake both the bund improvement works and be washed within the proposed wash plant and then exported for use as recycled and secondary aggregates within other forms of development works would contribute significantly to removing these abnormal amounts of material. The reduction in stockpile height and improvement works to existing peripheral bunding would alleviate these problems and ensure compliance with Condition 11.
98. Although objections in terms of visual impact primarily from the proposed wash plant have been raised by the Parish Councils and local residents, the combination of distance to the nearest sensitive receptor approximately 450m west from the site's south-western boundary (see **Appendix E**), improvement and enhancement works to the existing peripheral bunding and that the proposed wash plant is a temporary development for a period of 12 months, the proposal's impacts on the local landscape, including users of nearby rights of way, and to visual amenity is considered to be acceptable. **Appendix F** sets out the Landscape Mitigation Scheme and Site Layout.
99. Therefore, the proposed development is in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the adopted HMWP (2013) as well as with Policies E3 (Protect, conserve and enhance landscape character) and E1 (High quality development in the borough) of the TVBLP (2016) as it is a partially time limited permission (for the wash plant element) at an existing and safeguarded permitted waste management facility.

### Ecology

100. Policy 3 (Protection of habitats and species) in the adopted 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.
101. 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.

102. The County Council's Ecologist initially raised concerns over the applicant's lack of ecological assessment relative to the improvement and enhancement works to the site's peripheral bunding, and the potential for impacts on existing habitats and any protected species' within the vicinity of the proposed works, and to improve the planting within the local landscape.
103. In response to these concerns, the applicant submitted additional information containing proposed seeding that was more 'species-rich' in terms of its quality. Whilst this information did not address all of the County Ecologist's concerns in full, an Ecological Mitigation Strategy to inform the proposed works to the bunding, specifically the underplanting works, would be required by condition and being satisfied and approved in advance of any physical works commencing.
104. Based on the provision and implementation of the ecological mitigation strategy, the proposed development is considered to be in accordance with Policy 3 (Protection of habitats and species) of the adopted HMWP (2013) as well the relevant paragraphs of the NPPF (2019).

#### Water environment

105. Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the HMWP (2013) both seek to ensure that minerals and waste development protect the water environment ensuring that neither water quality nor quantity (i.e. surface water drainage and flood risk) are impacted unacceptably.
106. The site is situated in Flood Zone 1, which is the lowest risk flood zone with a less than 0.1% chance of flooding in any year. The site is also situated within a groundwater sensitive area being situated within a Groundwater Source Protection Zone 2 and 3, responsible for protecting groundwater used for potable usage.
107. In terms of developmental impacts on surface water, the Lead Local Flood Authority (LLFA) raise no objection to the proposal, noting that the bunds and their location are already approved and despite the proposed changes to them, surface water flows would not be impacted. No concerns were raised by the LLFA in terms of local surface water drainage problems or flooding events. The wider established waste management facility has both approved drainage measures and an approved surface water management scheme (as controlled by Conditions 14 and 16 on appeal decision APP/Q1770/A/11/2161324), which would be retained, and modified if necessary, should planning permission be granted.

108. In terms of developmental impacts on groundwater and its quality, the Environment Agency (EA) advise that further drainage details for the wash plant should be provided in terms of the protection of groundwater quality. The proposed plant seeks to reuse and recycle water within its process, which the EA note will be bunded and situated on an impermeable base. They also note that the wider waste management facility has an EA regulated Environmental Permit, which legally prohibits adverse impacts on groundwater.
109. The wash plant would require the applicant to install a groundwater supply borehole to secure the volumes of water (approximately 50,000 litres per day) required to run it. This would need to be approved and regulated by the Environment Agency not by the County Council. All water used would be recycled and reused at all times. The location of the proposed borehole is dependent on the decision of the EA.
110. Impacts on 2 local private groundwater supply boreholes that abstract from the same aquifer as the proposed wash plant would do would not be unacceptable and adverse in terms of groundwater quality and consumption at those private residences, as confirmed by the Environmental Health Department at Test Valley Borough Council who monitor quality at these private potable supply boreholes.
111. Based on the development's low risk to the water environment and that other regimes are responsible for monitoring and protecting groundwater quality at this site both from its existing and proposed operations, the proposed development is considered to be in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the adopted HMWP (2013), Policies E7 (Water management) and E8 (Pollution) of the of the TVBLP (2016) as well the relevant paragraphs of the NPPF (2019).

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

113. 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. Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development.
114. With the exception of complaints concerning the heights of stockpiles exceeding their 4m maximum heights, no substantiated complaints concerning operational impacts from noise, on air quality or through vibration on the locality and local properties have been made.
115. As previously stated, the extant waste management facility is also regulated by the EA and their Environmental Permit that the operator has to adhere to

in terms of permitted waste types, emission control/s and the protection of the water environment to name but a few controls.

116. There are a significant number of conditions on the extant planning approval (appeal decision APP/Q1770/A/11/2161324) that would remain in force, and modified if necessary, should planning approval be granted for these variations to conditions. Conditions include noise level controls, dust management, hours of use, maximum vehicle numbers and maximum annual waste volumes.
117. Whilst noise from on-site emissions has not been substantiated as causing adverse impacts by either the local Environmental Health officer or local residents/users of nearby footpaths, the proposals to increase the height and extent of peripheral bunding on the wider site's northern and north-eastern boundaries is welcomed for what is a permanent waste management facility in a rural setting, and which has bunding and/or mature planting along all of its remaining peripheral bunding.
118. 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](#)) 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.
119. Based on the development's low risk from noise, on air quality or through vibration and that other regimes are also responsible for monitoring and controlling emissions at this site both, from its existing and proposed operations, the proposed development is considered to be in accordance with Policy 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the adopted HMWP (2013), Policy E8 (Pollution) of the of the TVBLP (2016) as well the relevant paragraphs of the NPPF (2019).

#### Retrospective nature of the wash plant

120. As previously stated, the proposed wash plant was recently installed within the established facility. As it has been undertaken without planning approval, it classified as unauthorised development. To date, the plant has not been brought into use.
121. Depending on the outcome of all material planning considerations being considered throughout the **Commentary** section of this report, the wash plant could either have planning permission approved, and therefore become authorised development within the wider management facility, or be refused planning permission, and would continue to be unauthorised development.

122. In the event that planning permission is refused, the County Council would then commence discussions with the applicant over the implementation of enforcement action to ensure that the unauthorised wash plant was removed from the waste management facility as promptly as possible.

### Community benefits

123. A frequent concern of communities that host waste development is that there are no immediate benefits to 'compensate' for the inconvenience that occurs. In Hampshire there is already a precedent for minerals or waste operators to contribute to local communities' funds. However, this process lies outside of the planning system.
124. Policy 14 (Community Benefits) of the HMWP (2013) encourages negotiated agreements between relevant minerals and waste developers/operators and a community as a source of funding for local benefits. Agreements can be between operators and local bodies such as Parish Councils or resident's associations. Whilst the Waste Planning Authority encourages these agreements, it cannot be party to such agreements and the agreements cannot be considered in decision making.
125. The Waste Planning Authority encourages the applicant to engage with the local community on this issue. This would be encouraged following determination of this planning application, whether positive or negative, as could be linked to the wider, established waste management facility that has permanent planning permission and will continue to operate.

### Conclusions

126. The applicant seeks proposed changes to the site is to allow improvements and enhancements to the existing peripheral bund along the site's north-eastern boundary and to temporarily install a wash plant within the site's southern margin to help manage and screen the excess amounts of imported material that presently occupy the site through variations of conditions 2, 9 and 10 of appeal decision APP/Q1770/A/11/2161324.
127. The ability to produce recycled and secondary aggregates at a quicker rate than has happened in 2020 would allow the site to continue to contribute to the Hampshire's mineral landbank, in a sustainable manner. Other work will still be undertaken in conjunction with the site's permitted operations under appeal decision APP/Q1770/A/11/2161324.
128. In addition, the breaches in condition 11 'maximum stockpile heights of 4m' that are currently taking place would also be alleviated through the use of material within the stockpiles to improve and enhance the site's peripheral bunding and the wash plant cleaning waste materials at a quicker rate than has been the case in 2020 to date.

129. The site will continue to operate in accordance with all other planning conditions pursuant to appeal decision APP/Q1770/A/11/2161324.

### **Recommendation**

130. Therefore, it is recommended that permission be GRANTED subject to the conditions in **Appendix A**.

Appendices:

**Appendix A** – Conditions

**Appendix B** – Committee Plan

**Appendix C** – Layout Plan

**Appendix D** – Bunding Plans and Sections

**Appendix E** – Wash Plant Specifications

**Appendix F** – Drawing 002 'Revised Landscape Mitigation Scheme / Site Layout'

Other documents relating to this application:

<https://planning.hants.gov.uk/SearchResults.aspx?Criteria=bunny%20lane>

**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
<b>OR</b>	
<b>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:</b>	
the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste or local planning authority.	

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

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

Document

Location

20/01753/CMAS  
TV066

Hampshire County Council

Salvidge Farm, Bunny Lane, Timsbury  
SO51 0PG  
(Variation of condition 2, 9 and 10 of  
Appeal decision reference  
APP/Q1770/A/11/2161324 (Planning  
Application Reference: 10/02712/CMA) to  
reshape and improve the existing  
peripheral north eastern landscape bund to  
facilitate enhanced screening from wider  
views into the site and improve biodiversity  
on the site's periphery and to  
accommodate a temporary wash plant  
operation in the southern section of the  
site for a period of twelve months only

## **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.



## CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 369C/10 – Location Plan – October 2010  
 Drawing no. 396C/AP1 – Application Plan – May 2010  
 Drawing No. 001 – Site Location Plan – July 2020  
 Drawing No. 002 – Revised Landscape Mitigation Scheme and Site Layout – July 2020  
 Drawing No. 003 Rev. 1 – Existing and Proposed Bunds (Northern Section) – July 2020  
 Drawing No. 004 – Cross Section of Wash Plant (Southern Section) – July 2020  
 Drawing No. 01 Rev 1 – Surface Water Management Plan – December 2020  
 Drawing no. BL003 – Cross Section Through Proposed Peripheral Bund – October 2010  
 Drawing no. BL005 – Indicative Cross-Sections A-A' to C-C' – April 2011  
 Drawing no. BL006 – Indicative Cross-Sections D-D' to F-F' – April 2011  
 Drawing no. BL007 – Proposed Landscape Planting Scheme – April 2011  
 Drawing no. Figure 1 – Site Context, Landscape Character and Viewpoint Locations – October 2010  
 Drawing no. Figure 2 – Viewpoints 1 & 2 – October 2010  
 Drawing no. Figure 3 – Viewpoints 3 & 4 – October 2010  
 Drawing no. Figure 4 – Viewpoints 5 & 6 – October 2010  
 Drawing no. DBLC001 – Viewpoint 5: Existing and indicative proposed view – January 2011  
 Drawing no. Figure 5 – Viewpoints 7 & 8 – October 2010  
 Drawing no. Figure 6 – Viewpoints 9 & 10 – October 2010  
 Drawing no. Figure 7 – Viewpoints 11 & 12 – October 2010  
 Drawing no. Figure 8 – Viewpoints 13 & 14 – October 2010  
 Drawing no. Figure 9 – Viewpoints 15 & 16 – October 2010  
 Drawing no. Figure 10 – Viewpoints 17 & 18 – October 2010  
 Drawing no. Figure 11 – Viewpoints 19 & 20 – October 2010  
 Drawing no. Figure 12 – Viewpoints 21 & 22 – October 2010  
 Drawing no. Figure 13 – Tranquillity Map – October 2010  
 Drawing no. Figure 14 – Viewpoint 15: Existing and Indicative Proposed View – October 2010  
 Hampshire County Council Rights of Way Office – Proposed diversion of part of Michelmersh Footpath No.4 – Amended April 2011.

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

2. No works to the existing perimeter bunding hereby permitted shall physically encroach on to the route of the Michelmersh and Timsbury Footpath No.4 as shown on the drawing entitled Hampshire County Council Rights of Way Office – Proposed diversion of part of Michelmersh Footpath No.4 – Amended April 2011.

Reason: To ensure that the routes as well as the use of and the enjoyment of nearby legally public rights of way are protected at all times in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

3. All works hereby permitted to the existing perimeter screening bunds, including lateral extension works to the northern bund at its eastern corner, increases in height and width to the eastern bunding and the installation of the proposed screen adjoining the proposed wash plant, as shown on Drawing No. 002 – Revised Landscape Mitigation Scheme and Site Layout – July 2020 and Drawing No. 003 Rev. 1 – Existing and Proposed Bunds (Northern Section) – July 2020 shall be constructed with uncontaminated and inert material only.

These works must be commenced and undertaken in accordance with the requirements of Conditions 4, 22 and 23 below.

Reason: To prevent harm being caused through unacceptable visual impacts on the locality and those living, visiting and working there in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

4. Not later than one month following the grant of planning permission, the planting scheme approved and implemented under Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012) as depicted on Drawing No. BL002Rev.a – Revised Landscape Mitigation Scheme – Apr 2011 shall be updated and supplemented by Drawing No. 002 – Revised Landscape Mitigation Scheme and Site Layout – July 2020 in Condition 1 above. The updated scheme shall include:

- Native species mix of trees and shrubs that integrate into existing;
- Species that are suitable for winter and immediate planting (November 2020 to February 2021);
- Soils, ground preparation and planting specifications for the proposed species mix; and
- The establishment of a long-term maintenance and management plan.

Any trees or shrubs which, within a period of five years from the date of planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, as approved in advance and in writing by the Waste Planning Authority. The updated planting scheme shall be implemented in full as approved.

Reason: To ensure the protection of the local landscape in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety

and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

5. Notwithstanding the changes approved to the perimeter bunding hereby permitted (under Condition 3 above) all positions, design, materials and types of erected security fencing, gates and modifications to the site's vehicular entrance approved under Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012) shall be retained in full within the development hereby permitted in accordance with the approved scheme (dated 24 June 2013; ref: LL /v1.6).

Reason: To ensure the protection of the local landscape in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

6. Reversing alarms attached to vehicles and mobile plant and machinery operating on the site that are under the control of the operator shall be low-level and non tonal 'white noise' type alarms at all times. Measures shall be taken by the operator to discourage the use on the site by others of vehicles that have 'non-white noise' alarms.

Reason: To ensure the protection of local residents, visitors and those working within the locality in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

7. The development hereby permitted shall continue to be undertaken in accordance with the approved Cole Jarman Noise Compliance Strategy (dated 28 March 2013; ref: 2011/4841/L2-04) requiring that the rating level of noise emitted from the site as determined in accordance with BS4142:1997 shall not exceed 40dB(A) at any existing dwelling on the Casbrook Fields Development and Cranford Farm at any time during permitted site operations as approved in Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012). The approved strategy shall be implemented in full.

Reason: To ensure the protection of local residents, visitors and those working within the locality in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

8. With the exception of the wash plant facility hereby permitted, no plant on the site shall exceed 4m in height above the existing ground level. All machinery loading material/waste onto or off stockpiles, plant and vehicles, shall operate in a manner that ensures it is entirely below the level of the bunds and associated screening vegetation in that part of the site. When not being operated all plant and machinery shall be in a location where it is entirely below the level of the bunds in that part of the site.

Reason: To ensure the protection of the local landscape in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

9. The campaign foam mix and wood shredding shall only take place in the bunded south west corner of the site as shown on approved Drawing No. 002 – Revised Landscape Mitigation Scheme and Site Layout – July 2020. No more than one campaign activity (washing plant, concrete crushing, wood shredding or foam mix) shall take place on the site at the same time.

Reason: To ensure the protection of the local landscape in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

10. Stockpiles of processed and unprocessed materials and waste on the site shall not exceed 4m above existing ground level.

Reason: To ensure the protection of the local landscape in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

11. No heavy commercial vehicles (HCVs) shall enter or leave the site and no plant or machinery shall be operated on the site outside the following times: 07:30-17:30hrs Monday to Friday and 07:30-12:30hrs Saturday, and not at any time on Sundays, recognised Public or Bank Holidays.

Reason: To ensure the protection of local residents, visitors and those working within the locality in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

12. Any above ground oil/chemical storage tank/container and associated pipe work shall be bunded in a manner so as to retain at least 110% volume of the tank capacity.

Reason: To ensure the protection of land and water in accordance with Policy 10 (Protecting public health, safety and amenity) in the Hampshire Minerals and Waste Plan (2013).

13. The development hereby permitted shall continue to be undertaken in accordance with the approved operational drainage systems at all times during permitted site operations as approved in Appeal Decision APP/Q1770/A/11/2161324 comprising:

- Drainage Statement (dated 10 April 2014, ref: LL/v1.3;

- Drainage, Hardstanding & Bay Construction Plan (dated July 2006; ref: 396/DRAIN/1; and
- Surface Water Management Plan (dated December 2020; Drawing No. 01 Rev 1).

The approved operational drainage systems shall be implemented in full.

Reason: To ensure the protection of the water environment in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) in the Hampshire Minerals and Waste Plan (2013).

14. All site operations within the development hereby permitted shall continue to be managed in accordance with the RFSF Recycling Environmental Management Plan ref: LL/v1.2 dated 15.10.10 pages 1-4 (as amended) and attached Appendix A (pages 5-7) the *Dust Management Scheme* contained within the Environmental Statement as approved in Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012).

Reason: To ensure the protection of local air quality and surrounding land uses in accordance with Policy 10 (Protecting public health, safety and amenity) in the Hampshire Minerals and Waste Plan (2013).

15. All site operations within the development hereby permitted shall continue to be managed in accordance with the RFSF Recycling Environmental Management Plan ref: LL/v1.2 dated 15.10.10 pages 1-4 (as amended) and Appendix B the *Surface Water Management Scheme* contained within the Environmental Statement as approved in Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012).

Reason: To ensure the protection of the water environment in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) in the Hampshire Minerals and Waste Plan (2013).

16. The development hereby permitted shall continue to be undertaken in accordance with the approved site lighting scheme (dated 03 April 2013; ref: LL /v1.3) at all times during permitted site operations as approved in Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012). The approved strategy shall be implemented in full.

Reason: To ensure the protection of local residents and the local landscape from unacceptable lighting impacts in accordance with Policies 5 (Protection of the countryside) and 10 (Protecting public health, safety and amenity) in the Hampshire Minerals and Waste Plan (2013).

17. The development hereby permitted shall continue to be undertaken in accordance with the findings of the existing land contamination report (dated April 2013 by Apple Environmental) at all times during permitted site operations as approved in Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012).

In the event that any unsuspected and previously unidentified contamination is found at any time, work shall cease, and it must be reported in writing immediately to the Waste Planning Authority. An investigation and risk assessment must be undertaken to identify what remediation is necessary with a remediation scheme prepared and submitted to the Waste Planning Authority for their written approval. Once the remediation works have been completed, a verification report conforming this shall be provided to the Waste Planning Authority for written approval. Once approved, the scheme shall be implemented in full.

Reason: To protect the health of site workers and local residents and maintain the quality of local ground conditions and the water environment from the effects of contamination in accordance with Policy 10 (Protecting public health, safety and amenity) in the Hampshire Minerals and Waste Plan (2013).

18. All Heavy Commercial Vehicles (HCVs) accessing and egressing the site when loaded with waste or recycled materials shall be fully sheeted to prevent spillage of materials onto the public highway.

Reason: To ensure the protection of local residents and the locality from unacceptable road safety impacts in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) in the Hampshire Minerals and Waste Plan (2013).

19. No vehicle shall exit the site onto the public highway until the vehicle is sufficiently clean to prevent mud or detritus being carried onto and/or deposited on the highway.

Reason: To ensure the protection of local residents and the locality from unacceptable road safety impacts in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) in the Hampshire Minerals and Waste Plan (2013).

20. No more than 150,000 tonnes of waste shall be imported to the site per annum.

Reason: To ensure the protection of local residents and the locality from unacceptable road safety impacts in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) in the Hampshire Minerals and Waste Plan (2013).

21. There shall be no more than 208 (104 in and 104 out) Heavy Commercial Vehicle (HCV) movements per day to and from the site. Records of vehicle movements to and from the site shall be kept and made available for inspection at the request of the Waste Planning Authority. An HCV is defined for the purposes of this permission as a commercial vehicle over 7.5 tonnes unladen weight.

Reason: To ensure the protection of local residents and the locality from unacceptable road safety impacts in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) in the Hampshire Minerals and Waste Plan (2013).

22. Not later than one month following the grant of planning permission but prior to the commencement of works required in accordance with Condition 4 above, all approved herpetological, amphibian (newt), butterfly and bat mitigation approved and implemented under Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012) shall continue to be implemented and maintained throughout the duration of the development in accordance with ecological mitigation proposed within the approved Environmental Statement, including the ECIA report by Jonathon Adey dated June 2010 and the report by Jonathan Cox dated 18 May 2011 but updated to include:
- A strategy to ensure ongoing protection of protected species, including nesting, foraging and roosting habitats;
  - Appropriate planting and ground disturbance works; and
  - The establishment of a long-term protection and management plan.

The updated ecological mitigation scheme shall be implemented in full as approved.

Reason: To ensure the protection of local ecology and biodiversity from unacceptable impacts in accordance with Policies 3 (Protection of habitats and species) and 5 (Protection of the countryside) in the Hampshire Minerals and Waste Plan (2013).

23. No tree or planting works hereby approved shall be undertaken within the bird nesting season which runs from March to September inclusive. If it becomes necessary for work to commence in the nesting season, then a pre-commencement inspection of the vegetation for active bird nests should be carried out by an experienced ecologist. Only if there are no active nests should work be allowed to commence.

Reason: To protect breeding birds and their habitats from unacceptable impacts in accordance with Policies 3 (Protection of habitats and species) and 5 (Protection of the countryside) in the Hampshire Minerals and Waste Plan (2013).

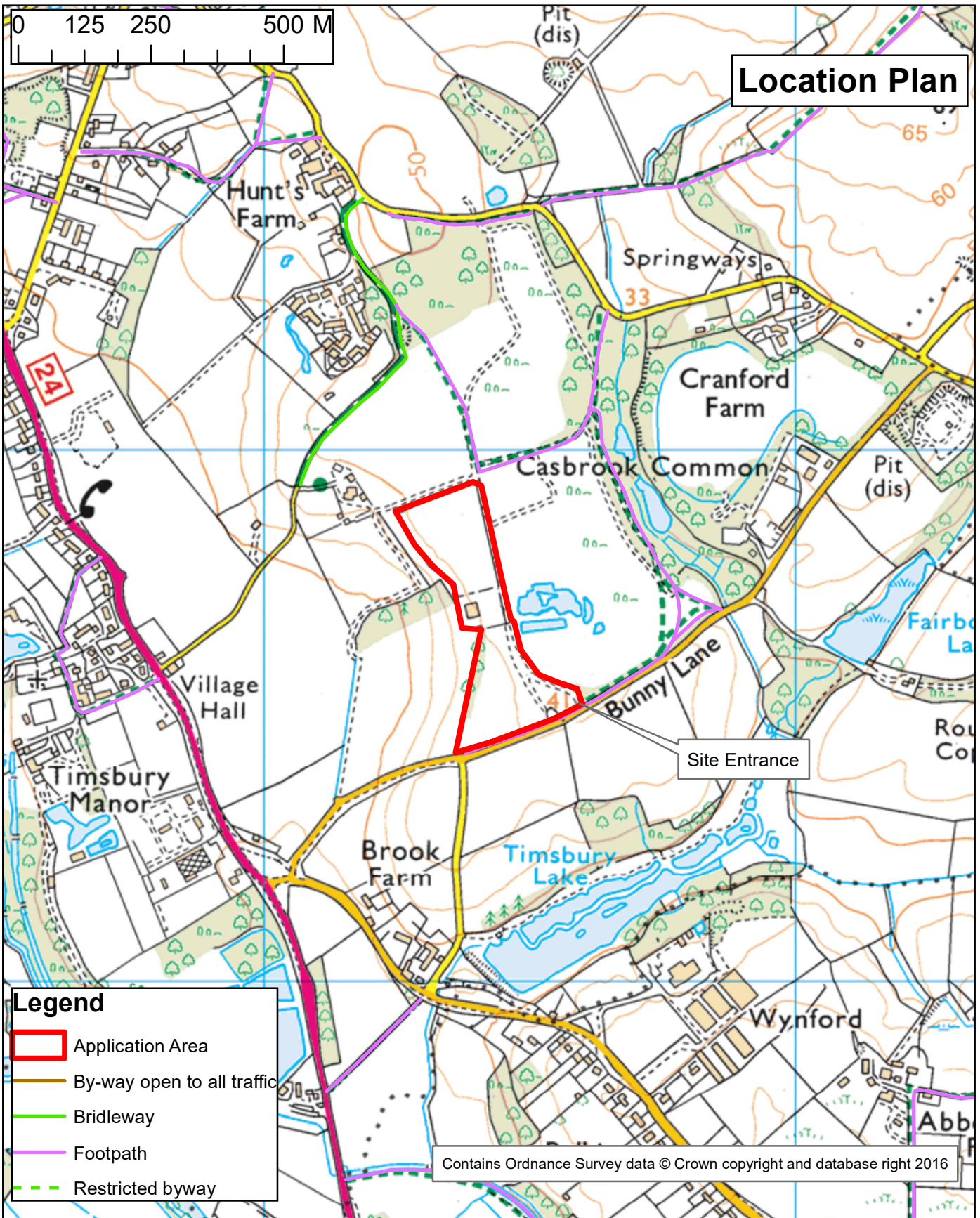
24. The wash plant hereby permitted shall cease operations within 12 months of its first use. Confirmation of the date of this first use shall be provided in writing to the Waste Planning Authority not later than seven working days afterward. The wash plant shall be removed from site not later than 2 months following cessation of operations and the land restored to its former condition or to a condition as agreed to in writing by the Waste Planning Authority.

Reason: To ensure that a time-limited development maintains the protection of local residents and the locality from unacceptable amenity impacts in accordance with Policies 5 (Protection of the countryside) and 10 (Protecting public health, safety and amenity) in the Hampshire Minerals and Waste Plan (2013).

**Note to Applicants**

1. In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2019), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.





Variation of condition 2, 9 and 10 of Appeal ref APP/Q1770/A/11/2161324 (Planning ref: 10/02712/CMA) to reshape and improve the existing peripheral north eastern landscape bund to facilitate enhanced screening from wider views into the site and improve biodiversity on the site's periphery and to accommodate a temporary wash plant operation in the southern section of the site for a period of twelve months only at Salvidge Farm, Bunny Lane, Timsbury SO51 0PG  
 Application No: 20/01753/CMAS Site Reference: TV066

Regulatory Committee

Date: 16 December 2020

1:10,000



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# RFSF Recycling

## Recycling Operation Timsbury

### Site Layout

Date: March 2011

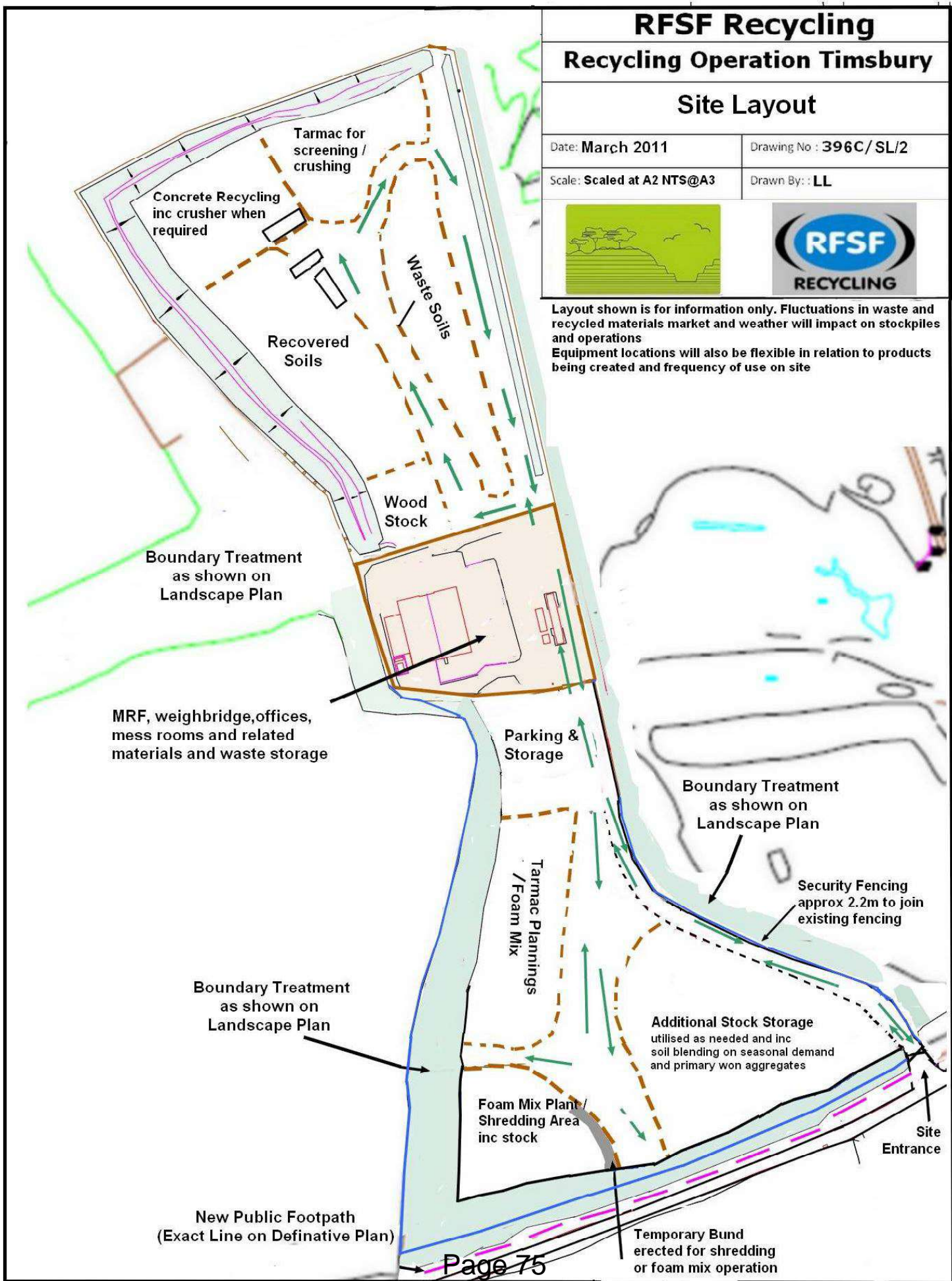
Drawing No : 396C/SL/2

Scale: Scaled at A2 NTS@A3

Drawn By: : LL



Layout shown is for information only. Fluctuations in waste and recycled materials market and weather will impact on stockpiles and operations  
Equipment locations will also be flexible in relation to products being created and frequency of use on site



New Public Footpath  
(Exact Line on Definitive Plan)

Temporary Bund  
erected for shredding  
or foam mix operation

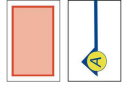
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**NOTES**

The drawing and legend are both taken from DB Landscape Consultancy drawing DWG BL002 REV A Revised Landscape Mitigation Scheme for reference 1104\_006.001\_BL002 Rev.4.

SLR Consulting has changed this drawing by showing an additional section through the Eastern Bund.

**LEGEND**

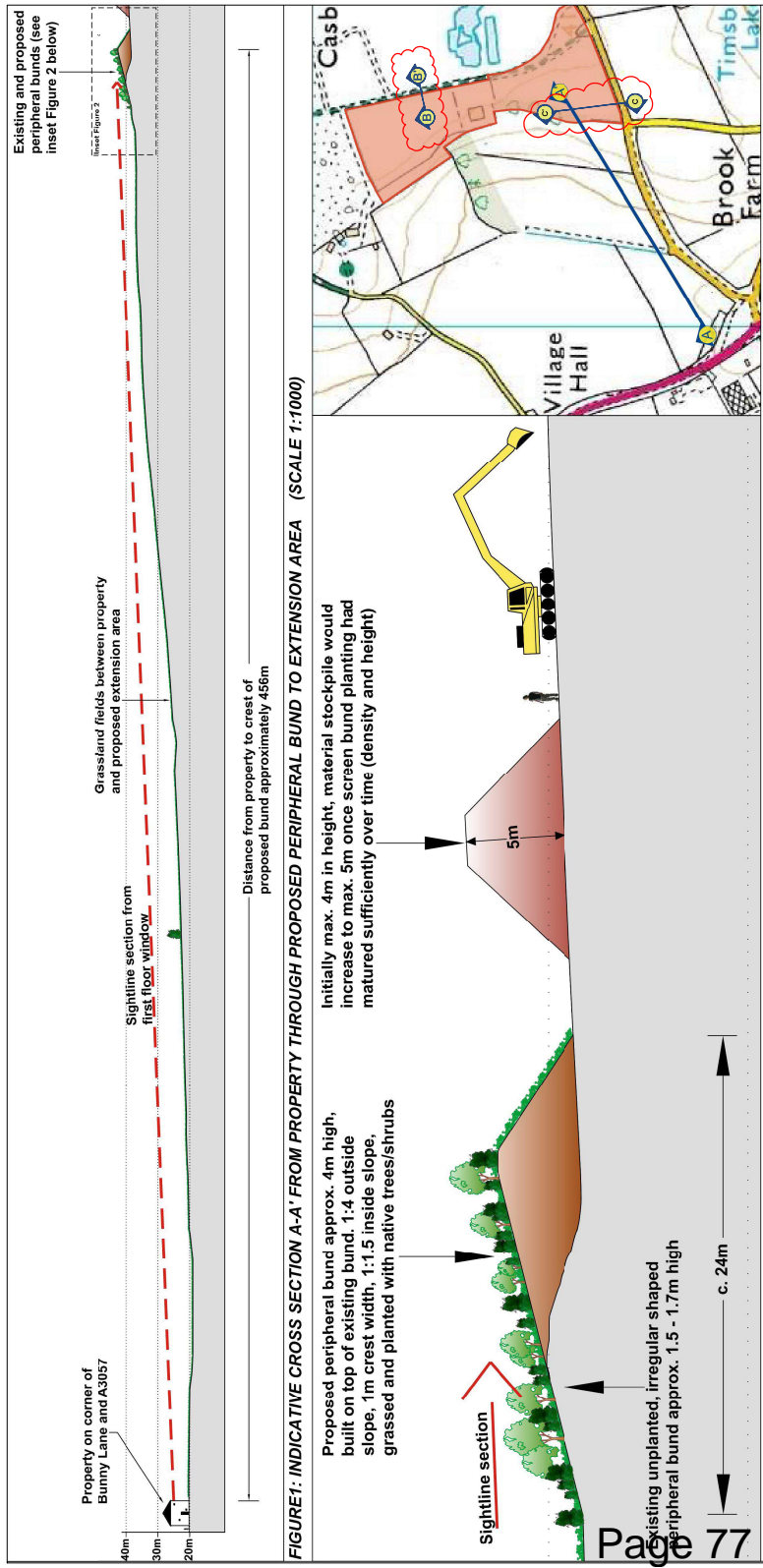


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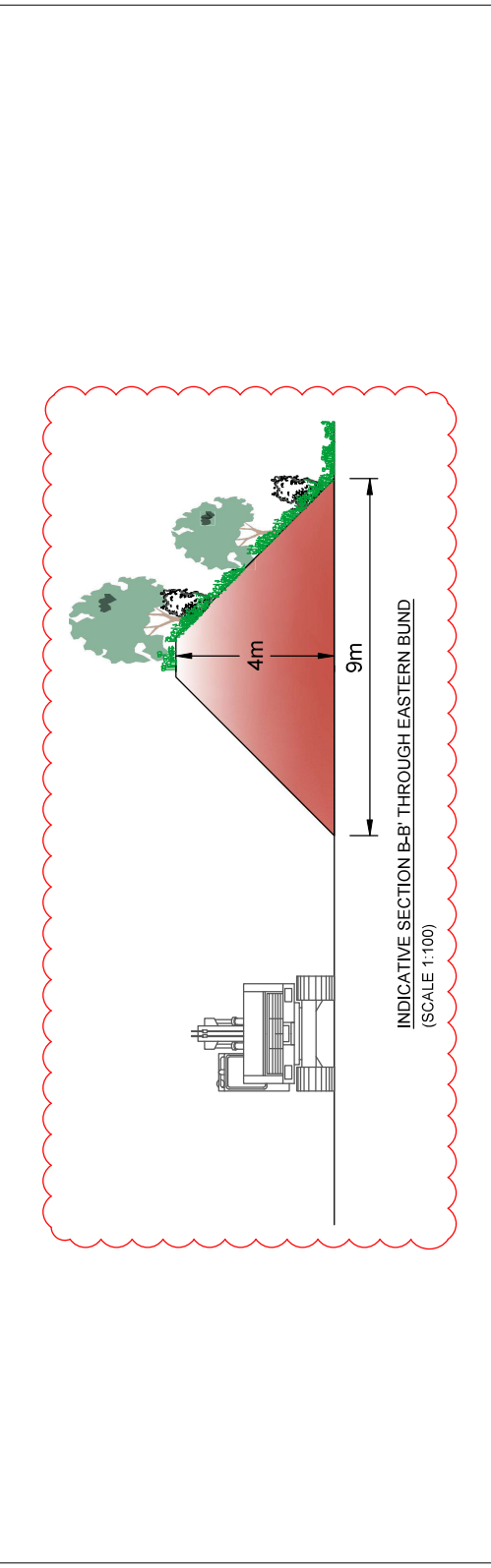
TREE WOOD HOUSE  
100, BRADFIELD LANE  
BRADFORD AVON  
WILTS, BA15 2AU  
T: 01225 306400  
F: 01225 306400

**BUNNY LANE, ROMSEY**  
S73 PLANNING APPLICATION  
**Cross Sections Through Existing and Proposed Bunds (Northern Section)**  
**003 Rev.1**

Scale: As shown @ A3  
Date: JULY 2020

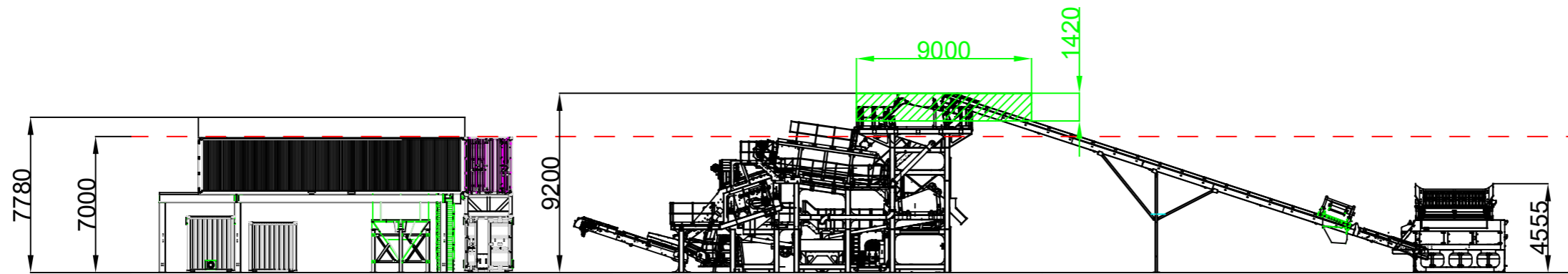
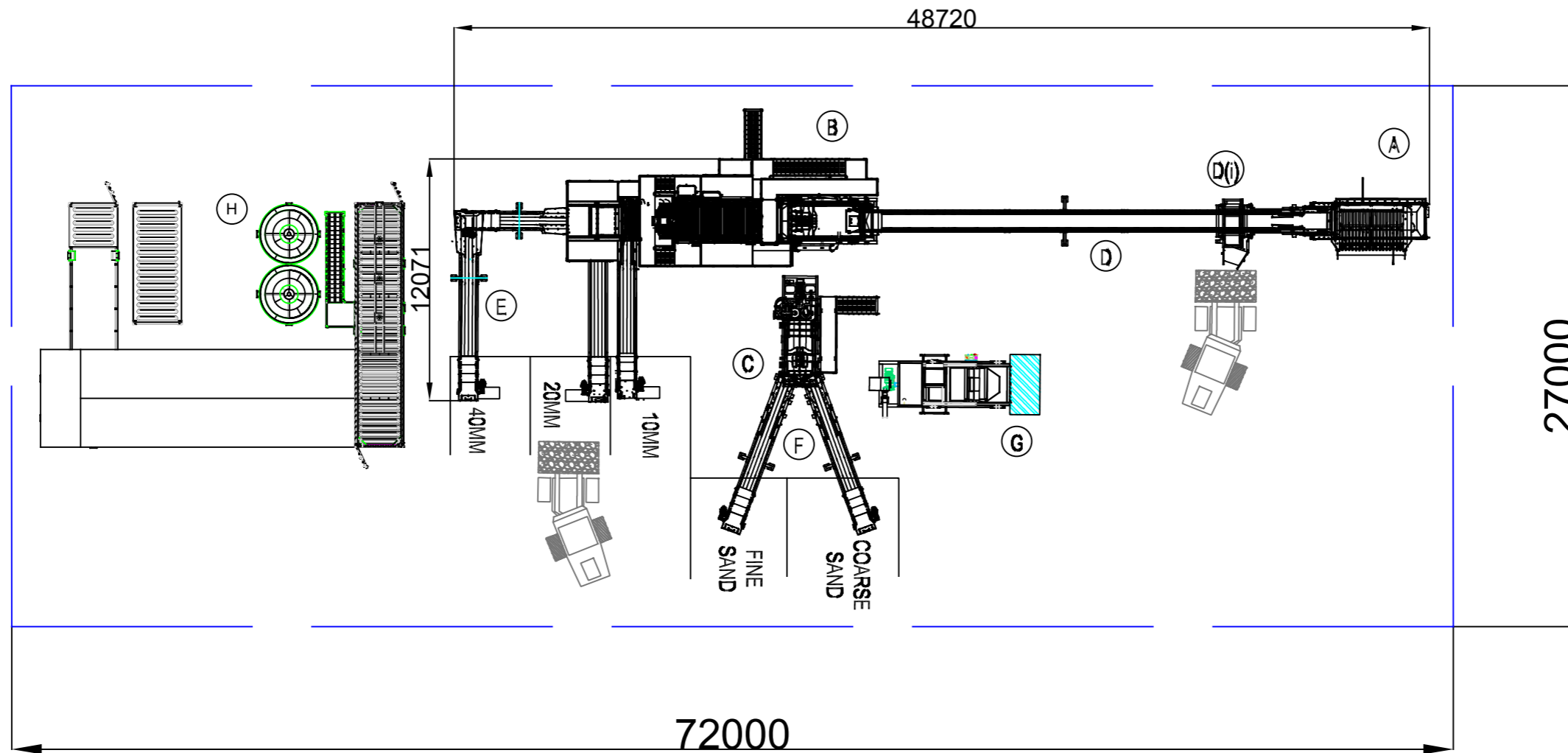


**FIGURE 2: INSET DETAILED SECTION THROUGH PROPOSED PERIPHERAL BUND (SCALE 1:200)**



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ITEM	DESCRIPTION
A	MODULAR FEED HOPPER WITH DDVG
B	AGGSTORM 80
C	COMPACT SAND PLANT-2 GRADE
D	MAIN FEED CONVEYOR
D (i)	OVERBAND MAGNET
E	8M AGGREGATE CONVEYORS - QTY 3NO
F	8M SAND CONVEYORS - QTY 2NO
G	WASTE WATER TRASH SCREEN
H	WATER TREATMENT PLANT WITH FILTER PRESS



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**McCloskey**  
EQUIPMENT

McCloskey House, Hawksworth, Didcot, Oxfordshire, OX11 7HR  
www.mccloskeyequipment.co.uk

CLIENT: WASHPLANT PROPOSAL 1

DATE: 24/04/20 DO NOT SCALE SHEET 1 OF 1

PROJECT: Layout Drawing DRAWING No: Romsey Final Layout

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**NOTES**

The drawing, notes and legend are all taken from the Landscape Consultancy drawing DWG 81.002 REV 04 Revised Landscape Mitigation Scheme April 2017 with reference 1104\_006.001\_BLD02Rev.a

SLR Consulting has made a change to the Eastern Bund and it's attached note - see revision cloud.

**Aims of the Landscape Mitigation Scheme**

The general aim of the mitigation scheme is to, in time, screen the proposed waste recycling operations from surrounding views, better integrate the site with the local landscape and benefit nature conservation. The proposals would create a new peripheral screen bund in the southern corner of the proposed extension area using screened 'soil forming material'. The bund would be grass seeded and planted with a range of native tree and shrub species which would in time help to soften the shape of the bund and provide an additional vertical screening element.

In addition, the scheme aims to improve the existing areas of peripheral vegetation along all the site boundaries by either establishing new planting blocks or replanting/grafting or existing woodlands/shrub blocks and hedgerows to help improve the vegetation density and thus screening ability of these areas of vegetation.

**Proposed Bund: Position, Dimensions and Construction Material**

The proposed bund would curve around the south western corner of the proposed extension area, with the bund ends meeting existing vegetation blocks as indicated in the drawing above. The part of the bund extending along the western boundary would be 4m high, with an outside slope at a gradient of 1:4, a 1m crest with an inside slope of 1:1.5. The part of the bund extending along the southern boundary would be 4m high with an outside slope at a gradient of 1:3.5, a 1m crest with an inside slope of 1:1.5 m high. Both parts of the bund would be built on top of existing small bunds which were built along soil stripped off the proposed extension area some years ago, when the land was previously disturbed. The bund would be built from subgrade clean, uncontaminated material screened from imported inert material (ie excavated soil, brick and concrete rubble), as and when it became available. No material would be stockpiled in the extension area until the bund had been built. The maximum size of screened material forming the bund core would be 100mm in any direction. The first 300mm surface covering would be soil or 'soil forming material' screened to a maximum 20mm.

**Proposed Bund: Grass Seeding Notes**

Following bund construction, it would be seeded at the earliest opportunity with a low maintenance grass. A suitable mix would be the following (or similar, as agreed with the LPA):

**British Seed Houses A22 Low Maintenance Mix:**  
 60% Abernethy (Perennial Ryegrass)  
 30% Court (Slender Cocksfoot Red Fescue)  
 9% Highland (Bromus Bercl)

Seed would be sown by hand over the entire bund at a rate of approximately 30 grammes per metre. As a rough guide, this is approximately equivalent to one large handful.

**Proposed Bund, New Planting Blocks, Hedges to be 'Gapped Up' and Existing Boundary Vegetation to be Underplanted**

**LEGEND**

- INDICATIVE APPLICATION BOUNDARY
- EXISTING CONTOURS
- PROPOSED CONTOURS
- EXISTING FOOTPATH TO BE RETAINED
- EXISTING FOOTPATH TO BE PERMANENTLY CLOSED & DIVERTED (Subject to successful Planning Applications)
- PROPOSED ROUTE OF FOOTPATH DIVERSION
- PROPOSED PERIPHERAL BUND
- EXISTING TREE/SHRUB PLANTING
- YOUNG, IMMATURE TREE/SHRUB PLANTING ON EXISTING BUND
- PROPOSED TREE/SHRUB PLANTING
- EXISTING ROUGH GRASSLAND
- ROADS AND OPERATIONAL AREA
- PROPOSED SECURITY FENCING TO LINK WITH EXISTING SECURITY FENCING AS NECESSARY

**Scale:** 1:1250 @ A1

**Date:** JULY 2020

**WALTET**

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**SLR**  
 global environmental solutions

**BUNNY LANE, ROMSEY**  
 S73 PLANNING APPLICATION  
 Revised Landscape Mitigation Scheme and Site Layout

**002**

Scale: 1:1250 @ A1 Date: JULY 2020

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## HAMPSHIRE COUNTY COUNCIL Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	16 <sup>th</sup> December 2020
<b>Title:</b>	Development of an Inert Waste Recycling Facility at Land at Three Maids Hill, off A272, Winchester SO21 2QU (No. 20/01765/HCS) (Site Ref: WR243)
<b>Report From:</b>	Head of Strategic Planning

**Contact name:** Amy Dales

**Tel:** 0370 779 6283

**Email:** [Amy.Dales@hants.gov.uk](mailto:Amy.Dales@hants.gov.uk)

### Recommendation

1. That planning permission be granted subject to the conditions listed in Appendix A.

### Executive Summary

2. The planning application is for Development of an Inert Waste Recycling Facility at Land at Three Maids Hill, off A272, Winchester SO21 2QU.
3. This application is being considered by the Regulatory Committee as it is a major waste development.
4. Key issues raised are:
  - Rural location;
  - Visual / landscape impact of the development
  - Impact on agricultural land and loss of best/ versatile agriculture land and woodland;
  - Highway impacts and safety;
  - Potential amenity and health impacts (noise, dusts, lighting, pollution, users of the rights of way);
  - Impact on tranquillity;
  - Concerns over hours of working including the impact of night-time operations;
  - Impact on Littleton Conservation Area;
  - The second application in the same area for the same use;
  - Impact on current and future residential areas;
  - Lack of a special or local need for the site;
  - Lack of consideration of alternative sites;
  - Biodiversity and ecological enhancement measures will not work
  - Impacts on watercourses and run off;
  - Lack of consultation with local communities;

- Impact on nearby recreational activities including the Littleton Stud;
  - Lack of confidence in the ability to monitor and enforce the development.
5. A Committee site visit by Members did not take place due to Covid-19 restrictions
  6. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
  7. It is considered that the proposal would be in accordance with the relevant policies of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) and [Winchester City Council Local Plan \(2013\)](#). Although the site is located within the countryside, (Policy 5 and MTRA4) the nature of the development requires a more isolated location and a special need for the site and its good transport connections mean that it is deemed an acceptable site location (Policy 29) and a condition will ensure that the site is restored if the waste use ceases (Policy 9). The proposal provides capacity for the recycling and recovery of recycled and secondary aggregate / construction, demolition and excavation wastes (Policies 18, 27 and 30). It provides a sustainable waste management solution with a useable end product that diverts waste from landfill and reduces the reliance on primary aggregates (Policy 25). The site is not considered to be significantly visually intrusive as it is not located within a designated landscape, is already well screened to the south and east and the development proposes further screening (Policies 5, 10, 13 and CP13). The proposal will not give rise to significant adverse amenity impacts as the odour, noise and dust levels will be acceptable (Policy 10) and mitigated by conditions and regulated where necessary through Environmental Permitting. The nature of the development would not give rise to an adverse impact on protected species or local ecological designations, and in fact will lead to a net gain in Biodiversity (Policy 3 and CP16). There is no significant flood risk or surface water increase as a result of the proposal (Policy 11 and CP17). Taking all of this into account, the proposal is considered to constitute a sustainable waste development in line with Policy 1.
  8. That planning permission be granted subject to the conditions listed in Appendix A.

### **The Site**

9. The site is positioned on a parcel of land between the A34 and A272 to the north of Winchester at Three Maids Hill. The site sits approximately 1.5km from the Winchester settlement boundary. The site is positioned between the main A34 to the east and the A272 to the west, with the Three Maids Hill roundabout directly to the south of the site. Access is from the A272 which links the Three Maids Hill roundabout to the A30 to the north.

10. The site covers an area of approximately 1.82 hectares.
11. The proposal site is undeveloped and is currently agricultural land, surrounded by maturing vegetation on three sides, an integral part of the Mid Hampshire Downs landscape. Immediately to the east of the application site is the A34, beyond which lies a small block of woodland with a Motor Cross Circuit further east. To the south lies the Three Maids Hill roundabout with further agricultural land beyond. To the west is the A272 with a belt of woodland with open agricultural land beyond.
12. There is a single residential property approximately 150 metres (m) to the south west of the application site on Stud Lane with the next closest properties approximately 575m to the west (also on Stud Lane).
13. There are no Public Rights of Way (PRoW) that cross or bound the application site. However, there is a permissive footpath that runs in a north-south direction through the belt of woodland to the west of the A272 which is managed by Hampshire County Council's Countryside Services and used by pedestrians and cyclists. This route runs parallel to the A272 and is approximately 25m from the site boundary at its closest point. The nearest PRoW is located approximately 715m to the south east of the site. This footpath runs from the B3420 Andover Road to the south, to South Wonston to the north east. The next closest PRoW is 725m to the south of the application site and runs west-east from Church Lane to the B3420. A bridleway running from the A272 across Worthy Down is located approximately 850m to the north of the application site.
14. The closest statutory ecological designation is the River Itchen Site of Special Scientific Interest (SSSI) which is 3.07km to the south-east. Crab Wood SSSI is 4.13km to the south west and Brockley Warren SSSI is 4.86km to the north-west. There are several locally designated Sites of Importance for Nature Conservation (SINC) in proximity to the application site. These include Worthy Copse SINC at 0.5km to the north and Worthy Grove at 1.05km to the north. Both are designated as ancient semi-natural woodland.
15. The site is relatively flat at approximately 94m AOD. There is slight fall from south to north and a slight fall west to east across the site. More widely the land climbs steadily from south to north from a low point of 54m AOD on the B3420, approximately 1.2km to the south of the application site, to a high point of 122m AOD on Worthy Down, approximately 1km to the north of the application site.
16. The site is located in the countryside. The Landscape Part of the Mid Hants Open Downs Landscape Character Area (8e Hampshire LCA), suggests the site is characteristic of this elevated, gently rolling agricultural landscape where woodland shelterbelts of mostly 19th century origin divide the medium-large sized fields. Transport corridors adjoin the site but are largely screened from it by vegetation. However, the noise from the

strategic A34 dual carriageway and the adjacent A272, does detract from the site's tranquillity. Although in recent times this has been arable land, from historic photos it appears the remnant chalk grassland at Worthy Down (to the north) may have extended across the entirety of this large open field. Graded 3a and 3b agricultural land, the loss of downland to intensive arable production will have reduced its biodiversity value.

17. Views with maturing vegetation along three boundaries there are only glimpsed views of the site from the adjacent public highways. Of note, however, is the gap in screening vegetation alongside the A272, the western site boundary. From the east, there are glimpsed views of the site from the northbound A34 on-slip and all roads at the small roundabout at the southbound off/on slip roads junction with Christmas Hill.
18. The site is not located within an area designated for its landscape value, such as a National Park or an Area of Outstanding Natural Beauty (AONB).
19. The application is located within National Character Area (NCA) 130 – Hampshire Downs. The NCA profile states that “The majority of the area is an elevated, open, rolling landscape dominated by large arable fields with low hedgerows on thin chalk soils, scattered woodland blocks (mostly on clay with-flint caps) and shelterbelts...”. The profile also notes that “The A34 cuts north–south through the centre of the NCA connecting Southampton docks with the Midlands. Traffic on these routes has a significant impact on the landscape.”
20. The Hampshire County Integrated Character Assessment (2012) identifies that the site is located within the Mid Hampshire Open Downs. The description of the characteristics of this landscape explains that “There are several roads of Roman origin which radiate from Winchester and pass through this character area... The A34 is predominantly a new alignment... These dual carriageways and straight roads encourage fast moving traffic...A feeling of space and remoteness results from the extensive arable fieldscape with relatively little development. There are few urbanising influences from competing recreational and amenity land uses typical of landscapes closer to major settlement. The road noise and associated visual intrusion are major detractors of tranquillity in this open landscape...”
21. With reference to the Winchester City Council Landscape Character Assessment (2004) the application site is located within the Wonston Downs Landscape Character Area. The key characteristics of the area include:
  - “Gently sloping and undulating topography, forming a relatively low-lying area of downland (50-110m OD).
  - Well-drained upper chalk geology, with minor deposits of clay with flints.
  - Arable farmland predominates within the area, consisting of medium to large fields, many with straight boundaries enclosed by formal

agreement in the 18th and 19th Centuries, followed by 20th Century boundary loss...

- A widely spaced network of straight roads, lanes and tracks providing access to the farms, together with a limited rights of way system and public access. Some busy routes pass through the area, including the Andover Road and the A34, originally Roman roads, and the railway.
  - The area itself is relatively sparsely populated; the main settlement being South Wonston. However, the influence of Winchester and Kings Worthy to the south and the intrusion of the main roads create a more populated feel..."
22. The National Soil Map shows the land to be within the Andover 1 Association, comprising shallow mainly well drained calcareous silty soils over chalk on slopes and crests, with deeper soils in valley bottoms.
  23. The Natural England Agricultural Land Classification provisionally classifies the soils that overlay the application site as Grade 3: Good to Moderate.
  24. The site is located in Flood Zone 1 (land at the lowest risk of flooding). The site is not located within a Groundwater Source Protection Zone but does overlie a Major Aquifer of High Permeability. There are no surface water features within 500m of the application site.
  25. The site is not located within an Air Quality Management Area. A review of wind rose data from the nearest record station at Middle Wallop shows the prevailing wind direction at the application site to be from the south west (occurring 4.8% of the time) with an average wind speed of 9.2mph.
  26. There are no designated heritage assets within the site boundary. The nearest Listed Buildings are located at Littleton Village approximately 1km to the south-west of the site. Worthy Down Ditch is the closest scheduled monument located approximately 950m to the north of the site. Long Barrow scheduled monument is located approximately 1.5km to the north of the Site.
  27. It is noted that the biodiversity value of the site may have reduced in recent years due to agricultural intensification.
  28. The site contains two recorded archaeological assets, one of which is a substantive Bronze Age landscape boundary that crosses it, the other the possible edge of a substantial Bronze Age burial mound. In addition, there are a number of substantive archaeological sites in its immediate vicinity that suggest a high archaeological potential.

## **Planning History**

29. The site has no previous planning history but Winchester City Council have recently received a Scoping Request for a Ground Mounted Solar Farm on

land to the East of the A272, Three Maids Hill, Winchester, SO21 2QU which is nearby.

## **The Proposal**

30. The proposed development principally comprises the creation of an inert Waste Recycling Facility. The operation would ensure that inert waste generated from construction, demolition and excavation works by the applicants customers is recovered and recycled for re-use in construction and engineering works. It is proposed that the facility would accept and process material imported by both applicant and third-parties approved by the applicant.
31. The proposed operation would require the use of plant and machinery and would require the installation on site of supporting infrastructure. In addition, a central design element requires the delivery of biodiversity net gain and ecological enhancements which includes the construction of landscaped bunds to screen the application site.
32. The works propose a waste recycling facility with development in the form of a 20 x 20 x 7m storage barn, aggregate storage bays, a weighbridge, a compound and welfare unit, stockpiling area on hardstanding, machinery and landscape bunds together with improved site access. The barn's proposed location is in the lower part of the site 4.5m below the level of the A272 to reduce its visual impact.
33. The proposed layout of the Inert Waste Recycling Facility is shown in Figure 3 Rev A (Site Layout & Drainage). In broad terms the development and operation would comprise:
  - An improved site entrance off the A272;
  - A site compound with office and welfare facilities;
  - Installation of a weighbridge;
  - Installation of aggregates storage bays / hardcore storage bay / soils storage bay;
  - Erection of Topsoil and Materials Storage Barn;
  - Creation of stockpiling and processing area;
  - Construction and Planting of Landscaped Bunds; and
  - Installation of a drainage system.

### Site selection

34. The site has been selected to allow the applicant to serve the markets. A review of other available sites was undertaken to support the application.

### Site Access and Compound

35. The site has access to the [Strategic Road Network](#).



36. It is stated that access to the site will be via an existing field access off the A272 approximately 140 metres north of the roundabout junction between the A272, the B3420, Stud Lane and Down Farm Lane.
37. The existing field entrance from the A272 would be improved to create a safe access and exit point for HGVs. This would involve re-orientating the gateway and opening-up a bellmouth with improved visibility splays. The bellmouth would be surfaced with asphalt and tie into the A272. The entrance would also be gated and closed for security outside of operational hours. This would operate on a one-way system.
38. The entrance lane access road would lead to a weighbridge adjacent to the site office which would be positioned centrally within the site to ensure there is adequate capacity for HGVs to queue within the site without backing up on to the A272. The proposed position of the weighbridge and site office is shown on Figure 3 Rev A (Site Layout & Drainage).
39. The internal site haul road would have a stone surface reinforced with a geo-grid (e.g. cellweb or similar) as would the dedicated tipping and loading bays.
40. The site compound would include a portacabin style building providing office and welfare facilities for staff, an area for staff car-parking, and a fuel tank storage area.
41. The proposed clean and stable running surface for HGVs on the site haul road system would remove any requirement for a wheelwash facility. Nevertheless, the site compound would be fitted with a source of water and a jet wash would be available to clean HGVs (in the unlikely event any mud or dust is accumulated on tyres) before leaving the site. This would ensure that no mud or dust from the site is tracked onto the main highway.
42. The site compound would have secure weld-mesh style fencing. The boundary of the site already benefits from timber post and rail fencing – where there are currently gaps in this fencing, they would be filled with new fencing to match the existing.
43. It is stated that due to the location of the sources of waste material and markets for the recycled product, all HGV traffic would typically arrive and depart via the A34. HGV traffic will only arrive from the north via the A272 or the south via the B3420 (Andover Road) for exceptional local collections or deliveries.
44. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). The development was screened and was classified as a Schedule 2 development as it falls within Category 11(b) (ii) and exceeds the size threshold [0.5ha]. However, whilst being identified under the Regulations, it

does not lie within a sensitive area and is not deemed an EIA development requiring an Environmental Statement.

### Processing & Storage Area

45. The main processing and storage area would include aggregates storage bays, a hardcore storage bay, and a soil storage bay. These would be constructed with concrete lego-block style walls. This allows the bay sizes to be easily altered depending on the volume and composition of material and products stored on site at any one time.
46. In addition, a small barn structure measuring approximately 20m x 20m x 7m (high) would be constructed to store topsoil and other materials as required. For topsoil the ability to store this in the dry protects its quality and would enable TMR to produce, store and sell this recycled product throughout the year. It is proposed that the storage barn would be steel framed, have Farmscape 'P6R' profile reinforced fibre cement sheet roofing and 2m of tanalised timber space boarding on three elevations from the eaves.
47. The main operational footprint of the site would be laid to hardstanding and would comprise an open area for the stockpiling, processing and storage of imported inert waste. The recycling operation would produce hardcore, 6F5 crushed material, stone, class A fill, subsoil, topsoil, and other aggregate products.
48. The plant and machinery to be operated in the Inert Waste Recycling Facility to produce the range of recycled products would include:
  - Soil Screener;
  - Trommel;
  - Concrete Crusher;
  - 360 excavator; and
  - Loading Shovel.
49. The soil screener and trommel would typically be based on site whereas the concrete crusher would be hired in by the applicant to operate on a campaign basis, as and when a sufficient volume of material requiring crushing has been accumulated. It is anticipated that the crusher would be hired in approximately once per month for a few days at a time. The applicant would operate the facility in accordance with an Environmental Permit that allows for the treatment of up to 75,000 tonnes per annum of waste to produce soil, soil substitutes and aggregates.
50. Two ecologically enhanced screening bunds would be constructed with a combination of topsoil stripped from the application area (prior to levelling and the laying of hardstanding), imported subsoil, and topsoil produced by the onsite recycling operation. As well as forming part of a wider strategy to deliver a net gain in biodiversity the proposed bunds would aid in visually and acoustically screening the proposed operation with one bund

positioned along the northern boundary and the other around the eastern, southern and western boundary.

51. The northern bund would be constructed to a height of approximately 1.5m with a width of 25m and an approximate length of 80m. The eastern, southern and western bund would be constructed to a maximum height of 2m in its central section (to provide the required level of acoustic screening) and taper to a height of 1.5m at its north western extent (by the site entrance) and 1m at its north eastern extent (by the topsoil storage barn). The bund would have a width of approximately 17m and a length of approximately 200m.
52. The width of each bund also includes buffer planting. The northern bund would have a large 10m wide buffer of species-rich grassland along its entire northern edge and a 4m buffer of species-rich grassland on its internal southern edge. The southern and western bund would have a 4m wide species-rich grassland buffer on its internal edge.
53. Planting Notes are provided as part of the application. In summary the bunds would be planted with a mix of hawthorn, hazel, holly, common privet, dogwood, wild plum, and honeysuckle to reflect those species already found on site and in the surrounding area. In addition, larger specimen trees (approx. 50 no.) would be planted in key locations. These would include beech, oak, crab apple, field maple, and wild cherry. Beech and oak would be planted along the A272 boundary to continue the existing line of trees.
54. The species-rich grassland habitat on the northern buffer to the northern bund and the internal buffer to both bunds would be created using the topsoil stripped from the site and would use a suitable prescribed grass seed mix of UK origin.
55. The planting on the bunds and in the buffer zones as well as retention of existing tree planting around the boundaries of the site would create a visually well-screened site that replaces cereal cropland of low ecological value with a mosaic of new habitats that would increase opportunities for biodiversity across the site. Of the approximate 1.8ha application boundary approximately half of that area (0.9ha) is solely utilised for habitat creation.

#### Drainage System

56. The proposed facility would be fitted with a drainage system to manage and control surface water run-off to ensure the development does not increase the risk of off-site flooding. The drainage system would include a full retention interceptor, a swale, and a soakaway and follow the principles of a sustainable urban drainage system (SuDS).
57. The swale (measuring some 100m in length), located within the species-rich grassland buffer around the north eastern corner of the site, would

have a width of 1m and a depth of 1m to 2m and assist in delivering biodiversity net gain. The soakaway would have a capacity of approximately 150m<sup>3</sup> and would be located below part of the species-rich grassland buffer along the northern boundary of the site, as shown on Figure 3 Rev A (Site Layout & Drainage).

58. Clean roof water from the Topsoil Barn would be captured in a storage tank for re-use on site (i.e. damping down, wheel cleaning etc) with any overflow draining to the soakaway. There would also be an 8000 litre septic tank to serve the portacabin and welfare facilities. A full drainage scheme report supported the application.
59. The compound and welfare unit are located in the north part of the site opposite the entrance. The aggregate bays are situated against the western boundary and the stockpiling area against the south boundary. The applicant proposes that 50% of the site be used for mitigation works: bunding around the entire site ranging from 2m high on the western boundary to 1m high by the barn; native species planting on the bunding; species rich grassland on buffer strips 4 – 10m wide beside the bunds. A 100m long swale is located in the northern most swathe of grassland. External lighting comprises a light to the site offices/welfare unit; no floodlighting. In the event of the works ceasing, a landscape restoration plan proposes the site be returned to species rich grassland with the removal of all structures and hard standing.

### Site Operations

60. It is proposed that the site would principally operate during the following hours:
- Monday – Friday 07:00 – 18:00
  - Saturday 07:00 – 13:00
61. There would be no operations on Sundays and recognised Public Holidays.
62. On occasion, the applicant (TMR) are contracted to provide material haulage associated with highways works that occur during the night-time period. Therefore, TMR would request any consent allow for the drop-off of associated wastes, such as road planings, and the collection of recycled product for use in the highways works during the night-time period (18:00 – 07:00) on up to ten occasions per year.
63. There would be no processing operations e.g. sorting, screening and crushing undertaken outside of the hours stated.

### Material Movements

64. Inert material would principally be imported and exported from site by TMR in 4-axle tippers, with other pre-approved third-parties importing waste in similar 4-axle tippers or smaller 7.5 tonne flat beds or transit style tippers.

Based on the proposed throughput of up 75,000 tonnes per annum it is anticipated that the operation would generate approximately 50 – 76 HGV movements per day (25 – 38 in and 25 - 38 out).

65. Based upon the principal sources of waste material and the markets for recycled product, together with the site's location, it is anticipated that all HGV traffic would typically arrive and depart via the A34. Only for exceptional local collections or deliveries would HGV traffic be anticipated to arrive from the north via the A272 or the south via the B3420 (Andover Road). HGVs operated by TMR would not use Stud Lane to the west of the site.
66. The proposed development is expected to generate up to 5 additional staff to manage the recycling facility.

### Lighting

67. There would be no fixed floodlighting of the main processing area. The only fixed lighting would be low-level lighting affixed to the site office / welfare facility for the health and safety of staff opening or closing-up during the hours of darkness.
68. For the limited operations that would occur during hours of darkness (and occasional deposit or collection of material associated with highways works in the night-time period) this would be undertaken with the night-lights fitted to HGVs and other lighting that is integral to the site plant and machinery.
69. It is anticipated that during winter months the main inert recycling operations would typically be limited to daylight hours.

### **Development Plan and Guidance**

70. The following plans and associated policies are considered to be relevant to the proposal:

#### [National Planning Policy Framework \(2019\) \(NPPF\)](#)

71. The following paragraphs are relevant to this proposal:
  - Paragraph 11: Presumption in favour of sustainable development;
  - Paragraph 80: Support of sustainable economic growth;
  - Paragraph 102-103: Sustainable transport;
  - Paragraph 117: Effective use of land;
  - Paragraph 170: Contributions and enhancement of natural and local environment

### **National Planning Policy for Waste (2014) (NPPW)**

72. 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)**

73. The following paragraphs are relevant to the proposal:

- Paragraph 007 (Self-sufficient and proximity principle);
- Paragraph 0046 (Need); and
- Paragraph 0050: (Planning and regulation).

### **Hampshire Minerals & Waste Plan (2013) (HMWP)**

74. 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 4 (Protection of the designated landscape);
- Policy 5 (Protection of the countryside);
- Policy 7 (Conserving the historic environment and heritage assets);
- Policy 8 (Protection of soils);
- Policy 9 (Restoration of quarries and waste developments);
- 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).

### **Winchester City Council (Local Plan Part 1 – Joint Core Strategy (2013)) (WCCCS (2013))**

75. The following policies are relevant to the proposal:

- Policy DS1 – Development Strategy and Principles
- Policy MTRA4 – Development in the Countryside;
- Policy CP10 – Transport

- Policy CP13 – High Quality Design;
- Policy CP15 – Green Infrastructure; and
- Policy CP16 – Biodiversity.

### Winchester City Council (Local Plan Part 2 – Development Management and Site Allocations)

76. The following policies are relevant to the proposal:
- Policy DM1 – Location of New Development;
  - Policy DM10 – Essential Facilities & Services in the Countryside;
  - Policy DM15 – Local Distinctiveness;
  - 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; and
  - Policy DM26 – Archaeology.

### **Consultations**

77. **Lead Local Flood Authority (HCC):** No objection subject to conditions relating to the submission of a detailed surface water drainage scheme for the site.
78. **Planning Policy:** Has no objection.
79. **South Wonston Parish Council:** Objects to the proposal on the following grounds:
1. Change of Character of the Local Area;
  2. Would set a precedent for further industrial developments north of Three Maid Hill and west of the A34;
  3. Highway impact (congestion) on A34 and surrounding roads and safety (including cycle safety);
  4. Impact of noise from the development on the amenity of residents of South Wonston including overnight;
  5. Concerns over the suitability of the proposed dust management measures;
  6. Alternative sites not properly considered – other sites more suitable location for the proposed development;
  7. Change of a green field, rural site is inappropriate;
80. **Kings Worthy Parish Council:** Objects to the proposal on the following grounds:

1. HGV movements – The number of proposed Heavy Goods Vehicle movements (50-76 per day) will have a significant impact on the A34, three maids hill roundabout and other local infrastructure.
2. Dust – Whilst dust mitigation measures have been planned, from the documentation provided these measures will not remove the risk of dust affecting the surrounding roads, particularly the A34, posing a safety hazard to vehicles.
3. Noise and Night Operations – The documentation provided indicates that there will be some night-time operations. The resultant night-time traffic will have significant impact on the properties in the surrounding area, particularly those adjacent to the A34. The Parish Council do not feel this is an appropriate use of this site given the issues above and the rural setting of the surrounding parishes.

81. **Crawley Parish Council:** Objects to the proposal as it is an industrial land use encroaching into an area of Winchester that is currently undeveloped peaceful agricultural countryside. Requests that alternative brown field sites in and around the existing motorway network rather than in such close vicinity of residential, farmland and equestrian land uses are explored. Should HCC approve this application, the parish asks for detailed assurances in respect of noise and traffic impact upon the residents and visitors of Crawley Village as follows:

1. The planning statement indicates that natural bunds will be created around the boundaries for noise abatement. The landscape drawing, however, indicates that this is only provided in the south west corner. Requests assurance that noise abatement bunds be extended to the west and north boundaries as well as the southern corner.
2. Noted that the applicant will not access the site from Stud Lane, however there is no provision to restrict access along this road for private contractors. I suspect that without regulation, contractors' HGVs from Winchester City Centre and the towns and villages to the south and west will follow the shortest routes to the site through Crawley Village. These roads are unsuited to heavy traffic and this will cause danger and inconvenience to the residents of the village. We request that firm operating procedure be applied to all contractors using the facility to ensure that traffic will not be permitted to access the site through Stud Lane, and any of the roads passing through Crawley Village.

82. **Headbourne Worthy Parish Council:** Objects to the application on the grounds that the location of the site is unsuitable for the location for a large re-cycling centre. The application specifies that the centre will service 73,000 tons of waste a day which will be delivered and taken away by 50-76 HGV movements per day. This number of heavy vehicles will greatly impact negatively on the local infrastructure. The A34 is already over-capacitated and experiences regular tail backs because of the over-use of the road. The junction is also an important part of the local road infrastructure feeding down the Andover Rd to the new residential community of Kings Barton and into Winchester. An overload of heavy traffic at this point will impact the flow



of traffic in these residential areas negatively as well as into the community of Littleton. The site will also generate a substantial amount of noise and dust which the Council considers unacceptable since it is situated too close to the residential areas of a major city. The residents of Headbourne Worthy have experienced noise pollution when the Motocross was in operation and this facility will generate far more noise from deliveries being discharged and consignments being loaded which the Council finds unacceptable. The Council also feels that it is inappropriate to eliminate a rural landscape from the outskirts of Winchester. The Council considers that this proposal is wholly inappropriate for a rural setting and is too close to urban development.

83. **Littleton and Harestock Parish Council:** Objects to the application on the following grounds:
1. Concerns about the significant change of use and industrialisation of the Three Maids Hill area in terms of the long-term spatial strategy for north Winchester.
  2. Impacts of this site working alongside another proposed aggregate recycling planning application site;
  3. Impacts on the MoD Flowerdown Estate which is due for redevelopment;
  4. The industrialisation of the Three Maids Hill area should be seen from the perspective of the WCC Strategic Housing and Employment Land Availability Assessment (SHELAA) which shows the potential for all sorts of development right up to the Three Maids Hill roundabout. It is unclear to LHPC where the positioning of aggregate recycling centres in the Three Maids Hill area fits into rapidly changing planning policies and the future Spatial Strategy for North Winchester.
  5. Siting of the Inert Waste Recycling Facility at Three Maids Hill - The Planning Application does not represent an accurate analysis of the impact of the recycling site's location, and we advise that this is a serious omission. The proposed site edge lies approximately about 150m north of the commercial Littleton Stud, which is not agricultural land as claimed in the Planning Application. This site and the horses would be significantly impacted by the proposal.
  6. Intensity of recycling operations/working times and impact on amenity / Littleton Stud;
  7. HGV Movements, impact and use of surrounding roads;
  8. General Impact on the Littleton Settlement, Littleton Conservation Area and residents amenity.
84. **County Landscape Architect:** Initially raised concerns, which the applicant has addressed. Therefore, has no objection subject to the inclusion of conditions on stockpile heights and for the submission of planting and maintenance details.
85. **County Arboriculture (HCC):** Noted that the existing tree belt is important for both screening and trapping particulates so keeping the existing tree cover is highly desirable and they are largely on Hampshire County Council

land at the southern end. Requested a condition relating to the submission of a Tree Protection Plan. Welcomes the improvement of the tree cover through new planting. Any trees onto highway owned land will need permission and a commuted sum of £780 to maintain into the future after a four-year establishment period. Requires confirmation about the removal of the tree and notes that this may require CAVAT compensation in line with highway policy.

86. **Environment Agency:** No objection to the proposal.
87. **Highway Authority:** Further information was requested relating to the detailed proposals for the site access works (including junction radii, visibility splays and highway boundary). A response from the Highway Authority is awaited and will be reported in an Update Paper.
88. **County Archaeologist:** Requested a Heritage Statement to be submitted which addresses the archaeological sites recorded, the archaeological potential implied, the impact of development on below ground archaeological remains and an archaeological mitigation strategy implied by that assessment. Further information was submitted but was still considered to be insufficient. However, the County Archaeologist indicated that conditions relating to archaeological evaluation and archaeological mitigation strategy could address this.
89. **Winchester City Council - Environmental Health Officer:** Has no objection but recommended that conditions are included to ensure the operation is conducted in accordance with that assumed within the acoustic modelling. Specifically, this should include:
  1. General Hours of use restrictions.
  2. Restrictions on the number of night time operations and limiting operations taking place over such events (i.e. no processing/screening/crushing)
  3. The installation and maintenance thereafter of the proposed 2m perimeter bunding
90. **County Ecologist:** Has no objection, but recommends that all ecological mitigation, compensation and enhancement measures be secured through a condition requiring a single ecological mitigation, compensation and enhancement plan. This should include aims, objectives and detailed prescriptions for all ecological mitigation and enhancement measures and details of all ongoing management.
91. **Winchester City Council:** Objects to the proposal on the following grounds:
  1. The impact on the surrounding road network has not been adequately assessed;
  2. Additional landscaping details are required prior to determination to ensure the site can be adequately screened;
  3. The impact on archaeology has not been addressed.

92 **Councillor Porter:** Was notified.

93 **Natural England:** Was notified

## Representations

94 Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.

95. In complying with the requirements of the SCI, HCC:

- 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 within 100 metres of the boundary of the site.

96 As of 7th December 2020, a total of 208 representations to the proposal have been received. All representations submitted object to the proposal. The main areas of concern raised in the objections related to the following areas:

- Unsuitable site and location, industrialisation of the area, rural location is not acceptable for the proposed development;
- Landscape and visual impact of the development (including on the Hampshire Downs / National Character Area and Littleton Conservation Area);
- Impact on agricultural land and loss of best/ versatile agriculture land;
- Adequacy of the Landscape and Visual Appraisal submitted;
- Inadequacy of the proposed mitigation measures;
- Harm to the character of the setting of Winchester;
- Unsuitability / unsafe surrounding roads which are not suitable for additional movement of HGV vehicle's;
- How will use of other roads be restricted?
- Noise impacts and inadequacy of the Noise Assessment;
- Dust impacts;
- Environmental and amenity (including health and wellbeing) impacts on residents Littleton, South Wonston, Harestock, Kings Worthy;
- Impact on tranquillity;
- Concerns over hours of working (including night-time operations);
- Air quality impacts;
- Already have environmental health issues with the Motocross which requires regular reports to the EHO;
- Impact of lighting;
- Near to another application for the same use;

- Lack of reference to Kings Barton in supporting documents;
- No special or local need for the site;
- Lack of consideration of alternative sites / Other sites will be more suitable e.g. industrial estates, Bar End, junction of M3/A31;
- Impact on users of nearby rights of way;
- Biodiversity and ecological enhancement will not work as noise and disturbance on existing agricultural land will stop this;
- Impact on surrounding woodland and loss of trees
- Impacts on watercourses and run off;
- Lack of consultation with local communities;
- Impact on nearby recreational activities and facilities (including the Littleton Stud);
- Lack of confidence in the ability to monitor and enforce the development;
- The impact statement does not take into account the sensitive nature of the underlying chalklands as defined by Natural England;
- Impact on wildlife and natural habitats;
- Non compliance with national and local planning policy;
- Archaeology not appropriately considered;
- Loss of green space; and
- Types of waste being brought onto site.

97 Some responses acknowledged support for the principal of the application to recycle inert waste material, which is important for the environment.

98 The above issues will be addressed within the following commentary, (except where identified as not being relevant to the decision).

### **Habitats Regulation Assessment [HRA]**

99 The [Conservation of Species and Habitats Regulations 2017](#) (otherwise known as the 'Habitats Regulations') transpose European Directives into UK law.

100 In accordance with 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.

101 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.

- 102 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.
- 103 The HRA screening hereby carried out by the MWPA considers the proposed development to have **no likely significant effect** on the identified European designated sites due to it not being located at a distance to be considered to have proximity to directly impact on the European designated sites; the site is not considered to have any functional impact pathways connecting the proposed works with any European designated sites.

## Climate Change

- 104 Hampshire County Council declared a climate change emergency on 17 June 2019. This proposal has been considered against Policy 2 (Climate change – mitigation and adaptation) of the HMWP (2013) and Paragraph 148 (supporting the transition to a low carbon future) of the NPPF (2019).
- 105 The application does not contain a Climate Change Assessment, but it seeks to recycle aggregates and push waste further up the Waste Hierarchy which is in line with sustainability principles. The site will also provide net gains in biodiversity in line with the NPPF (2019) and forthcoming Environment Bill.

## Commentary

### Principle of the development

- 106 Policy 1 (Sustainable minerals and waste development) of the HMWP (2013) states that the Hampshire Authorities will take a positive approach to minerals and waste development that reflects the presumption in favour of sustainable development contained in the NPPF (2019).
- 107 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. This development would drive waste to be managed at the highest achievable level within the waste hierarchy. It is therefore considered to be in accordance with Policy 25 of the HMWP (2013).
- 108 The site could help Hampshire meet its waste management objectives as set out in the HMWP (2013). This site provides benefits that can be difficult to find such as: well established vegetation, a remote location from residential areas, direct access to the Strategic Road Network, a large enough site area for the proposed use and a central location in proximity to sources of waste. It is therefore considered that the proposal is in accordance with Policy 29 (Locations and sites for waste management) of the HMWP (2013).

- 109 It is noted that concerns have been raised about the concept of precedent (i.e. how the grant of any individual planning permission will impact upon the grant or refusal of any future planning permissions). However, this is not a material consideration in the determination of this planning application. Rather, each application for a proposed development should be considered on its own merits and not in view of previous permissions, nor its anticipated impact or otherwise on any future application.
- 110 Concerns raised about the non-compliance with sections 7 and 11 of the National Planning Policy Framework are noted. Issues relating to these aspects are covered in the remaining part of this commentary, where they are of relevance to the proposal.

#### Development in the countryside

- 111 The site lies outside the settlement boundary defined within the Winchester District Local Plan (2013) and as such is located in the countryside. Policy MTRA4 (Development in the Countryside) of the WCCLP (2013) will only permit development that has an operational need for such a location. The proposal is requesting permanent retention of the site for waste recycling use. This means that in order to meet Policy 5 (Protection of the countryside) of the HMWP (2013), the nature of the development must require a countryside or isolated location.
- 112 Policy 29 (Locations and sites for waste management) of the HMWP (2013) sets out criteria for suitable sites and locations for waste management. The site comprises a parcel of agricultural land outside the settlement boundary defined within the Winchester District Local Plan and as such is located in the Countryside. As such, for planning purposes the land is also required to be considered as greenfield. Therefore, the site does not meet the definition of previously developed land in Part 2 of Policy 29 of the HMWP (2013) and instead must be considered in accordance with Part 3. Part 3 of Policy 29 supports development in locations other than those identified in Parts 1 and 2 where it can be demonstrated that the site has good transport connections and a special need for the location and the site is suitable for the proposal.
- 113 Concerns raised about the non-compliance with Policy 5 of the HMWP (2013), WCC Local Plan Part1 Policy MTRA4 Development in the Countryside and Local Plan Part 2 Policies DM1 and DM23 Rural Character are noted.
- 114 It is noted that many representations questioned the suitability of this location for the proposed development, as well as the lack of consideration of alternative sites. Appendix B "Site Selection Review" provided by the applicant demonstrates that several other sites were considered based on a variety of factors such as the size of site required, strategic road access, proximity to sources and markets for products, surrounding area and availability and cost of the site. Of the sites considered, this site best met these criteria and is the most policy compliant.

- 115 Paragraph 6.205 of the HMWP (2013) recognises that recycling and recovery activities that predominantly take place in the open are better suited to countryside locations by virtue of their potential for noise, odour and other emissions. Paragraph 6.195 states that sites which have not previously been developed (i.e. greenfield) but are in well-screened locations away from residential areas may provide opportunities for locating facilities which require a more isolated location. Paragraph 6.209 states that open-air facilities can be justified on sites outside the main urban areas where there is a special need or exceptional circumstances. The proposed development meets these criteria.
- 116 The proposed uses for the site are for the for the transfer, storage and processing of inert waste which are recycling activities generally carried out outdoors. Therefore, subject to a condition that the site be restored if it is no longer required for waste use, the proposal is considered to comply with Policy 5 (Protection of the countryside) of the HMWP (2013) and Policy MTRA4 (Development in the countryside) of the WCCLP (2013).

Demonstration of need and capacity for waste management/recycled aggregates

- 117 Policies 17 (Aggregate supply – capacity and source) and 18 (Recycled and secondary aggregates development) of the HMWP (2013) support development of infrastructure to provide supply of recycled and secondary aggregates.
- 118 Policy 27 (Capacity for waste management development) of the HMWP (2013) states the need for additional waste infrastructure capacity for non-hazardous recycling and recovery capacity in Hampshire. Policy 30 (Construction, demolition and excavation waste development) supports development that will maximise the recovery of CDE waste to produce at least 1mtpa of recycled/secondary aggregates. The proposed development will provide additional infrastructure for a non-hazardous waste recycling facility, which will recover CDE waste and will create additional aggregate supply through recovery. It is therefore in accordance with policy 17, 18, 27 and 30.
- 119 Concerns have been raised about the lack of special or local need for the development and these are noted. The National Planning Policy for Waste (2014) (NPPW) sets out the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management. Policy 7 of the NPPW states that when determining waste planning applications, Waste Planning 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 this case, the proposed development is considered consistent with the relevant policies of the HMWP (2013) and so the applicant is not required to demonstrate market need. The site is located next to the A34, part of the

Strategic Road Network as identified in the HMWP (2013) and is therefore considered to be in proximity to the waste sources and markets of Hampshire. It is therefore considered that the proposed development is in accordance with Policies 17, 18, 25 and 27 of the HMWP (2013).

### Visual impact and landscape

- 120 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. In addition, Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013) protects residents from significant adverse visual impact. Policy DM23 (Rural Character) of the Winchester Local Plan Part 2 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.
- 121 Many concerns have been raised in representations relating to the potential landscape and visual impact of the development (including on the Hampshire Downs / National Character Area) and the potential impact on the setting of the city of Winchester. In addition, some representations question the adequacy of the Landscape and Visual Appraisal submitted and the proposed mitigation measures.
- 122 Planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland (NPPF para 170).
- 123 The site is currently an empty agricultural field with existing tree screening along the southern and eastern borders. The land is not degraded by previous development, it is an agricultural setting contiguous with the adjacent Worthy Down. Policy 5 (Protection of the countryside) of the HMWP (2013) applies and requires that minerals and waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and townscape.
- 124 This site is currently greenfield, undisturbed farmland sitting beyond the Winchester settlement boundary within the countryside of the mid-Hampshire Downs. Paragraph 170 of the NPPF (2019) and policies 5, 10 and 13 of the HMWP (2013) make provision for waste sites within countryside providing they contribute to and enhance the natural and local environment, do not cause unacceptable adverse visual impact, and enhance distinctive landscape character.



- 125 The site is not located in a designated landscape as defined by Policy 4 (Protection of the designated landscape) of the HMWP (2013) it is nevertheless part of the Mid Hampshire Open Downs Landscape Character Area (8e Hampshire Landscape Character Area), and therefore presents some level of landscape value. However, it is also located directly in between two major 'A' roads, the A272 and the A34. It is noted within the 'National Character Area' description that traffic on these routes have a significant impact on the landscape and the tranquillity of the area.
- 126 Concerns have been raised in some representations about the lack of a bund in the North West corner of the site. This is an issue that was also originally raised by the County Landscape Architect, however the bund design has been altered and extended to further decrease visibility into the site from public viewpoints and the County Landscape Architect is now satisfied with the proposal.
- 127 The proposal by virtue of its contribution to the landscape fabric of the area, the additional grassland and woodland habitat it provides, the screening afforded to the development by the surrounding planting (and the lower level of the topography), can be said to enhance the environment and not cause an unacceptable adverse visual impact.
- 128 The concerns raised about the impact on woodland and the loss of trees are noted. The development will result in the loss of one moderate value tree, but proposes the planting of a large number of additional trees, particularly on the northern and western boundaries of the site. The County Arboriculturist supports this and requests that existing trees be protected. A condition requiring the submission of a Tree Protection Plan has been included in Appendix A.
- 129 County Landscape and Arboriculture were both consulted on the proposal and subject to the inclusion of conditions restricting stockpile heights and requiring the submission of planting and maintenance details, both have no objection to the development. It is therefore considered to be in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013) and Policy DM23 (Rural Character) of the WCCLP (2013).

#### Impact on recreation

- 130 Concerns raised about the potential impact on the users of the nearby rights of way and the Littleton Stud are noted. There are no Public Rights of Way that cross or bound the application site. The nearest PRow is located approximately 715m to the south-east of the site. The proposal is not considered to have an impact on this rights of way. However, there is a permissive footpath that runs in a north-south direction through the belt of woodland to the west of the A272 which is managed by Hampshire County Council's Countryside Services and used by pedestrians and cyclists.

133. Concerns raised about the potential impact on the Littleton Stud are acknowledged. The proposed mitigation measures associated with the proposal have been considered by the Environmental Health Officer and other consultees and are considered to be acceptable.

#### Soil Protection

134. Policy 8 (Protection of soils) of the HMWP (2013) requires minerals and waste development to protect and, wherever possible, enhance soils. It also states that development should not result in the net loss of best and most versatile agricultural land and gives provisions for the protection of soils during construction. The Agricultural Land Classification (ACL) system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a.
135. Concerns have been raised in some representations about the impact on agricultural land and loss of best/ versatile agriculture land. It is noted that the current use of the land is grazing/arable crop production/recreation. This site is noted as Grade 3 ACL, however only 0.6 ha of the site have been identified as Grade 3a good quality agricultural land. Natural England consider any site less than 20 hectares in size to not represent a significant loss of best and most versatile agricultural land. The site also intends to utilise the existing soils on site to create the bunds, and so in the event that the use of the site ceases and is restored, there would be minimal loss of soils.

#### Cultural and Archaeological Heritage

136. 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 demonstrated that the need for and benefits of the development decisively outweigh these interests.
137. The site contains two recorded archaeological assets, one of which is a substantive Bronze Age landscape boundary that crosses it, the other the possible edge of a substantial Bronze Age burial mound. In addition, there are a number of substantive archaeological sites in its immediate vicinity that suggest the site has high archaeological potential. Concerns on the potential impact on the Littleton Conservation Area are noted.
138. The County Archaeologist was consulted on the application and raised no objection subject to conditions, relating to the further assessment of the site's archaeological potential, this will ensure the development is acceptable from an archaeological perspective. These conditions have been included below and as such the proposal is considered to be in accordance with Policy 7 of the HMWP (2013).

## Ecology

139. 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 as does Policy CP16 (Biodiversity) of the WCCLP (2013). 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.
140. Concerns have been raised in some representations that the proposed biodiversity and ecological enhancement measures will not work due to as noise and disturbance. The County Ecologist raises no such concerns and welcomes the proposed enhancement, stating that the proposed noise attenuation bunds are an excellent opportunity for meaningful biodiversity enhancement.
141. The County Ecologist states that the site overall is of low ecological value and supports the biodiversity net gains that are proposed on site. They were satisfied with the ecological information provided with the application and have recommended a condition to secure the ecological mitigation, compensation and enhancement measures put forward. This has been included and as such the development is in accordance with Policy 3 (Protection of habitats and species) of the HMWP (2013) and Paragraph 170 of the NPPF (2019).

## Impact on amenity and health

142. As detailed in the representations section, there have been a number of concerns raised over the potential for adverse impacts to local amenity and health. This includes the potential impact on the amenity of nearby residential areas, on further proposed development and nearby schools. These issues are interlinked but have been split into subcategories for the purpose of clarity in this report. 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, this is echoed in Policy DM19 (Development and Pollution) of the WCCLP (2013). Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development.
143. Concerns raised about the non-compliance with Policy 10 of the HMWP (2013) are noted. Concerns have also been raised about the proposed hours

of working and night time working. The daytime working hours of the site have been assessed in the submitted noise assessment as acceptable and the Winchester Environmental Health Officer (WCCEHO) raised no concerns. The hours proposed are in line with normal working hours of other sites of a similar nature. The WCCEHO suggested that night time working should be restricted by way of condition and this has been included below to ensure that this is suitably restricted and will not have a significant adverse impact on amenity. It is therefore seen to be in accordance with Policy 10.

### *Light Pollution*

144. Concerns raised over the impact of lighting from the development and associated with HGV movements are noted. The proposal does not include the provision of any outdoor lighting. The only fixed lighting would be low-level lighting affixed to the site office/welfare facility for the health and safety of staff opening or closing-up during the hours of darkness.
145. For the limited operations that would occur during hours of darkness (and occasional deposit or collection of material associated with highways works in the night-time period) this would be undertaken with the night-lights fitted to HGVs and other lighting that is integral to the site plant and machinery.
146. It is stated that during winter months the main inert recycling operations would typically be limited to daylight hours, although concerns were raised regarding the amenity impacts of vehicle lighting. On the basis that there is only one nearby residence 150m to the south west of the site and this is protected from lighting impacts by both its distance away from the site and a large amount of tree and hedgerow screening, this is not considered likely to cause significant amenity impact.
147. The County Ecologist has raised no concerns regarding the impact of this proposed safety lighting on protected species and the Winchester City Council Environmental Health Officer (WCCEHO) has also raised no objection regarding amenity impacts. However, to ensure that this remains the case, a condition has been added to control any future lighting that the site may require. As such the proposal is seen to be in accordance with Policy 10 (Protecting the health, safety and amenity) of the HMWP (2013).

### *Noise*

148. The nearest residential property to the site is 'Three Maids Bungalow' which is located approximately 160m to the south-west of the proposed operational site. This property is part of the Littleton Stud. There are further residential properties located at Lower Farm more than 500m to the west of the site.
149. Concerns raised about the potential noise associated with the development as well as the adequacy of the Noise Impact Assessment are noted.

150. A Noise Impact Assessment was submitted with the application which concludes that it is likely that the noise impact will fall below Lowest Observable Adverse Effect Level (LOAEL) (as defined in the NPSE/ PPG) at sensitive receptors and should not cause any changes in behaviour or attitude. Therefore, the degree of noise impact relating to the proposals would be acceptable.
151. The EHO has reviewed the information and has no objection to the proposal subject to conditions for hours of use restrictions in line with those detailed in the noise assessment, restrictions on the number of night time operations and limiting operations taking place over such events (i.e. no processing/screening/crushing), and the installation and maintenance thereafter of the proposed 2m perimeter bunding. These conditions have all been included in Appendix A and as such the proposal is seen to be in accordance with Policy 10 (Protecting the health, safety and amenity) of the HMWP (2013) and Policy DM20 (Development and Noise) of the WCCLP (2013).

#### *Dust and Air Quality*

152. The concerns raised by members of the public regarding potential impacts on residential amenity and health as a result of emissions and dust are acknowledged. However, the only source of emissions which will be associated with the development will relate to vehicle and plant exhausts, both of which are not of a large scale. Vehicles would be passing by the residents for a brief period of time, so the exposure is not significant. These issues have been considered by the Highway Authority and the EHO. The proposed types of waste to be recycled are mainly inert and as such would not produce noticeable amounts of dust or odour and there are not a large number of houses immediately adjacent to the site to be affected. An Environmental Management Plan is also recommended in a condition to ensure that dust does not reach beyond the site in unacceptable levels. This is included in Appendix A. Therefore, the proposal is considered to be in accordance with Policy 10 (Protecting the health, safety and amenity) of the HMWP (2013) and Policy DM19 (Development and Pollution) of the WCCLP (2013).

#### *Health*

153. Concerns raised about the potential impact on health and wellbeing are acknowledged. The WCCEHO has considered the application and has not raised an objection. In addition, in the event that planning permission is granted, the site will also be subject to an Environmental Permit from the Environment Agency.

#### Potential pollution associated with the development

155. Concerns raised through representations relating to contributing to pollution are noted. 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](#)). 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.

156. Material imported to the site shall comprise of inert construction and demolition waste (CDE waste). This shall comprise only of clean, uncontaminated soils, rubble, concrete, wood and road planings. The types of waste will be controlled Environmental Permit. The site will require an Environmental Permit which will control the suitability of the waste material imported to the site.

### Flooding

157. 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.
158. The Lead Local Flood Authority was consulted in relation to the proposal and subject to the inclusion of a condition for the submission of a Surface Water Drainage Scheme, they are satisfied that the proposed development will not increase flood risks. The Environment Agency were also consulted and had no objection. It is therefore considered to be in accordance with Policy 11 (Flood risk and prevention) of the HMWP (2013).

### Highways impact

159. Policy 12 (Managing traffic) of the HMWP (2013) requires minerals and waste development to have a safe and suitable access to the highway network and where possible minimise the impact of its generated traffic through the use of alternative methods of transportation. It also requires highway improvements to mitigate any significant adverse effects on highway safety, pedestrian safety, highway capacity and environment and amenity.
160. A number of concerns were raised in representations relating to potential highway impacts. These included roads and lanes off the A34 and A272 not being considered suitable for additional movement of HGV vehicle's, existing infrastructure already cannot cope with existing traffic levels, fear of local roads being used as 'rat runs', concerns over the safety of the A272 junction. These are all noted.

161. The Highway Authority were consulted on the application and requested further information relating to the proposed access. A response from the Highway Authority is awaited and this will be reported in an Update Report.

#### Lack of public consultation

162. As documented in the representations section of this report, the proposal was subject to a public consultation in accordance with the adopted Hampshire Statement of Community Involvement.

#### Monitoring and enforcement

163. Concerns and a lack of confidence in the ability to monitor and enforce the development raised in representations are noted.

164. In the event that planning permission is granted for the proposal, all planning conditions will be actively monitored by the Council's Monitoring and Enforcement team to ensure compliance.

#### Community benefits

165. A frequent concern of communities that host minerals and waste developments is that there are no immediate benefits to 'compensate' for the inconvenience that occurs. In Hampshire there is already a precedent for minerals or waste operators to contribute to local communities' funds. However, this process lies outside of the planning system.

166. Policy 14 (Community Benefits) of the HMWP (2013) encourages negotiated agreements between relevant minerals and waste developers/operators and a community as a source of funding for local benefits. Agreements can be between operators and local bodies such as Parish Councils or resident's associations. Whilst the Minerals and Waste Planning Authority encourages these agreements, it cannot be party to such agreements and the agreements cannot be considered in decision making.

167. In addition to the above, paragraph 5.59 of the HMWP (2013) states that there is an expectation that all 'major' minerals and waste development will be accompanied by a site Liaison Panel. An informative note to applicant is recommended on the re-establishment of a liaison panel for the site if permission were to be granted in the interests of promoting communication between the site operator and local community.

#### Conclusions

168. It is considered that the proposal would be in accordance with the relevant policies of the Hampshire Minerals and Waste Plan (2013) and will:

- deliver additional waste management capacity through the addition of a wood processing facility which would help to recycle waste at the highest achievable level within the waste hierarchy, and reducing the volume of waste sent to landfill;
- have good transport connections to the sources of and/or markets for the type of waste proposed to be managed at the site and be suited to the isolated location of the application site;
- not cause an unacceptable adverse visual or landscape impact; and
- not cause adverse public health and safety impacts, and/or unacceptable adverse amenity impacts.

### **Recommendation**

168. That planning permission be granted subject to the conditions listed in Appendix A.

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Site Layout and Drainage Plan

Appendix D – Landscape Strategy Plan

Other documents relating to this application:

<https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=21326>



**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
<b>OR</b>	
<b>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:</b>	
the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste or local planning authority.	

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

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

Document

Location

20/01765/HCS  
WR243

Hampshire County Council

Land at Three Maids Hill, off A272,  
Winchester SO21 2QU  
(Development of an Inert Waste Recycling  
Facility)

## **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.

## CONDITIONS

### Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

### Hours of Working

2. No heavy goods vehicles (HGVs are vehicles over 3.5 tonnes gross weight) shall enter or leave the site except between the following hours: 07.00 - 18.00 Monday to Friday and 07.00 - 13.00 Saturday. No plant or machinery shall be operated except between the following hours: 07.00 - 18.00 Monday to Friday and 08.00 - 13.00 Saturday. There shall be no working on Sundays or recognised Public Holidays.

Reason: In the interests of local amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

3. Night works shall only take place Monday-Friday following the advance agreement of the Minerals and Waste Planning Authority. Night-working is permitted up to 10 occasions per year (as applied for) and shall only take place Monday to Friday. Night-works should not comprise any sorting, screening, or crushing of material. Any additional occasions of night working will require advance agreement from the Minerals and Waste Planning Authority.

Reason: In the interests of local amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

### Highways

4. For the duration of the development, measures shall be taken to clean vehicles leaving the site to prevent mud and spoil from being deposited on the public highway. 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).

## **Tonnage**

5. No more than 75,000 tonnes of waste/mineral shall be imported/exported from/to the site per annum. A written record of tonnage entering/leaving the site associated with the permission hereby granted shall be kept onsite and shall be made available to the Minerals and Waste Planning Authority for inspection upon request.

Reason: In the interests of local amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

## **Nature Conservation**

6. Development shall proceed in accordance with the ecological mitigation,, compensation and enhancement measures detailed within the Ecological Appraisal (CES, October 2020), Reptile Survey (CES, May 2020), Bird Scoping report (CES, June 2020), Bat Activity report (CES, July 2020) and the Landscape Strategy Plan Rev. B (Johns Associates, October 2020). All ecological mitigation, compensation and enhancement measures should be implemented in accordance with ecologist's instructions and managed and maintained in accordance with their intended function.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF (2019) and in accordance with Policy 3 (Protection of habitats and species) of the Hampshire Minerals & Waste Plan (2013).

## **Landscape**

7. Prior to the commencement of development, a detailed scheme of landscaping for the site shall be submitted to and approved by the Minerals and Waste Planning Authority in writing. The scheme shall specify the types, size and species of all trees and shrubs to be planted; details of all trees to be retained; and details of fencing/enclosure of the site, phasing and timescales for carrying out the works, and provision for future maintenance. Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The scheme shall be implemented as approved.

Reason: In the interests of visual amenity 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).

8. Stockpiles of waste, materials or goods stored externally shall not exceed four metres in height from base to peak.

Reason: In the interests of visual amenity in accordance with 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).

### **Perimeter Bunds**

9. The perimeter bunds shall be constructed and maintained in accordance with the approved plan and cross section details as shown on Drawings J00546-020 Rev B and J00546-021 Rev A for the duration of the development.

Reason: In the interests of local amenities in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

### **Arboriculture**

10. Prior to the commencement of development, a Tree Protection Plan identifying all trees on the application site and those which are to be retained and protected during development shall be submitted to the Minerals and Waste Planning Authority for approval in writing. The development shall be implemented in accordance with the approved scheme and maintained for the duration of the development.

Reason: This is a pre-commencement condition in the interest of preserving the natural features of the site and the protection of trees, retaining the landscape character of the area and 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 and Waste Plan (2013).

### **Archaeology**

11. No development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation, comprising of trial trenching which should explore the archaeological potential of the site, and the character and date of the two known archaeological sites in order to inform subsequent mitigation by recording. This should be done in accordance with a written specification that has been submitted to and approved by the Minerals and Waste Planning Authority.

Reason: In the interests of archaeology in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the Hampshire Minerals & Waste Plan (2013). This is a pre-commencement

condition as the works have the potential to cause harm to archaeological remains and need to be appropriately managed.

12. No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation in accordance with a written specification that has been submitted to and approved by the Minerals and Waste Planning Authority.

Reason: In the interests of archaeology in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the Hampshire Minerals & Waste Plan (2013).

13. Following completion of archaeological fieldwork, a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason: In the interests of archaeology in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the Hampshire Minerals & Waste Plan (2013).

### **Noise, Dust and Odour**

14. Prior to the commencement of development, an Environmental Management Scheme for the control of noise/dust/odour at the site shall be submitted to the Minerals and Waste Planning Authority for approval in writing. The Scheme shall be implemented as approved for the duration of the permission.

Reason: In the interests of local amenity in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

15. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times and shall be fitted with and use effective silencers.

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).

16. All Heavy Goods Vehicles entering and leaving the site carrying waste or recycled material shall be fully sheeted.

Reason: In the interests of local amenities in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

## **Lighting**

17. Prior to use of the development, a Lighting Scheme shall be submitted to the Minerals and Waste Planning Authority for approval in writing. The scheme shall include details of all outside lighting, including floodlighting, safety lighting and illumination from within the plant, and measures to prevent light pollution. The Scheme shall be implemented as approved for the duration of the permission.

Reason: In the interests of the protection of fauna, landscape character and visual and local amenity in accordance with Policies 3 (Protection of habitats and species), 10 (Protecting public health, safety and amenity) & 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

## **Types of Materials**

18. There shall be no burning of waste or materials on site.

Reason: In the interests of pollution control and the amenities of the area in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

## **Water Environment**

19. No development shall begin until a detailed Surface Water Drainage Scheme for the site, based on the principles within the Flood Risk Assessment & Drainage Strategy ref: CM/37, has been submitted and approved in writing by the Minerals and Waste Planning Authority. The submitted details should include:
  - a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
  - b. Infiltration test results undertaken in accordance with BRE365 and providing a representative assessment of those locations where infiltration features are proposed
  - c. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
  - d. Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30

and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference that the submitted drainage layout.

- e. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.

The scheme shall be implemented as approved for the duration of the development.

Reason: To protect the site from flooding in accordance with Policy 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013).

### **Restriction of Permitted Development Rights**

20. Notwithstanding the provisions of Parts 4, 7 and 16 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 Minerals and Waste Planning Authority in writing;
- (ii) no telecommunications antenna shall be installed or erected without the prior agreement of the Minerals and 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).

### **Restoration**

21. Should the site no longer be required for the permitted waste uses it shall be restored to agriculture in accordance with a scheme to be submitted to and agreed in writing by the Minerals and Waste Planning Authority. The scheme shall be submitted within six months of cessation of the permitted uses. The scheme shall include details of:

- (i) the thickness and quality of subsoil and topsoil to be used and the method of soil handling and spreading, including the machinery to be used;
- (ii) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping to take place before placing of topsoil;
- (iii) measures to be taken to drain the restored land; and
- (iv) details of proposed seeding.

Reason: To ensure satisfactory restoration and that the development is in accordance with Policies 5 (Protection of the countryside) and 9



(Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

## Plans

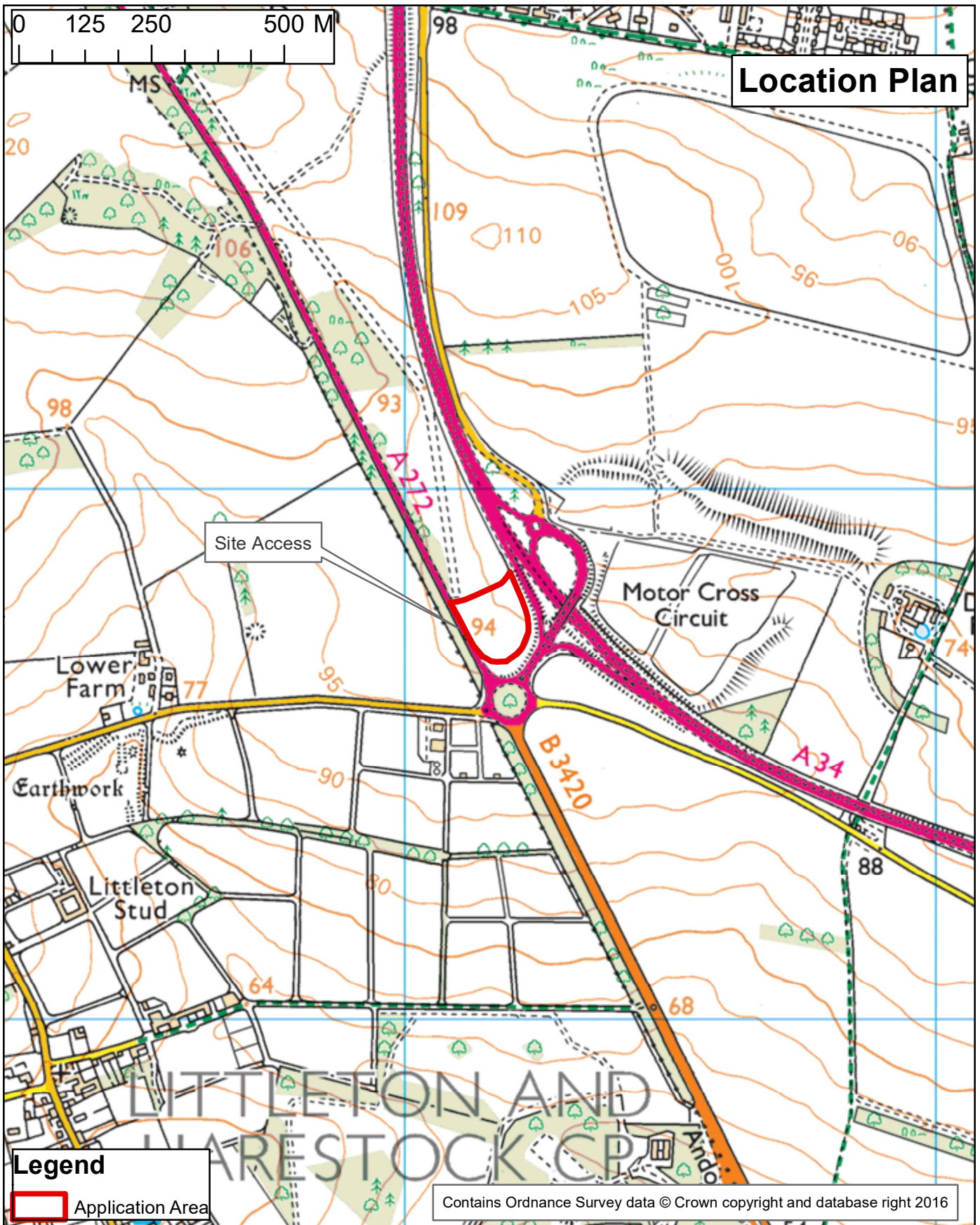
22. The development hereby permitted shall be carried out in accordance with the following approved plans: **Figure 1RevA, Figure 2RevA, Figure 3RevA, Figure 4RevA, Figure 5RevA, J00546-022RevA, T.066/2RevB, T.066/3, T.066/4, J00546-20RevB, J00456-021RevA**

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

## Notes to Applicant

1. In determining this planning application, the Minerals and Waste Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2019), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts
3. Any trees planted onto highway owned land will need permission from the Highways Authority and a commuted sum of £780 must be paid to maintain into the future after a four-year establishment period.
4. The tree to be removed by the entrance to the site may require CAVAT compensation in line with highway policy.
5. The County Council supports the establishment of the Liaison Panel between the site operator, Waste Planning Authority and community representatives at a suitable frequency to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community. Guidance on the establishment of liaison panels is available:  
<http://documents.hants.gov.uk/planningstrategic/LiaisonPanelProtocolforHCCsites-November2016.pdf>

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**Development of an Inert Waste Recycling Facility  
at Land at Three Maids Hill, off A272, Winchester  
SO21 2QU**

**Regulatory Committee**

**Date: 16 December 2020**



**Application No: 20/01765/HCS**

**1:10,000**

**Site Reference: WR243**

**Page 123**

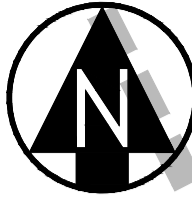


**Hampshire  
County Council**

**Drawn by: Strategic Planning**

**Economy, Transport and Environment**

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- REDLINE BOUNDARY
- '91.44 EXISTING SPOT LEVELS (SELECTED)
- +2.00m PROPOSED LEVELS ABOVE EXISTING AOD (INDICATIVE)
- PROPOSED STONE SURFACE TO PROCESSING AREA (EG MOT TYPE 1 OR SIMILAR)
- PROPOSED STONE SURFACE TO ROAD WITH GEOGRID REINFORCEMENT EG CELLWEB BY GEOSYNTHETICS OR SIMILAR
- PROPOSED ASPHALT ENTRANCE ROAD AND CIRCULATION AREA
- EXTENT OF PROPOSED COMPOUND - COMPOUND SECURED WITH STEEL PALISADE FENCING (PAINTED BLACK / DARK GREY) AND MATCHING GATES
- CCTV CAMERA LOCATIONS
- GULLY

**Notes:**  
 REF. DGY SURVEYING, THREE MAIDS RECYCLING FACILITY, LAND SURVEY, DRAWING NO. 3MAIDS-0120, 24.01.20.



A	15/07/20	Initial issue	NG	LB
Rev	Date	Description	By	Ckd

**mts environmental**

Filwood Green Business Park, 1 Filwood Park Lane, Bristol BS4 1ET  
 Tel: 0117 370 4250  
 www.mtsenvironmental.co.uk

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Client

**TMR**  
SOUTHCOAST LTD

Project  
 Three Maids Mill Inert Waste Transfer Facility

Title  
 SITE LAYOUT & DRAINAGE PLAN

Drawn	Checked	Scale at A1	Date	Issue Date
NG	LB	1:500	15/07/20	15/07/20
Drawing status <b>INFORMATION</b>				

Drawing No. <b>FIGURE 2</b>	Revision <b>A</b>
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**PLANTING NOTES**

**Native Buffer Planting Mix (Southern, Eastern & Northern Boundaries)**  
**'Woodland Edge' Mix**  
 The selection of native species for new planting areas and for reinforcing existing vegetation to be retained and for the creation of new areas would include those found on the Site and surrounding area including:

- 25% Hawthorn (*Crataegus monogyna*)
- 15% Hazel (*Corylus avellana*)
- 15% Holly (*Ilex aquifolium*)
- 15% Field maple (*Acer campestre*)
- 10% Crab apple (*Malus sylvestris*)
- 10% Common privet (*Ligustrum vulgare*)
- 5% Dogwood (*Cornus sanguinea*)
- 5% Wild plum (*Prunus domestica*)
- Honeysuckle (*Lonicera periclymenum*)\*

Planting stock would be a mix of 75% 60-80cm bare root 1+1 transplants or containerized depending on species and 25% feathered stock (typically 1.5-1.75m high range). Planting density to be 1no./m2 planted in single species groups of 7-15no.

\*Indicates species to be interplanted within mix at c.1no. plant/2m2.

In addition, a number of larger specimen trees (12-14cm girth + / rootballed or containerised depending on species) would be included in key areas to provide a degree of initial impact including the following species:  
 - Beech (*Fagus sylvatica*)  
 - Quercus robur (Oak)  
 - Field maple (*Acer campestre*)  
 - Crab apple (*Malus sylvestris*)  
 - Wild cherry (*Prunus avium*)

Beech and oak would be planted along the A272 to continue the existing line of trees along this corridor.

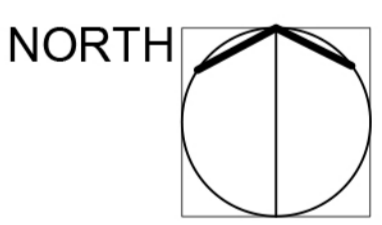
All planting areas would be protected with rabbit / shelter guards as required and fenced off with strained post and wire fencing where required until planting has become established.

**Proposed Grassland Habitat**  
 The creation of areas of species-rich calcareous grassland is proposed along the verges of the proposed internal access routes (c.4m wide), as well as a broad marginal area along the northern boundary (c.10m wide).

These areas would be created using stored topsoil taken from the Site. A suitable prescribed seed mix of UK origin would be used to achieve good establishment.

Vegetation would be managed by cutting once / twice per year with the arisings removed to prevent weed species becoming dominant.

A 1m wide mown strip would be cut more regularly adjoining access routes to maintain a neat and tidy appearance.



For sections please refer to Typical Sections drawing J00546-021

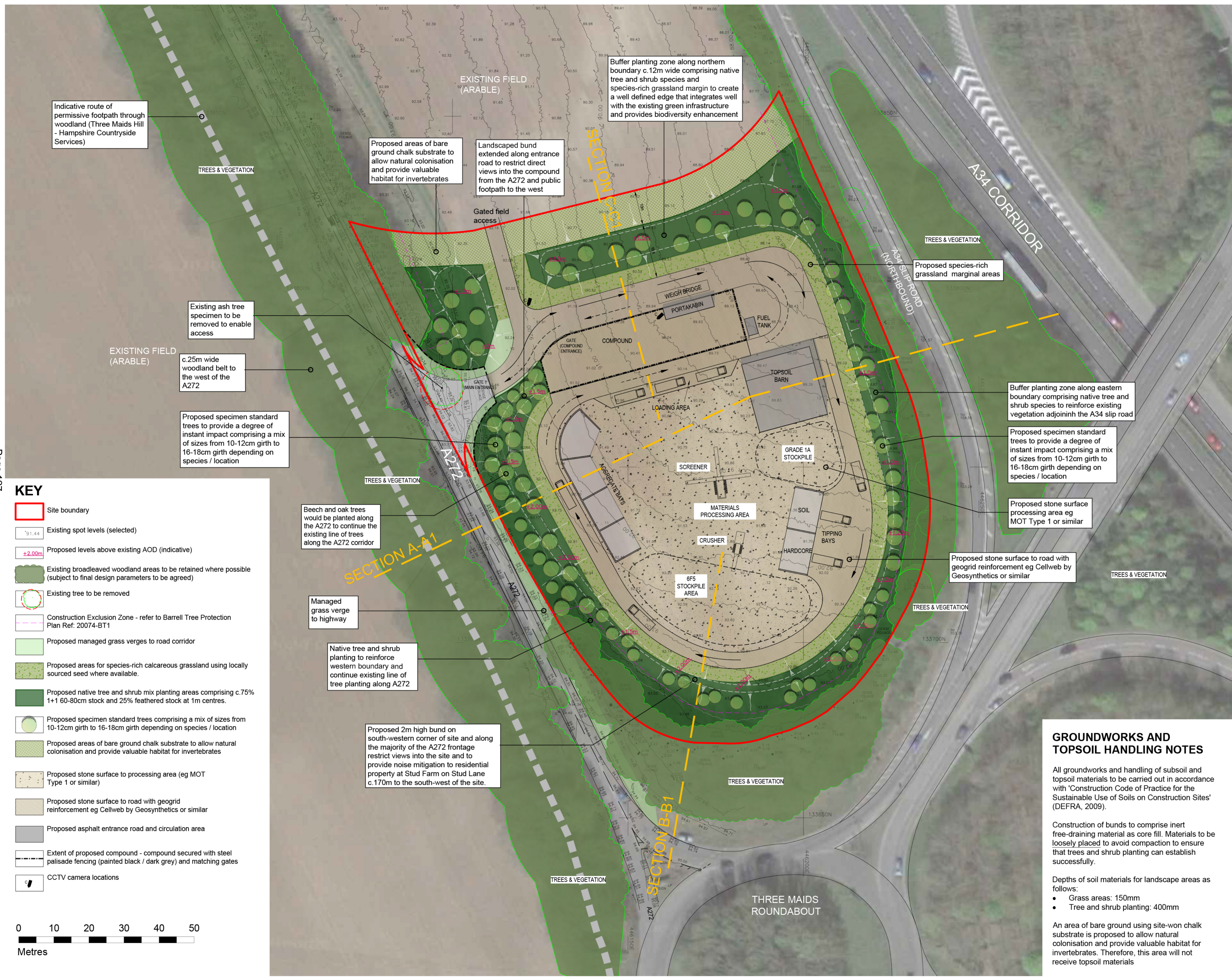
**GROUNDWORKS AND TOPSOIL HANDLING NOTES**

All groundworks and handling of subsoil and topsoil materials to be carried out in accordance with 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' (DEFRA, 2009).

Construction of bunds to comprise inert free-draining material as core fill. Materials to be loosely placed to avoid compaction to ensure that trees and shrub planting can establish successfully.

- Depths of soil materials for landscape areas as follows:
- Grass areas: 150mm
  - Tree and shrub planting: 400mm

An area of bare ground using site-won chalk substrate is proposed to allow natural colonisation and provide valuable habitat for invertebrates. Therefore, this area will not receive topsoil materials



**KEY**

- Site boundary
- Existing spot levels (selected)
- Proposed levels above existing AOD (indicative)
- Existing broadleaved woodland areas to be retained where possible (subject to final design parameters to be agreed)
- Existing tree to be removed
- Construction Exclusion Zone - refer to Barrell Tree Protection Plan Ref: 20074-BT1
- Proposed managed grass verges to road corridor
- Proposed areas for species-rich calcareous grassland using locally sourced seed where available.
- Proposed native tree and shrub mix planting areas comprising c.75% 1+1 60-80cm stock and 25% feathered stock at 1m centres.
- Proposed specimen standard trees comprising a mix of sizes from 10-12cm girth to 16-18cm girth depending on species / location
- Proposed areas of bare ground chalk substrate to allow natural colonisation and provide valuable habitat for invertebrates
- Proposed stone surface to processing area (eg MOT Type 1 or similar)
- Proposed stone surface to road with geogrid reinforcement eg Cellweb by Geosynthetics or similar
- Proposed asphalt entrance road and circulation area
- Extent of proposed compound - compound secured with steel palisade fencing (painted black / dark grey) and matching gates
- CCTV camera locations



REF	NOTES	DATE
B	Arrangement of proposed planting, landscaped bund and compound area adjusted. Proposed areas of bare ground chalk substrate added. Groundworks and Topsoil Handling Notes added.	2020-10-15
A	Minor amendments to proposals	2020-07-10

CLIENT	TMR SOUTHCOAST LTD
PROJECT	THREE MAIDS HILL INERT WASTE TRANSFER FACILITY, NR WINCHESTER
TITLE	LANDSCAPE STRATEGY PLAN
SCALE @ A1	1:500@A1
CREATED BY	JH
CHECKED BY	MJ
REFERENCE	J00546-020
REVISION	B
DATE ISSUED	27/05/2020

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## HAMPSHIRE COUNTY COUNCIL Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	16 December 2020
<b>Title:</b>	Extraction and processing of minerals, importation and treatment of inert materials, the erection of a concrete batching plant, workshop, offices, weighbridge and internal access to the A35 with progressive restoration using residual inert materials to agriculture, woodland and grassland at Land at Roeshot, Christchurch, Hampshire (No. 16/10618) (Site Ref: NF269)
<b>Report From:</b>	Head of Strategic Planning

**Contact name:** Lisa Kirby-Hawkes

**Tel:** 0370 7791259

**Email:** [Lisa.kirby.hawkes@hants.gov.uk](mailto:Lisa.kirby.hawkes@hants.gov.uk)

### Recommendation

1. That an extension of time until 31 March 2021 is agreed for the satisfactory completion of the Section 106 Agreement to secure Ecological Protection and Restoration of the site, a revised Repair and Maintenance Scheme for Watery Lane (Byway Open to All Traffic (BOAT number 737) and a permissive path and that authority is delegated to the Director of Economy, Transport and Environment to grant permission in all other respects in accordance with the resolution made at the meeting held on 19 June 2019.

### Background

2. This report relates to a planning application for extraction and processing of minerals, importation and treatment of inert materials, the erection of a concrete batching plant, workshop, offices, weighbridge and internal access to the A35 with progressive restoration using residual inert materials to agriculture, woodland and grassland at land at Roeshot, Christchurch. (Application No. 16/10618) (Site Ref: NF269).
3. The application was considered by Regulatory Committee on 19 June 2019 when it was resolved that: -
  - a. The Head of Law and Governance be authorised to draw up a Section 106 Agreement to secure the Ecological Protection and Restoration, the revised Repair and Maintenance Scheme for Watery Lane (Byway Open to All Traffic (BOAT number 737) and permissive path.
  - b. Provided that by 31 December 2019 all parties enter into the Section 106 Agreement with the County Council, authority be delegated to the

Director of Economy, Transport and Environment to GRANT permission subject to the conditions listed in Appendix A.

- c. In the event that the Section 106 Agreement is not completed by 31 December 2019 then the Director of Economy, Transport and Environment be authorised to refuse planning permission for that reason.
4. Due to the complexity of the required Agreement, completion by 31 December 2019 was not possible and at the meeting of the Regulatory Committee held on 11 December 2019 it was agreed to extend the period for completion of the Agreement to 30 June 2020. This was subsequently extended at the 17 June 2020 Committee meeting until the 30 December 2020 due to delays in completion due to covid-19.
5. Since that decision, despite County Council officers and the applicant working together proactively to secure the necessary obligations, the Section 106 Agreement has still not been completed.
6. Agreement has been reached on many of the issues and the applicant and their consultants are continuing to engage in discussions on the outstanding issues. The Agreement is still at an advanced stage, but the Covid-19 pandemic has had an impact on the ability of all parties to progress at the pace originally anticipated.
7. It is therefore requested that a further period until 31 March 2021, is provided for the satisfactory completion of the Section 106 Agreement. This will be the last request to the Committee to extend the time period for this process. If agreement is not reached, the planning application and its associated resolution will need to be reconsidered by the Committee.

### **Recommendation**

8. That an extension of time until 31 March 2021 is agreed for the satisfactory completion of the Section 106 Agreement to secure Ecological Protection and Restoration of the site, a revised Repair and Maintenance Scheme for Watery Lane (Byway Open to All Traffic (BOAT number 737) and a permissive path and that authority is delegated to the Director of Economy, Transport and Environment to grant permission in all other respects in accordance with the resolution made at the meeting held on 19 June 2019.

Link to the application

<https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=17204>

## HAMPSHIRE COUNTY COUNCIL

### Information Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	16 December 2020
<b>Title:</b>	Monitoring and Enforcement Update
<b>Report From:</b>	Director of Economy, Transport and Environment

**Contact name:** David Smith

**Tel:** 01962 845891

**Email:** [david.smith@hants.gov.uk](mailto:david.smith@hants.gov.uk)

#### **Purpose of this Report**

1. The purpose of this report is to provide information to the Regulatory Committee on the Monitoring and Enforcement work undertaken by Strategic Planning during the period July 2020 – December 2020.

#### **Recommendation**

2. That the contents of this report are noted.

#### **Executive Summary**

3. The Covid-19 pandemic had a major impact on the work of the Monitoring and Enforcement team over the early part of the year, with no normal site visits being possible until August. Although the previous levels of regular routine monitoring is still not possible, officers have been able to undertake the highest priority visits and actively investigating any complaints received, as well as working with other Authorities and Agencies.
4. The report details the number of complaints on authorised and unauthorised sites, and the outcome of negotiations, including, when necessary, enforcement action undertaken.
5. The report also details development control work dealing with the relaxation of planning conditions due to recent Covid-19 Government advice, Planning Condition (Article 27) applications and Non-Material Amendments.

#### **Complaints**

6. The majority of the complaints received during the period July 2020 – December 2020 refer to unauthorised development (9 sites) and breaches of operational planning conditions on existing mineral and waste sites (8 sites). Investigation and negotiation have followed with 3 planning applications having been submitted, or being prepared, to address issues, with another 5 sites already subject to planning applications. Investigations are still ongoing at 4 sites. The remainder have been resolved or were enquiries made about general site operations, fly-tipping, odour and waste related development that

were dealt with in-house or referred to either the Environment Agency (EA) or Local Planning Authorities as non-County matters.

### Enforcement Actions

7. In the period to December 2020, there were no notices served, with all matters either addressed through the planning system or remedied through negotiation.
8. The following provides an update on the latest Notice and enforcement activities previously reported to the committee.

*Table 1: Update on enforcement activities*

Site	Update
Waterbrook Industrial Estate, Alton	<p>Following repeated complaints about operations on site and working outside of permitted hours, which were categorically denied by the operator, it was decided to serve a Planning Contravention Notice (PCN) to ascertain the levels of lorry movements and measures to check all lorries are sheeted and the hours of operation, when the gates are opened and by whom and when plant and machinery actually commence work. There were also questions about working hours on the date of a specific complaint. The PCN was served on 19 June and the Operator responded fully on 30 June. The information provided was not conclusive and suggested that the issues were related to the adjacent Aggregate Batching Plant rather than the site itself.</p> <p>The site was subject to a planning application to allow for restricted night-time activities including importation of road planings with a resolution to approve subject to a Legal Agreement on lorry routing. A Liaison Panel is to be set up for the site to encourage greater interaction between the operator and local residents.</p>
Carousel Dairy (Basingstoke AD Plant), Manor Farm, Farleigh Wallop, Basingstoke	<p>Following complaints and further investigation it was determined that there were breaches of the conditions setting out the hours that lorries could access the site. A Breach of Condition Notice (BCN) was served to cease the activity and prevent future breaches. A Planning application was subsequently submitted (<a href="#">16/00322/CMA</a>) to address the issue and clarify the permitted times and vehicle numbers. This was approved by the committee in July 2016 with an increase in vehicle movements permitted for an initial trial period of one year. A further application to make the vehicle increases permanent was considered at the September 2017 meeting of the Committee when it was resolved to grant permission for another 1 year period to allow for further monitoring (<a href="#">17/01876/CMA</a>). Proactive site management and regular Liaison Panel meetings improved the situation and monitoring of the</p>

	<p>traffic movements continued using the vehicle number plate recognition system. An application to make the vehicle increases permanent, with other negotiated changes to conditions, was approved at the February 2019 Committee meeting (<a href="#">18/03001/CMA</a>).</p> <p>The ANPR cameras have been retained and access to the database for monitoring HGV movements secured so that any issues in the future can be investigated. There have been no subsequent complaints about HGVs to and from the site.</p> <p>There has been an issue of odour nuisance to the nearest properties, which has been reported to the Environment Agency, with increasing frequency since Summer 2019. A new biofilter was installed, but, as there had been no discernible improvement in the situation, the Environment Agency issued an Enforcement Notice requiring measures to be undertaken to improve the odour control process. This led to a number of changes to processes and installation of new equipment, including an application to amend the location and configuration of a previously approved building to contain the screening equipment. The EA were satisfied that their Notice had been complied with and the works commenced. Works have now been completed, and latest results are awaited, but the County has not been made aware of any subsequent issues. Monitoring is still ongoing with regular liaison between the Plant's management and local residents.</p>
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9. Further information on the full suite of enforcement powers available to the County Council as Minerals and Waste Planning Authority (including powers to service PCNs, BCNs and ENs) are included in the County's Enforcement and Site Monitoring Plan. This can be found on the Strategic Planning website at: <http://documents.hants.gov.uk/planning-strategic/HampshireCountyCouncilPlanningEnforcementandSiteMonitoringPlanJuly2016.pdf>.
10. The following table provides information on the joint enforcement activities which have been undertaken with the Environment Agency, the Police and District Planning Authorities.

*Table 2: Update on joint enforcement activities with the Environment Agency, the Police and District Planning Authorities*

<b>Site</b>	<b>Joint working with</b>	<b>Update</b>
Whitehouse Field, Goodworth Clatford	Test Valley Borough Council, Environment Agency, HCC Highways	In late 1990s, planning permission was granted by Test Valley Borough Council (TVBC) for construction of an extension to the existing golf course. This involved the importation and tipping of inert

		<p>materials as an engineering operation. This work continued for approximately 10 years until the then operator left the site in 2010 and TVBC considered the development completed. Several years later the operator of Homestead Farm bought the land. He claimed that surveys of the site had shown that the development had not been fully completed and stated his intention to restart work. His argument was that the levels survey agreed under the permission is so vague and contradictory that there is potentially up to 6 metres of fill required (approx. 450 000 tonnes of material).</p> <p>The authorities did not accept that this is authorised and have liaised closely to ensure that if and when work does start the appropriate enforcement action can be taken. Following legal advice from Counsel, TVBC decided to enforce against any work as a breach of the original permission, with the EA looking to prosecute for tipping without a Permit. HCC Highways were also involved as part of the site access is highway land historically used by locals as a small car park, and the landowner had been fencing and blocking it off. HCC Highways have therefore taken legal action to secure clearance of the fences and blockades and maintain access.</p> <p>TVBC served Enforcement Notices against preparatory works on site and the variation of the restoration plans showing increased levels, which was the subject of an Appeal Inquiry on 26 – 28 November. A Decision was issued on 13 January 2020. The Decision dismissed the Appeal against the change in levels, although it did allow the Appeal against the preparatory works, and costs were awarded to TVBC. The landowner is now seeking a Permit from the EA to allow the completion of the golf course as originally approved and has Appealed to the Planning Inspectorate over the non-determination of the application.</p>
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Selborne Brickworks	Natural England and Police's Wildlife Crime Team	<p>Reports of digging holes and burying waste adjacent to settlement ponds on the Brickworks site. Investigation found no evidence of tipping or of removal of clay off site so this was not a County Planning matter. However, this area is a known habitat of Great Crested Newts (GCN), a protected species. The landowner was prosecuted in the past for similar destruction so knows he cannot undertake such works without approval of Natural England (NE). The Police and NE started a prosecution, in which the Enforcement Officer was involved as a witness, and the landowner pleaded guilty and was fined £1200 with a further £205 costs.</p> <p>In March 2019, further reports were received of material being imported to the land. A site inspection discovered that the landowner had commenced the infilling of the former settlement ponds associated with the Brickworks. In planning terms this would be acceptable, however, the ponds are now registered as GCN habitat, so Wildlife Protection legislation supersedes Planning legislation. Consequently, the matter has again been reported to the Police and (NE) for further investigation. Subsequent complaints about work on part of the land within South Downs National Park, have been added to the case being brought by the Police as the work is within the wider area covered by potential GCN habitat.</p> <p>The landowner passed away earlier in 2020 so the case has now been dropped and the Estate are considering options for the use of the former Brickworks.</p>
Shedfield Equestrian Centre	Winchester City Council, Environment Agency	Shedfield Equestrian Centre has been the subject of numerous complaints and concern from local councillors over the past few months. This site has multiple uses and, as such, involves both the City Council and the County Council, as well as the Environment Agency. The main source of complaints are the number of HGVs, car transporters, etc visiting the site, burning, importation of waste materials, working hours and

		<p>unauthorised mobile homes/residential uses. Unfortunately, the situation is complicated by the fact that many of the uses on site are permitted.</p> <p>The County Council are involved as part of the site has a Certificate of Lawful Use (CLU) for inert waste recycling, which was won on Appeal against an Enforcement Notice served by HCC in 2013. Unfortunately, the nature of CLUs is that they do not impose any enforceable conditions on the operation, so we have no control over number of HGVs visiting, the hours of operation or height of stockpiles. The only control is that there is a red lined plan limiting where the activity can take place. However, it turns out that the operator/landowner has been screening material on a piece of land to the rear of the Equestrian Centre (which happens to be the former Raglington Farm landfill site; filled in the early 2000s and bought by the family a few years ago). They have also tipped material along the treeline forming a bank approx. 1 - 2 m. high. In addition, they have allowed another company to start a small waste transfer activity in another (unauthorised) unit at the back of the business park. All of these activities are unauthorised and are being addressed by remedial work or by preparation of planning applications to regularise the recapping of the former landfill and the operation of the waste transfer station.</p>
<p>Lowhill Farm, Colden Common</p>	<p>Winchester City Council, Environment Agency</p>	<p>Development associated with Shedfield Equestrian Centre. Material processed at the Recycling Facility permitted by the Certificate of Lawful Use has been imported to Lowhill Farm and spread on the land. The central question is whether the material is waste. The Facility at Shedfield is able to produce a product under the WRAP Protocol that can be designated as 'not waste' by the Environment Agency subject to the proper testing. Information has been provided by the operator to satisfy the EA's requirements and this is being analysed. Should the matter not be</p>



		waste, then the development would have to be considered as an engineering operation by Winchester City Council.
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## Site Monitoring

11. Chargeable sites – under the [Town and Country Planning \(Fees for Applications and deemed applications\) \(Amendment\) \(England\) Regulations 2006](#), as amended, the County Council is able to charge fees for the monitoring of quarries and landfill sites in the County. Fees are charged for a set number of monitoring visits, the number of visits being dependent on the stage of operations at each site; whether operational, in aftercare or inactive. The number of visits is agreed with each operator and is in line with an assessment of each site made by the County Council. The latest charges were set out in [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017](#). Active sites are charged at £397 per visit for between four and eight visits per year. Sites in aftercare are charged at £397 for one visit per year. Inactive sites are charged £132 for one annual visit.
12. There are now 25 active sites, 12 in aftercare and 5 dormant sites liable for chargeable visits.
13. This work was severely restricted by Covid-19 restrictions such that a restricted number of inspections were undertaken during the 2<sup>nd</sup> quarter, however, all inspections have been completed for the 3<sup>rd</sup> quarter, bringing in approx. £12 000.
14. Non-chargeable sites – these include waste processing sites, wastewater and treatment works and metal recyclers. These vary from the large Energy Recovery Facilities (ERF) and Materials Recovery Facilities (MRF) to the smaller scale recycling and transfer facilities and updating existing wastewater treatment works. The larger developments attract much attention in their locality and require regular monitoring to ensure that the local amenity is not impacted, whereas the smaller, built developments require monitoring during construction and implementation, but once up and running need less regular attention and these sites only get further visits should complaints be received. Matrix working arrangements continue with Waste & Resource Management that their officers undertaking visits to waste sites operating under the County’s waste contract also look at planning issues to provide greater coverage. Under the current restrictions, routine monitoring has been limited, concentrating on sites with issues or causing complaints. Monitoring of waste sites covered by the County’s waste contract has also resumed, albeit on a reduced basis, as these sites have remained open during the pandemic as one of the essential sectors listed by Government.

## Liaison Panels

15. During this period Liaison Panel meetings have, for the most part, been put on hold. Going forward, the County will be encouraging operators to set up virtual meetings to keep these avenues of communication open. This was already considered for Basingstoke AD Plant, Carousel Dairy, Farleigh Wallop and the first of the new format meetings was held in June, with a

subsequent meeting in December. Virtual Liaison Panel meetings have also been held for A303 Recycling Facility, Longparish; Kingsley Sandpit, nr. Bordon; Forest Lodge Home Farm Quarry, Hythe; Frithend Quarry, nr Bordon and Roke Manor Quarry, Nr Romsey.

16. Discussions are ongoing about setting up the Waterbrook Recycling Facility, but the operator would like the first meeting to be on site to give attendees an appreciation of site activities. This will therefore wait until the New Year when conditions improve.

## **Development Management**

### **Relaxation of Planning Conditions due to Covid-19:**

17. The worldwide coronavirus pandemic has led to a number of recommendations from Government including the need for Local Planning Authorities to use their discretion on the enforcement of planning conditions which hinder the effective response to COVID-19.

### *Minerals and Waste Sites*

18. The Government stated that the waste sector is safeguarded to continue to provide waste removal services from domestic and other protected sectors. The Government's response to the pandemic may consequently require changes to the way existing minerals and waste sites operate. Often such sites have planning permissions which include conditions which restrict and/or control working. These may include hours of working and height of stockpiles for example. In some instances, sites may need more flexibility to manage their activities during this unprecedented period.
19. Recognising this, a Protocol was agreed in March 2020 by Assistant Director of Waste Planning Environment (WPE) in the Economy, Transport and Economy (ETE) department setting out arrangements to agree temporary relaxation of some conditions or other planning controls where a request has been made by a waste or minerals site operator and where this can be clearly demonstrated to be required as a result of the response to Covid-19. It also covers where operations may take place which are without the benefit of planning control currently.
20. Strategic Planning have had numerous enquiries as to our view to relaxing planning conditions during this period, but to this point have received 4 formal requests for such relaxations, which have been addressed through the procedures put in place by the Protocol. A Report is produced in response to each request made. This outlines the history of the site, the conditions effected and the reasons for the request, as well as consideration of the impacts of any change and the provisions for any relaxation. This report is signed off by the Head of Strategic Planning under delegated powers. Local Members are informed on the relaxation.
  1. A303 IBA Facility, Longparish - variation to conditions 2 (Working Hours) and 4 (Height of Stockpiles). The request was that the site be allowed to operate 24 hours a day Monday to Friday and up to 14.00 hours on Saturdays for an initial temporary period of four weeks. No change to the hours for HGV movements is requested. With stocks of IBA building and no outlet for disposal, options for storage of the IBA were being investigated and in the meantime

dispensation to increase stockpile heights from 8 metres (m) to 10m was been requested for 3 months. Subject to the operator informing the local Liaison Panel about the relaxation and to review of any relaxation should complaints be received, it was agreed that condition 2 (Working Hours) and 7 (Height of Stockpiles) be varied as requested for a period of 3 months from 23 March 2020.

2. A303 IBA Facility – temporary emergency use of adjacent land (formerly subject of the ‘Wheelabrator EfW’ proposal) for storage of excess IBA. Due to the existing site being almost filled to the increased levels as agreed above, the operator discussed the use of the adjacent site for a temporary period with both ourselves and the Environment Agency. Following submission of detailed information, the EA agreed that the land could be used, subject to 12 conditions (relating to operations) and the use ceasing on the 30 September 2020. Subsequent to this approval, the County agreed the temporary use of this land subject to a further 6 conditions, including setting a maximum stockpile height of 5m and a meeting to review the situation by the end of July. The operator was also required to inform the local Liaison Panel.

Although only about a half of the capacity for storage was utilised, the market for IBAA in construction projects has still not recovered and the need for the emergency storage remains. A further temporary extension was therefore agreed until 31 March 2021 by both ourselves and the EA. This agreement was subject to the previous conditions and also on the recognition that there would be no future temporary extension of time. Should any further extension be necessary then a full planning application will be required so that the issue can be formally considered.

The operator has since informed the local Liaison Panel that retention of the storage area will be required after March and that a planning application is to be submitted to the County Council asking for permission to construct the needed concrete surfacing and drainage systems to allow the longer term use of the land for storage of IBAA.

3. Warren Heath Secondary Aggregate Recycling Facility, Eversley - relaxation of conditions 15 (Restriction of number of lorry movements) of planning permission (13/00755/CMA) which restricts the number of lorry movements to the site to 42 per day until the public bridleway (Eversley 11) has been permanently diverted. After this, the number of movements can increase to 136 per day. Despite agreeing the alignment, design and construction of the Bridleway diversion with the County Council, the formal process for registering the diversion has been referred to the Planning Inspectorate. This has been further delayed due to a request for a Public Inquiry by an interested third party and delays due to Covid-19. The request, which would not have been necessary had the formal diversion process been able to have been finalised, is partly due to the increase in activity since the onset of the Covid-19 pandemic whereby local independents and self-employed building contractors are using the facility for building materials within Hampshire. Additionally, a substantial quantity of material is

required to complete construction of the bunds around the perimeter of the site. The operator anticipates that these movements and tonnage levels will only increase as time progresses as they have been one of the few recycling and aggregates suppliers to remain open during the pandemic. The operator has also suggested submitting an application to vary the condition if the bridleway diversion has not been sorted out by the end of the year. The relaxation was therefore agreed until 31 December 2020 subject to notification of the Parish Council and a review of the situation in October 2020.

4. Downton Manor Farm, Milford on Sea – relaxation of condition 5 (number of HGV movements) of planning permission 17/11392. Due to business demand after lockdown the operator is struggling to get material in and out of Downton due to the restrictions on lorry movements. They have requested to increase the amount of allowed movements on a temporary basis to 75 movements in & out for 12 months. The current condition limit is 50 movements in and out. In line with the other arrangements, and subject to provisions on notifying the Parish Council and a 4 month review, a relaxation has been agreed for 6 months.

21. The relaxation of conditions, if agreed, does not impact the authority's ability to use its enforcement powers.

#### *Regulation 3 Site*

22. The Governments published Our Plan to Rebuild: the UK Government's COVID-19 recovery strategy on 11 May 2020 which made it clear that construction work could be re-established across England providing sites are able to operate safely in line with the new COVID-19 Secure guidelines. In doing so, the Government recognised that the construction industry needs to be able to adapt its normal practices. As part of this, temporary extensions to working hours may be required on some sites to facilitate safe working and allow tasks to be completed where social distancing can be challenging. It acknowledged that longer working hours may be needed on construction sites. A subsequent Written Ministerial Statement on construction (dated 13 May 2020) made it clear that, with immediate effect, Local Planning Authorities should take a swift and positive approach to requests from developers and site operators for greater flexibility around construction site working hours. This is to ensure that, where appropriate, planning conditions are not a barrier to allowing developers the flexibility necessary to facilitate the safe operation of construction sites during the response to the COVID-19 pandemic and to proceed at pace with work otherwise delayed as a result of COVID-19. The statement sets out the following:

- Where only a short term or modest increase to working hours is required, local planning authorities should, having regard to the reason for the condition and to their legal obligations, not seek to undertake enforcement action;
- Where developers require longer term or more significant changes to working hours, they should apply to the local planning authority to temporarily amend a condition or a construction management plan in the usual way;

- Any temporary relaxation of working hours should be proportionate and should not involve working on Sundays or recognised Public Holidays;
  - Local Authorities should not refuse requests to extend working hours until 9pm, Monday to Saturday without very compelling reasons for rejection;
  - In all cases, sympathetic site management should be demonstrated to mitigate local impacts and local authorities should show best endeavours to facilitate such requests;
  - Applications should only be refused by the Local Authority where there are very compelling reasons such as significant impact on neighbouring businesses or uses which are particularly sensitive to noise, dust or vibration, which cannot be overcome through other mitigation, or where impacts on densely populated areas would be unreasonable; and
  - Any temporary changes to construction working hours conditions granted by local planning authorities should not extend beyond 13 May 2021.
23. In response to this, a Protocol was prepared setting out arrangements to agree temporary relaxation conditions relating to hours of working for Regulation 3 sites.
24. To date, one request has been received for the relaxation of hours of working conditions at Chineham Park Primary School, Shakespeare Road, Basingstoke RG24 9BP (Austen Academy).

#### **Planning Condition (Article 27) applications:**

25. Where conditions of new permissions require details to be submitted and approved for the proper implementation and control of the development, Article 27 applications are required. Under the [Town and Country Planning \(Fees for Applications and Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012](#), a fee per submission is required for the discharge of any details submitted. This is now £116 per submission.
26. During the period, Article 27 applications were received and approved or are being determined for 18 planning conditions, totalling £2088.
27. As detailed previously, following adoption of the Protocol for Dealing with Breaches in Planning Control relating to Development Undertaken by the County Council under Regulation 3 of the [Town and Country Planning General Regulations 1992](#), enforcement updates now also include information on Article 27 applications for County Council developments and any breaches of planning control.

#### **Non-Material Amendments (NMAs):**

28. Non-Material Amendments (NMAs) are minor changes to the operation of authorised sites that can be agreed by an application for non-material amendment if the change has no substantial impact on the local amenity. Such an application requires a fee but does not involve general consultation and determination by Committee.
29. Over the period three NMA applications were determined: -
- (a) Gillums Primary School, High Street, Vernham Dean, Andover SP11 0JY  
- The Package Sewage Treatment Plant has increased in size but still sits

within the original planning red line, and as it is underground will not be visually apparent. The drainage mound has increased in width approximately 4m to the North-East side, but again within the original planning red line boundary. The width of the mound and distribution layer within has increased but the height of the mound is not altered from the original application. The cross section now shows a v-notch where new and old surfaces interface. The contractor's compound for the duration of the works has moved to the rear of the car park following discussion with the Parish Council to minimise disruption to users of the car park.

- (b) The Park Centre, Royal Victoria Country Park, Netley Abbey SO31 5GA - Relocation of internal catering equipment resulting in new location for extract flue visible on roof of existing building and of changing place in external toilet block, resulting in relocation of the door and retention of external windows originally proposed for removal.
- (c) St Francis Special School - A temporary tree protection plan.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	yes

**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

None