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NOTICE OF MEETING

Meeting	Regulatory Committee
Date and Time	Wednesday, 11th January, 2023 at 10.00 am
Place	Ashburton Hall - HCC
Enquiries to	members.services@hants.gov.uk

Carolyn Williamson FCPFA
Chief Executive
The Castle, Winchester SO23 8UJ

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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 - 12)

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. NORTH WINCHESTER FARM, KINGS WORTHY (Pages 13 - 56)

To consider a report from the Assistant Director of Waste & Environmental Services regarding a variation of condition 7 (volume of waste) and 13 (HGV Movements) of Planning Permission 19/00200/HCS at North Winchester Farm, Stoke Charity Road, Kings Worthy SO21 2RP.

7. NURSING RECYCLING CENTRE (Pages 57 - 120)

To consider a report from the Assistant Director of Waste & Environmental Services regarding a proposed extension to Nursing Recycling Centre, variations to existing site layout, erection of a new workshop building and the upgrade of parking arrangements at the adjacent paintball centre.

8. AMENDMENT TO THE LOCAL PROTOCOL ON PLANNING, RIGHTS OF WAY, COMMONS AND VILLAGE GREEN REGISTRATION FOR MEMBERS OF REGULATORY COMMITTEE, SUBSTITUTE MEMBERS OF REGULATORY COMMITTEE AND OFFICERS (Pages 121 - 126)

A report from the Assistant Director – Legal Services and Monitoring Officer to recommend amendments to the Local Protocol on Planning, Rights of Way, Commons and Village Green Registration for Members of Regulatory Committee, Substitute Members of Regulatory Committee and Officers.

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 attend the public sessions of the meeting. If you have any particular requirements, for example if you require wheelchair access, please contact members.services@hants.gov.uk for assistance.

County Councillors attending as appointed members of this Committee or by virtue of Standing Order 18.5; or with the concurrence of the Chairman in connection with their duties as members of the Council or as a local County Councillor qualify for travelling expenses.

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Public Document Pack Agenda Item 3

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY
COUNCIL held at the Castle, Winchester on Wednesday, 14th December, 2022

Chairman:

* Councillor Peter Latham

* Councillor Lance Quantrill	Councillor Adam Jackman
* Councillor Lulu Bowerman	* Councillor Hugh Lumby
* Councillor Steven Broomfield	* Councillor Alexis McEvoy
* Councillor Mark Cooper	* Councillor Lesley Meenaghan
Councillor Rod Cooper	* Councillor Stephen Parker
* Councillor Michael Ford	* Councillor Louise Parker-Jones
* Councillor Keith House	* Councillor Roger Price
* Councillor Gary Hughes	* Councillor Kim Taylor

*Present

36. APOLOGIES FOR ABSENCE

Apologies were received from Cllrs Rod Cooper and Adam Jackman. Cllr Hugh Lumby was present as a substitute.

Cllr Lesley Meenaghan was present to observe the meeting.

37. 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.

No declarations were made.

38. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed.

39. **DEPUTATIONS**

The Chairman confirmed that there were deputations for item number 6, which would be called at the relevant point in the agenda.

40. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman confirmed that there were deputations for item number 6, which would be called at the relevant point in the agenda.

41. **ROKE MANOR QUARRY - STANBRIDGE RANVILLES EXTENSION, SALISBURY ROAD, SHOOTASH**

An extension of mineral working at Roke Manor Quarry, to extract circa 600,000 tonnes of sand and gravel from the Stanbridge Ranvilles Extension, including continuation of on-site mineral processing, backfilling with inert material and progressive restoration to agriculture with increased nature conservation and biodiversity enhancements at Roke Manor Quarry - Stanbridge Ranvilles Extension, Salisbury Road, Shootash SO51 6GA (No. 21/01274/CMAS) TV226.

The Development Planning Manager introduced the report, drawing the Committee's attention to:

- Paragraphs 116-130, which detailed the demonstration of the need and requirements for sharp sand and gravel as a mineral resource, to which the proposal would contribute.
- The existing quarry being identified in Policy 20 of the Hampshire Minerals and Waste Plan as an existing mineral extraction site. It is also safeguarded under Policies 15, 16 and 26).
- The existing site Liaison Panel for the quarry which had recently met.
- The fact that the report and the decision need to apply to the adopted Hampshire Mineral and Waste Plan. The Committee was reminded that no weight can be given to the draft update to the Minerals and Waste Plan due to the early stage in plan preparation.

The Project Officer gave a presentation to the Committee for context, which included a location plan, cross sections, sight lines, phasing diagrams, aerial views and photos including:

- The site, including the weighbridge
- The A27
- The proximity of Awbridge and Romsey
- The public right of way
- Squabb Wood
- The nearby residential properties – Homeview, Croylands and Troy House

- The existing haul road
- The central hedgerow
- Old Salisbury Lane, with the view from the southern footpath
- The proposed bunding.

The Project Officer explained the consultation undertaken and responses received. She confirmed that the Environmental Health Officer had not objected, subject to conditions. There had been 100 public representations. This number had been revised from 99 in the Update Report, which had been published on 12 December 2022.

The Project Officer went on to confirm the key issues, which were:

- Ecological impacts
- Impacts on neighbouring amenity
- Noise
- Air quality and dust
- Landscape and visual impacts
- Arboricultural impacts, the initial issues of which had now been resolved.

The Committee received deputations from the following residents:

- Sarah Leach, Lizzi Brazier, Sue Brophy and Richard Rudkin.

Their principal areas of concern were:

- That they had lived with mineral extraction for some years and were concerned about the cumulative effect of the quarries.
- That they felt the previous extraction sites had not been restored satisfactorily, within timescales and lacked confidence in the proposed completion and restoration times.
- The effect of the existing quarry and proposed extension on their health and wellbeing (including Air pollution, noise and dust impacts).
- The proximity and visual impact of the site to their properties including the impact of the proposed 5 metre bunds.
- The lack of active vegetation management on existing bunds.
- The length of time, daily, that the quarry is worked for.
- A poor history of the implementation of mitigation measures.
- The proposal to fell mature trees and to be replacement by saplings, which have a minimum time of 25-30 years to grow.
- A lack of evidence that the applicant exercises their duty of care in relation to trees, some of which had died.
- Impact on the use of the footpath.
- The removal of an outlook from Homeview.
- Lorries entering and leaving the site queuing in the layby and the turning of vehicles in the entrance to the site.
- The poor state of the road surface.
- The effectiveness of the existing Liaison Panel.
- Complaints about a flood light shining into a property.

- An independent noise survey had been commissioned by residents, the outcomes of which had differed to that of the applicants.

In response to questions from Members to the deputies, the Committee heard that:

- The trees that died had not been replaced, 'they are just twigs,' and this had been raised at a Liaison Panel meeting.
- The resident's noise survey had not been shared with the County Council or any other agency such as the Environmental Health Officer.
- Complaints from one of the closest residents have not been referred to the County Council.

Robert Westell made a deputation on behalf of the applicant, Raymond Brown Quarry Products. He explained that restoration would be phased and that no one property would be affected in the longer term.

He stated that the applicant had taken care and attention to consult with the neighbours. He explained that:

- The restoration scheme would provide a net gain in the hedgerows.
- There were acceptable habitat management actions and significant biodiversity net gains (BNG) as demonstrated in the BNG assessment.
- Roke Manor quarry is the closest source of land-won sand and gravel to the Southampton conurbation.
- The minerals were safeguarded through policies in the existing Hampshire Minerals and Waste Plan.
- Inert material was available to restore the site.
- Use of existing infrastructure would be made, which is preferable to building a new quarry.
- The material received for infill is nonrecyclable.
- The quarry provides employment in a rural area and benefits the local economy.

In response to questions from Members, the Committee heard that:

- The end of 2024 is the deadline for the existing quarry to be restored. It was indicated that the site is ready for the replacement of soil in summer 2023 so is on scheduled to be completed within timescales.
- The Section 106 agreement covers tree planting and maintenance which is monitored by County Council officers. There is an annual report with County Council officers which looks at planting that will continue after completion.
- The tipping on inert waste is being alternated with tipping at Brickworks Quarry at a rate of 30k tonnes per month. It was noted that tipping at Roke would be much higher if it was operational.
- Stripped topsoil would be used for the bunding.
- If it was felt necessary, more mature trees could be used rather than saplings.

- The gates open at 7am and there is no need for any lorries to arrive any earlier.
- The topography slopes down away from Homeview gradually and is 51m away and the extraction side will be 84m away.
- Lapwing habitats have been considered in the ecological assessment and the proposed restoration scheme.
- The applicant records all complaints received via an established complaints management system. All complaints logged and investigated.
- Complaints are discussed at the Liaison Panel, but not presented in a report format. This can be provided if required.

A deputation was then made by Cllr Adams-King, the local County Councillor.

He reported that:

- A list of complaints would be useful for the Liaison Panel.
- This was a small community which are significantly impacted.
- The biodiversity issue was the main concern, with little compensation in the plan related to established hedgerows and the bunds, stating that 'better should be strived for'.
- Roosting sites for bats should not be abandoned.
- Reinstatement and restoration of the site is a concern.
- Lorry movements are a regular feature on the Liaison Panel and were a concern of the Parish Councils.
- Bunds and noise were a concern and in particular, the impact on Mr Rudkin.

Cllr Adams-King referred to the provisions of Policy 10- of the Hampshire Minerals and Waste Plan as well as paragraph 210(f) of the National Planning Policy Framework in relation to unacceptable impacts.

He reported that his concern here was the cumulative effect on the community and he went on to say that if the proposal is accepted, noise and Highways conditions (routing) should be looked at, which would be supported by the Parishes.

In response to Members' questions to Cllr Adams-King, the Committee heard that he felt the noise assessment should be looked at again and the reinstatement of the bunds does not look that great.

In response to question of officers, the Committee heard that:

- The damage to oak trees had been assessed by County Arboriculture and agreed be category B. The four trees that are in situ cannot be left where they are. Officers indicated that the replacement of these trees with more mature trees can be considered as part of the proposed Section 106 agreement.
- In respect to hydrogeology, the applicant would not legally be able to proceed without a permit from the Environment Agency.
- Test Valley Borough Council Environmental Health had found the noise assessment to be acceptable.

- Conditions are in place regarding restoration rather than a bond. The S106 also provides greater support here due to the EMP.
- A Monitoring Officer visited the site (on the day of the decision) and has been asked to look at the issues reported to the committee. The outcomes of this visit will be reported to the Liaison Panel and in the next committee Monitoring and Enforcement update.
- In relation to ecology, the County Ecologist and Natural England have deemed the proposal acceptable subject to conditions and the proposed legal agreement.
- Signage could be added to the entrance of the haul road for 'no turning' and routing could be worked into the Section 106 agreement and Highways could advise on routing regarding local roads.

The Committee was shown some photos taken by the deputees (residents) which had been emailed the previous afternoon.

Members debated the report and considered the following:

- The visual impacts and cumulative effect of the site.
- The proximity to residential properties.
- Effects on biodiversity.
- The protection of wildlife.
- Effects of noise and dust.
- Impacts on the local roads.
- The bunds and how they are looked after.
- The responses to consultations from County Arboriculture and the Environmental Health Officer.
- The reporting and resolution of complaints.
- The balance of adverse impacts against need and demand.
- The mitigation of any adverse impacts and what measures could be taken.
- The infill waste would otherwise go into landfill.

The Development Planning Manager confirmed that:

- there were no policy reasons to refuse the application and that it met Policies 3, 5, 7, 8, 10, 15, 16, 17 and 20, subject to conditions and the proposed legal agreement.
- The need for the proposal was clearly set out in the report.
- Planting is covered by the existing section 106 agreement for the existing quarry.

The Development Planning Manager requested delegated authority to amend or add the following conditions:

- Amendments to proposed condition 5.
- New condition on signage at the entrance to the site.

The Development Planning Manager requested delegated authority to add the following informatives:

- To include the consideration of the provision of mature trees/hedgerows.
- That the Committee request a full assessment by enforcement officers on the success of planting on the existing Roke Manor Quarry site.
- To ensure that complaints are reported to the Liaison Panel.

The Development Planning Manager requested delegated authority to add lorry routing into the section 106 agreement.

Voting

For: 8

Against: 4

Abstain: 1

Resolved

That planning permission be GRANTED subject to the conditions listed in Appendix A, the Update Report, amended conditions, new conditions, additional informatives and completion of a section 106 agreement in relation to submission and approval of an Environmental Management and Mitigation Plan and HGV routing.

Chairman, Regulatory Committee

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HAMPSHIRE COUNTY COUNCIL Decision Report

Decision Maker:	Regulatory Committee
Date:	11 January 2023
Title:	Variation of condition 7 (volume of waste) and 13 (HGV Movements) of Planning Permission 19/00200/HCS at North Winchester Farm, Stoke Charity Road, Kings Worthy SO21 2RP (No. 21/00832/HCS) (Site Ref: WR240)
Report From:	Assistant Director of Waste & Environmental Services

Contact name: Sam Dumbrell

Tel: 0370 779 7412

Email: sam.dumbrell@hants.gov.uk

Recommendation

1. That planning permission be REFUSED subject to the reason for refusal listed in **Appendix A** for the following reason:
 - The development is not in accordance with Part C of Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013) and Policy DM20 (Development and Noise) of the Winchester City Council Local Plan Part 2 Development Management and Allocations (2017) as it has not been demonstrated that the proposed increase in Heavy Goods Vehicle movements would not have an adverse impact on residential and neighbouring amenity by reason of Heavy Goods Vehicle-related noise and disturbance.

Executive Summary

2. The planning application is for variation of condition 7 (volume of waste) and 13 (Heavy Goods Vehicle movements) of Planning Permission 19/00200/HCS at Ecogen, North Winchester Farm, Stoke Charity Road, Kings Worthy SO21 2RP.
3. This application is being considered by the Regulatory Committee as the application has significant public interest. Over two hundred objections and concerns from local residents, councillors and interested third parties have been received.
4. With the exception of the local County Councillor, Winchester City Council's Planning and Environmental Health Teams, the Highway Authority and Kings Worthy and South Wonston Parish Councils who are recommending refusal and/or objecting to the proposal all other consultees raise no objection to the proposal.
5. Key issues raised are:

- Impacts to highway safety, pedestrian safety and highway capacity due to the proposed increase in HGVs to and from the site; and
 - Impacts to the setting of Lovedon Lane and Stoke Charity Road, the countryside and public amenity due to the proposed increase in HGVs traveling to and from the site.
6. A committee site visit by Members took place on 4 July 2022 in advance of the proposal being considered by the Regulatory Committee.
 7. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
 8. It is recognised that the proposal could help to continue to contribute in providing a sustainable waste management facility to receive and recycle waste paper and card, and some plastic waste. However, on balance, it is considered that the proposal would not fully accord with the relevant policies of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) (HMWP). The proposal is considered to be likely to cause unacceptable adverse unacceptable adverse amenity impacts by virtue of noise and disturbance (contrary to Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#)).
 9. Therefore, it is recommended that planning permission be REFUSED subject to the reason for refusal listed in **Appendix A** as stated below:
 - The development is not in accordance with Part C of Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013) and Policy DM20 (Development and Noise) of the Winchester City Council Local Plan Part 2 Development Management and Allocations (2017) as it has not been demonstrated that the proposed increase in Heavy Goods Vehicle movements would not have an adverse impact on residential and neighbouring amenity by reason of Heavy Goods Vehicle-related noise and disturbance.

The Site

10. The Ecogen waste recycling facility is an active waste management facility located on a 2.5 hectare site of a former poultry farm. It processes, sorts and stores paper, card and plastic waste. The site is located in the open countryside and approximately 400 metres (m) north of Kings Worthy village. (**see Appendix B - Committee Plan**).
11. The site is surrounded by planted bunding on its western, northern and eastern boundaries. The north-south running Winchester to London mainline railway line lies adjacent to the bund along the eastern boundary of the site. Adjoining its southern boundary is agricultural/industrial land and buildings.

12. Vehicular access to the site is via a purpose built haul road connecting it to Stoke Charity Road (**see Appendix C - Site Plan**). A number of other properties, comprising agricultural/industrial and residential land uses, also share and use this haul road.
13. All Heavy Goods Vehicle (HGVs) enter from and depart to the south along Stoke Charity Road and onto Lovedon Lane further south (**see Appendix D – Existing HGV route**). The public highway forming the northern route from the site has weight restrictions and is unsuitable for HGVs. This is not controlled by any formal legal agreement.
14. The route from the site to the south travels over the railway line and joins Lovedon Lane. This is a country lane that runs approximately 2.5 kilometres (km) to a junction with the A33 Basingstoke Road and then south to the A34 and Junction 9 of the M3. The M3 and A34 are identified as part of [Strategic Road Network](#) in the [HMWP \(2013\)](#).
15. The A33 Basingstoke Road, and therefore the route of traffic from the site, runs along the boundaries of the Kings Worthy and the Abbots Worthy Conservation Areas. Two sites of listed buildings are located along the route, 1 and 2 Lovedon Lane (Grade 2 houses) and numerous graded listed buildings in the Abbots Worthy Conservation Area.
16. Lovedon Lane is lined with residential properties to its southern side for the majority of its length, and open countryside to its north side. It forms the northern settlement boundary for Kings Worthy.
17. The operational area of the site comprises of a large, long portal-framed building, a separate ancillary office and staff welfare building, external storage and loading areas, parking and circulation route all contained within a significant, vegetated screening bund to three sides (north, west and east). (**see Appendix C - Site Plan**). The site is relatively level with the ground dropping away to the south.
18. The southern boundary is fenced and shared with a dilapidated rural industrial site. This building, directly south of the site, does not have a current planning permission on Winchester City Planning online records, nor any known development proposals. The form of the waste recycling facility buildings are agricultural or industrial. The southern side is the only direction where the site can be viewed externally, with views out over the countryside to Kings Worthy, Winchester and the South Downs National Park, 2km to the south-east.
19. The nearest dwellings to the site are located to the west and south. There are several residential properties between the two bends in Stoke Charity Road, between the railway crossing to the east and the Public Right of Way (PROW 25) 170m south-west of the site at Hookpit Farm.

20. There are also two properties that share the site access from Stoke Charity Road. One of those that share the access road is residential, the other agricultural (including a horse stable). There are also some residential and agricultural developments.
21. The site is not located close to any environmentally designated sites, the closest is the Wallers Ash Railway Tunnel Site for Importance of Nature Conservation (SINC), approximately 290m north of the site.
22. The site benefits from an extant waste planning permission ref: [19/00200/HCS](#) (see **Planning History**).
23. This permitted the change of use of the remaining former poultry farm site and its buildings to provide a waste paper recycling facility. The waste management facility has been operational for over two years now and undertakes:
 - Importation, storage, processing and exportation of paper, cardboard and plastic waste;
 - The bailing and shredding of loose paper and cardboard before transporting it to another site for recycling; and
 - The sorting of different types of plastic.
24. The facility is permitted by condition to handle up to a maximum of 30,000 tonnes per annum using a maximum of 40 Heavy Good Vehicles (HGV) two-way movements per day (20 in and 20 out).
25. Operating hours for on-site plant and machinery are between 07:00 - 23:00 Monday to Friday and 07:00 hours - 1300 hours on Saturday only.
26. HGV movements are permitted to enter and exit the facility between 0700 - 2000 hours Monday to Friday and 0700 - 1300 hours on Saturday only.
27. The site does not have an active Liaison Panel.

Planning History

28. The relevant County Council planning history of the site is as follows:

Application No .	Proposal	Decision	Date Issued
21/00832/HCS	Demolition of former poultry building; change of use of remaining former poultry buildings to provide a waste paper recycling facility, ancillary office & staff welfare areas, weighbridge, access, parking, landscaping, and associated works	Granted	10/05/2019

29. Planning permission [19/00200/HCS](#) was granted under delegated authority due to the scale and nature of the application, the level of interest locally and the mitigation proposed, and in accordance with both the County Council's Development Management Charter and its Constitution.
30. The waste management facility is not safeguarded through the adopted [HMWP \(2013\)](#). However, Policy 26 within the [HMWP \(2013\)](#) protects this site's waste management infrastructure against redevelopment and inappropriate encroachment, subject to exceptions.
31. Prior to the submission of [21/00832/HCS](#) the relevant local planning authority for the site was Winchester City Council (WCC). Their planning history at the site and its surrounding area is as follows:

Application No.	Description	Decision	Date Issued
20/02831/FUL	North Winchester Poultry Farm (approx 75m NW of site) Demolition of a former agricultural building and erection of 3 no. detached dwellings, access, parking, landscaping, and associated works	Granted	28/02/2021
20/01240/FUL	Cherry Tree Stables North Winchester Poultry Farm (10m SW of site) Extend the temporary planning permission granted on 18.07.2017 (ref 16/02766/FUL) to site a mobile home on existing commercial equestrian yard for a further 3 years. Also, to increase the number of horses from 10 to 20 following the expansion of the business	Granted	10/10/2020
19/01411/PNA COU	North Winchester Poultry Farm (approx 75m NW of site) Change of use of an existing agricultural building to 3 no. dwellinghouses (Use Class C3) and associated operational development	Granted	06/08/2019
18/01074/PNA COU	North Winchester Poultry Farm (approx 75m NW of site) Change of use of an existing agricultural building to 3 no. dwelling houses (Use Class C3), and associated operational development	Granted	27/06/2018
17/02495/FUL	Change of use of former agricultural buildings to 4200sqm of commercial floorspace (B1 & B8 Use), access, parking, landscaping and associated	Granted (now lapsed)	19/01/2018

	works		
16/02766/FUL	Cherry Tree Stables North Winchester Poultry Farm (10m SW of site) Site a mobile home on existing commercial equestrian yard	Granted (until 18/07/2020)	18/07/2017
15/00308/FUL	North Winchester Poultry Farm Stoke Charity Road (adjacent to west boundary of site) Change of use to commercial/private livery with a maximum 10no. horses and erection of a storage building (RETROSPECTIVE)	Granted	16/04/2015

The Proposal

32. The proposal is for the variation of Conditions 7 (Volume of waste) and 13 (HGV movements) of Planning Permission 19/00200/HCS at North Winchester Farm, Stoke Charity Road, Kings Worthy.
33. The applicant advises that despite the impacts of Covid-19, the business has continued to grow. As a result, the business is approaching its conditioned limits of maximum volumes of waste handled on site (30,000 tonnes per annum) and as a direct consequence maximum daily HGV movements too (40 per day, 20 HGVs in and 20 out) sooner than anticipated.
34. Condition 7 (Volume of waste) of planning permission 19/00200/HCS states that:
- No more than 30,000 tonnes of waste shall be imported 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 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).*
35. The applicant proposes varying Condition 7 (Volume of waste) to increase the annual waste tonnages imported to and exported from the site to 60,000 tonnes per annum. This doubling of waste is required due to demand.
36. Condition 7 (Volume of waste) is proposed to be varied as follows:
- 7. No more than ~~30,000~~ 60,000 tonnes of waste shall be imported 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 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).

37. Condition 13 (HGV movements) of planning permission 19/00200/HCS

38. Condition 13 states:

13. Heavy Good Vehicle (HGV) movements to and from the site shall be restricted to 40 per day, (20 in and 20 out). A daily record of HGV movements shall be kept and made available to the Waste Planning Authority within seven days of a written request.

Reason: In the interest of public amenity and highway safety in accordance with Hampshire Minerals and Waste Plan (2013) Policy 12 (Managing traffic).

39. As a direct consequence of increasing (doubling) waste tonnages handled under Condition 7, the applicant is seeking to increase the maximum daily HGV movements by double also, from 40 per day, (20 HGVs in and 20 out) to 80 per day (40 HGVs in and 40 out).

40. In addition, HGV movements in and out of the site on Saturdays (between 07:00 and 13:00 only) would also be increased through varying Condition 13, from 40 per day, (20 in and 20 out) to 50 (25 in and 25 out), and increase of 25%.

41. Condition 13 (HGV movements) is proposed to be varied as follows:

*13. Heavy Good Vehicle (HGV) movements to and from the site shall be restricted to ~~40 per day, 20 in and 20 out~~ **80 per day (40 in and 40 out), Monday to Friday and 50 (25 in and 25 out) on Saturdays only**. A daily record of HGV movements shall be kept and made available to the Waste Planning Authority within seven days of a written request.*

Reason: In the interest of public amenity and highway safety in accordance with Hampshire Minerals and Waste Plan (2013) Policy 12 (Managing traffic).

42. The application does not seek any other changes to the current permitted activities on the site or to any existing structures or buildings.

43. The proposal does not seek any changes to the approved (by condition) hours which allow Heavy Goods Vehicles (HGVs) to enter or leave the site, those being between the hours of 07:00 - 20:00 Monday to Friday and 07:00 - 13:00 Saturday only.

44. The proposal does not propose to alter the approved hours that plant or machinery would be operated on site except between the hours of 07:00 - 23:00 Monday to Friday and 07:00 - 13:00 Saturdays only.
45. The operational site, including buildings, structures, internal waste handling areas, external storage areas, parking areas, HGV movements through the site, haul road and peripheral bunding (on its western, northern and eastern boundaries) will not be changed as a result of the proposal.
46. The **Transport Statement** submitted in connection with the planning application provides an overview of the site in terms of the local and wider infrastructure, traffic volumes and trends and road safety. It has been supplemented and updated several times during consideration of this application.
47. The applicant is proposing a number of changes along the site's shared haul road and on the public highway at points along Stoke Charity Road and Lovedon Lane - the route that all the applicant's HGVs would continue to follow. These proposals include installation of warning signage, physical improvement works to the public highway, accompanied by safety audits, technical drawings and traffic analyses including calculations all looking at the safe integration of additional HGV traffic on to the existing transport network.
48. The applicant also submitted **Noise** and **Air Quality Assessments** in connection with the planning application, both assessing the impacts and effects associated with the additional HGVs.

Environmental Impact Assessment

49. The proposed development is not an EIA development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). Although listed under Schedule 2 of the regulations, it is considered by the Minerals and Waste Planning Authority that the proposed development would not have adverse amenity impacts nor, by nature of the type, scale and location of the proposal, to cause any significant environmental effects that would benefit from the proposal being considered an EIA development.

Development Plan and Guidance

50. Section 38(6) of the [Planning and Compulsory Purchase Act 2004](#) requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise. Therefore, consideration of the relevant plans, guidance and policies and whether the proposal is in accordance with these is of relevance to decision making.
51. The key policies in the development plan which are material to the determination of the application, are summarised below. In addition,

reference is made to relevant national planning policy and other policies that guide the decision-making process and which are material to the determination of the application.

52. For the purposes of this application, the statutory development plan comprises the following.

Hampshire Minerals & Waste Plan (2013) (HMWP)

51. The following policies are relevant to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 2 (Climate change – mitigation and adaptation);
- Policy 3 (Protection of habitats and species);
- Policy 5 (Protection of the countryside);
- Policy 7 (Conserving the historic environment and heritage assets);
- Policy 10 (Protecting public health, safety and amenity);
- Policy 12 (Managing traffic);
- Policy 13 (High-quality design of minerals and waste development);
- Policy 25 (Sustainable waste management);
- Policy 26 (Safeguarding - waste infrastructure);
- Policy 27 (Capacity for waste management development); and
- Policy 29 (Locations and sites for waste management).

Update to the Hampshire Minerals and Waste Plan (emerging)

52. Hampshire County Council and its partner Authorities (Southampton City Council, Portsmouth City Council, New Forest National Park Authority and South Downs National Park Authority) are working to produce a partial update to the Hampshire Minerals and Waste Plan (2013) which will guide minerals and waste decision making in the Plan Area up until 2040. The partial update to the Plan will build upon the adopted Hampshire Minerals and Waste Plan (2013), eventually providing new and updated policies based on up-to-date evidence of the current levels of provision for minerals and waste facilities in the Plan Area. Plan making is currently at the [Regulation 18 draft plan consultation stage](#). The update to the Plan and its associated policies are only emerging policy. This means that the policies can only be references at this stage, and given no policy weight in decision making.

53. The following emerging policies are of the relevance to the proposal
- Policy 1: Sustainable minerals and waste development;
 - Policy 2: Climate change - mitigation and adaptation;
 - Policy 3: Protection of habitats and species;
 - Policy 5: Protection of the countryside;
 - Policy 7: Conserving the historic environment and heritage assets;
 - Policy 11: Protecting public health, safety, amenity and well-being;
 - Policy 13: Managing traffic;

- Policy 14: High-quality design of minerals and waste development;
- Policy 25: Sustainable waste management;
- Policy 26: Safeguarding - waste infrastructure;
- Policy 27: Capacity for waste management development; and
- Policy 29: Locations and sites for waste management.

Winchester City Council Local Plan (WCCLP) Part 1 Joint Core Strategy (2013) and **Part 2 Development Management and Allocations (2017)**

54. The following policies are relevant to the proposal:

- Policy CP8 (Economic Growth and Diversification);
- Policy CP10 (Transport);
- Policy CP11 (Sustainable Low and Zero Carbon Built Development);
- Policy CP13 (High Quality Design);
- Policy CP20 (Heritage and Landscape Character);
- Policy CP21 (Infrastructure and Community Benefit);
- Policy MTRA 4 (Development in the Countryside);
- Policy DM1 (Location of new development);
- Policy DM15 (Local Distinctiveness);
- Policy DM17 (Site development principles);
- Policy DM18 (Access and Parking);
- Policy DM19 (Development and Pollution);
- Policy DM20 (Development and Noise); and
- Policy DM23 (Rural Character).

53. Other national policy or guidance relevant to the proposal includes the following:

National Planning Policy Framework (2021) (NPPF)

55. The following paragraphs are relevant to this proposal:

- Paragraph 11 (Presumption in favour of sustainable development);
- Paragraph 47 (Determination in accordance with the development plan);
- Paragraphs 55 & 56 (Planning conditions);
- Paragraphs 81- 82 & 84 - 85 (Supporting economic growth and rural economy);
- Paragraph 104 & 105 (Sustainable transport);
- Paragraphs 110 -113 (Considering sustainable transport in development proposals);
- Paragraph 126 (creation of high quality, beautiful and sustainable buildings and places);
- Paragraph 135 (Ensure quality of approved development does not diminish);

- Paragraph 152 (Contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience and encourage reuse);
- Paragraphs 174 & 182 (Conserving and enhancing the natural environment); and
- Paragraph 188 (Development appropriate for its location).

National Planning Policy for Waste (2014)

56. The NPPW sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Paragraph 7 sets out what Waste Planning Authorities [WPA] should consider when determining planning applications including:

- Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B (below) and the locational implications of any advice on health from the relevant health bodies; and;
- Ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.

National Planning Practice Guidance (NPPG)

57. Elements of (NPPG) (Live) are also relevant to the potential proposal, those being:

- Air quality (1 November 2019);
- Effective use of land (22 July 2019);
- Flood risk and coastal change (20 August 2021);
- Healthy and safe communities (7 August 2022);
- Natural environment (21 July 2019);
- Noise (22 July 2019);
- Open space, sports and recreation facilities, public rights of way and local green space (6 March 2014);
- Planning obligations (1 September 2019);
- Travel plans, transport assessments and statements (6 March 2014);
- Use of planning conditions (23 July 2019);
- Waste (15 October 2015); and
- Water supply, wastewater and water quality (22 July 2019).

58. Elements of [National Planning Practice Guidance](#) (NPPG) are also relevant to the potential proposal. In particular the section on [Waste](#). The following paragraphs are relevant to the proposal:

- Paragraph 005 (Protecting human health);
- Paragraph 007 (Self-sufficiency and proximity principle);
- Paragraph 008 (Implementing the Waste Hierarchy);

- Paragraph 045 (Determining applications with Local Authorities);
- Paragraph 046 (Need);
- Paragraph 047 (Expanding/extending existing waste facilities?);
- Paragraph 050 (Planning and other regulatory regimes); and
- Paragraph 054: (Monitoring undertaken by Waste Planning Authorities).

Consultations

59. The below consultation responses have been summarised. The full versions of the responses can be viewed on the County Council's [website](#).

60. **County Councillor Porter:** Objection due to the negative impacts of the proposed increase in HGV movements on the suitability, the safety, noise, amenity, air quality, and character of Lovedon Lane and Stoke Charity Road.

A further response received 3 January 2023 also provided comment on the response submitted by the Highway Authority. It noted an objection to the traffic management measures proposed/published for several reasons, but specifically on the matter of traffic leaving the site meeting traffic which is coming from Kings worthy to other places along Stoke Charity road and in the vicinity of the bridge. The Stoke Charity Road Bridge was reconstructed as part of the taller container program by Network Rail. At that time, the parapets were raised by around 50cm and the footway was added to ensure pedestrian safety. The route is well used not only by local residents in the area, but also by the public who walk out this way to the footpath network including the old railway lines west of the site. They also drive there, connecting to South Wonston, etc. The proposal shows that traffic should take priority from the Ecogen site, but this is the wrong way round. The traffic coming across the bridge towards the corner cannot see the vehicles leaving Ecogen (because parked cars mean they are on the other side of the road) and so cannot know if a vehicle is approaching until the last few metres. The speed limit is to remain at 40mph. This gives far too few seconds to make a decision which could be life threatening, including at night. The proposed give way proposal is unworkable, and the speed limits on both proposals is too high.

61. **County Councillor Warwick:** Objection due to the unsuitability of narrow country lanes for HGV movements, in particularly on the safety of walkers and cyclists on Lovedon Lane and Stoke Charity Road.

62. **Winchester City Council - Planning:** Objection due to noise and the detrimental impact to the amenity of the nearby residential dwellings, in line with Policies DM17 and DM20 of the Winchester City Council Local Plan Part 2 (2017).

63. **Winchester City Council Environmental Health Officer (EHO):** Objection due to considering that the proposals will be detrimental to the amenity of the nearby residential dwellings.

64. **Kings Worthy Parish Council:** Objection on the grounds of highway safety, amenity and environmental impact from the proposed HGV movements.
65. **South Wonston Parish Council:** Objection on the grounds of highway safety.
66. **Network Rail:** The applicant may be required to enter into an Asset Protection Agreement to enable approval of detailed works near to or on railway infrastructure.
67. **Local Highway Authority:** No objection subject to the applicant's proposed mitigation along the existing HGV route that includes widening works, signage, road markings being imposed through condition/s and/or legal agreements.
68. **Public Health (Hampshire County Council):** Was notified.

Representations

69. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
 - In complying with the requirements of the SCI, 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; plus additional residential properties along Stoke Charity Road, west of the railway line.
70. 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 / notified. With respect to consultees, namely the Local Highway Authority and Environmental Health, they were formally reconsulted in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) .
71. As of 3 January 2023, a total of 262 representations to the proposal have been received. There were 8 representations in support of the proposal, predominately from customers and affiliates of the applicant, with the remainder all objecting to or raising concerns about the proposal, predominately from local residents and groups.

72. A petition with 1006 signatures was also received.
73. The main areas of concern raised in the objections related to the following areas:
- Highway safety and capacity for pedestrians, cyclists, horse riders and other vehicles;
 - Inappropriate HGV volume and loading for the highways infrastructure of Lovedon Lane and Stoke Charity Road – concerns on road condition, inadequate width in a number of points, and visibility;
 - Residential amenity impact and detrimental noise from the increase of HGV movements;
 - Detrimental impact of HGVs on amenity and tranquillity in a rural setting;
 - Air pollution and air quality from HGV movements; and
 - Concern of HGVs travelling through Stoke Charity and Woolston parish against highway vehicle restrictions.
74. The above issues will be addressed within the following commentary, (except where identified as not being relevant to the decision).

Habitats Regulation Assessment (HRA)

75. The [Conservation of Species and Habitats Regulations 2017](#) (otherwise known as the ‘Habitats Regulations’) transpose European Directives into UK law. 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.
76. Collectively this assessment is described as ‘Habitats Regulations Assessment’ [HRA]. The HRA will need to be carried out unless the project is wholly connected with or necessary to the conservation management of such sites’ qualifying features.
77. The HRA screening carried out by the WPA for planning permission [19/00200/HCS](#) considered 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 caused by the existing permitted activities on the site.
78. The HRA concluded that mitigation measures would ensure any harm would be avoided. No adverse impacts to designated sites were therefore anticipated. The initial proposal did therefore not result in any adverse likely significant effects to any European designated sites.
79. The current proposal, which adheres to the extant working practices and operations approved under planning permission [19/00200/HCS](#), would continue to not conflict with these outcomes.

Climate Change

80. Hampshire County Council declared a [climate change emergency](#) on 17 June 2019. A [Strategy](#) and [Action Plan](#) have also been prepared. The Strategy and Action Plan do not form part of the Development Plan so are not material to decision making. However, it is true to say that many of their principles may be of relevance to the proposal due to the nature of the development in seeking to increase the amount of miles travelled by HGVs transporting extracted minerals from and inert waste / materials to the site for use in the approved restoration.
81. Winchester City Council declared a climate change emergency in June 2019 and is aiming for the district to be carbon neutral by 2030 having implemented their [WCC Carbon Neutrality Programme](#).
82. This proposed development has been subject to consideration of Policy 2 (Climate change - mitigation and adoption) of the [HMWP \(2013\)](#). The current proposal has also been considered under Policy 10 (Protection of public health, safety and amenity) as documented in the **Commentary** section below.
83. Whilst the application does not contain a bespoke Climate Change Assessment, in considering the existing activities on site and the nature of the proposed changes it is noted that existing environmental standards installed and imposed on site operations, including to all plant, equipment, machinery, by Government (and via the Environmental Permitting Regime regulated by the Environment Agency), help to achieve environmental best practice, specifically in terms of regulating any effects from their emissions on the local environment.
84. This also applies to HGVs, with many of those used being under the control of the applicant, and relatively modern and as result fitted with the most up to date manufacturers' technology, including to exhaust and emissions' systems. Whilst these requirements are outside of the remit and control of

the planning regime, it is expected that all plant, equipment, machinery and HGVs employed are fully maintained and operated in full accordance with manufacturers' specifications and that the best environmental practices are adhered to.

85. The applicant would continue to use best endeavours to ensure HGVs under their control and through commercial contracts with third parties, to transport both waste materials and treated products on to and from site. For example, an HGV that has deposited its load of waste materials at the site would, when practicable, then be loaded with recyclable/processed waste materials/products to ensure empty HGVs were not exiting the site. This would contribute to using only fossil fuels and derivatives on a limited as basis as they can at this time.
86. Therefore, on balance, the impact of the proposal on climate change is considered to be in accordance with Policy 2 (Climate change - mitigation and adaptation) of the [HMWP \(2013\)](#).

Commentary

Principle of the development and need

87. The site is an existing permitted and permanent waste management facility. The site began operating under planning permission [19/00200/HCS](#) in 2019 through the '*Demolition of former poultry building; change of use of remaining former poultry buildings to provide a waste paper recycling facility, ancillary office & staff welfare areas, weighbridge, access, parking, landscaping, and associated works*'. The principle of the waste development in this location is therefore established. The site and its layout has not changed since this initial waste land use planning permission was implemented.
88. The site already has established waste uses. Its acceptability in terms of meeting the requirements of Policies 5 (Protection of the countryside) and 29 (Locations and sites for waste management) of the [HMWP \(2013\)](#) has already been tested by the 2019 permission.
89. As the principle of the site, as a waste use, is already established, the focus here is on whether the additional capacity at the site is acceptable and whether the additional Heavy Goods Vehicle (HGV) movements are appropriate in terms of impact/s on road safety and capacity and on local amenity and to the local environment.
90. The site already has established waste uses. Its acceptability in terms of meeting the requirements of Policies 5 (Protection of the countryside) and 29 (Locations and sites for waste management) of the [HMWP \(2013\)](#) has already been tested by the 2019 permission.

91. Whether there is a need for the proposal, whether it meets waste management policy and whether the proposed increase in HGV movements are acceptable are considered in later sections of the commentary (see [Need](#) and [Highways](#) section of this commentary). Whether the proposal is considered to meet the requirements of Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#) will be considered in the remaining part of this commentary report.

Need and waste management capacity

92. The proposed increase in annual waste tonnages handled (30,000 to 60,000 tonnes per annum) at the waste management facility. As the proposal will ensure the continuing opportunities for the management of waste at the extant waste management facility, it meets the requirements of Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#).
91. The continuation of waste management operations at this facility involving the handling and processing of larger tonnages of waste remains in accordance with Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#) through continuing to encourage waste to be managed at the highest achievable level within the waste hierarchy, reducing the amount of residual waste disposed of and is generally located near to the applicant's sources of waste and/or markets for its use.
92. Whilst the waste management facility is not safeguarded through the adopted [HMWP \(2013\)](#), Policy 26 within the [HMWP \(2013\)](#) protects this site's waste management infrastructure against redevelopment and inappropriate encroachment, subject to exceptions.
93. The proposal will also provide a continued contribution to the provision of waste management capacity, in the Winchester area of Hampshire and is therefore also supported Policy 27 (Capacity for waste management development) of the [HMWP \(2013\)](#). The additional capacity proposed will contribute to the minimum required additional non-hazardous recycling capacity of 0.29 mtpa, as defined in the [HMWP \(2013\)](#). The [HMWP \(2013\) Annual Monitoring Report \(2020\)](#) supports an increase in recycling with the Plan area having not reached the 60% recycling rate by 2020, as defined by the monitoring indicator for Policy 25 (Sustainable waste management).
94. In terms of need, whether commercial for the applicant's benefit or policy-related to satisfy the requirements of the [HMWP \(2013\)](#), the applicant cites that despite the impact of Covid-19 between Spring 2020 and late 2021, the demand for their services continued resulting in the submission of this planning application to increase waste tonnages handled, from 30,000 tonnes per annum to 60,000 tonnes per annum.
95. Furthermore, when applying for the initial waste use planning permission [19/00200/HCS](#) in 2019, the applicant was and remains currently permitted via their Environment Agency issued T4 Exemption to treat (bale and shred)

up to 150,000 tonnes of loose paper and cardboard prior to export for recycling and 150,000 of plastics annually too.

96. In addition, the applicant advised the Waste Planning Authority that the 60,000 tonnes per annum currently being sought would have been viable back in 2019. The increased demand back in 2016/17 had led the applicant to leave their Alresford. There is a lack of bespoke waste paper, card and plastic waste management facilities in this area of Hampshire and regionally also.
97. Based on the Environment Agency's 2020 Waste Data Interrogator (WDI) only 24% of non-hazardous waste arisings were recycled in Hampshire. This was far below levels in 2019 although this is believed largely attributable to the effects of covid-19. Therefore, the policy defined need remains an established and justified one.
98. Therefore, when applying the requirements of the Planning regime [HMWP \(2013\)](#) (supported by here by the Permitting regime and the Environment Agency) to this proposed increase in waste tonnages handled - from 30,000 tonnes per annum to 60,000 tonnes per annum - it is clear that an identified need to increase and improve recycling and treatment rates of waste paper, card and plastic exists in accordance with the UK's Waste Hierarchy. This is evidenced by both the applicant's commercial operations and 'needs' and the relevant National and Local planning policies and guidance, which all support the increased requirement for uses of these waste types and more importantly the need for facilities such as these to handle them. It is therefore considered in accordance with Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development) of the [HMWP \(2013\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development).

Visual impact and landscape

99. The site benefits from the presence of peripheral bunding on its western, northern and eastern boundaries. These were retained and subsequently planted via condition (9 and 10) imposed and retained on the initial planning permission [19/00200/HCS](#) in 2019. This planting has grown significantly over the last two years, and provides significant screening from the surrounding area. There is no plan to alter this by way of this proposal.
100. The haul road connecting the operation site with the public highway (Stoke Charity Road), and shared with other adjoining properties, is planted along the majority of its route providing significant screening. Again, there is no plan to alter this by way of this proposal.

101. Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) also protects residents from significant adverse visual impact. In addition, Policy 13 (High-quality design of minerals and waste development) of the [HMWP \(2013\)](#) requires that development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape.
102. The screening detailed above reduces the visual impact of the site itself and the proposed changes to HGV movements accessing the site. It is considered that the visual impact and effect on the locality would continue to be acceptable for this permanent development, and not be significantly different to current impacts and effects.
103. The site layout, buildings and structures on site are all to remain unchanged in terms of location, design and appearance and in accordance with plans, documentation and conditions approved and imposed under planning permission [19/00200/HCS](#).
104. The applicant's proposed transport-related mitigation (see [Highways](#) section) proposes solutions involving works to sections of the public highway and land adjoining it along Stoke Charity Road and Lovedon Lane. These works, individually or cumulatively, are not perceived to adversely affect the character of the local area, which sees the main HGV route running alongside the periphery of an established residential/urban area where it meets the countryside.
105. On the basis of the existing and proposed mitigation measures and approved site infrastructure being retained and maintained, the proposal is therefore considered to be in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the [HMWP \(2013\)](#) in relation to visual impacts.
106. Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policies 11 (Protecting public health, safety, amenity and well-being) and 14 (High-quality design of minerals and waste development).

Ecology

107. As with the visual impact and landscape section above, the site benefits from an approved mitigation programme and an approved Biodiversity Enhancements Scheme approved by conditions (19 and 20) on the initial planning permission [19/00200/HCS](#) in 2019. that all seek to prevent adverse ecological impacts. There is no plan to alter these by way of this proposal
108. The site is not situated within or close to any statutorily designated ecological sites or areas, and with the current proposal, which adheres to the extant working practices and operations implemented and approved under

planning permission [19/00200/HCS](#) in 2019. These would continue to not conflict with these outcomes required under Biodiversity Net Gain (BNG), which at present is not mandatory, and furthermore, is not relevant to the scope of the proposal.

109. In light of the above the retention of the approved mitigation programme and an approved Biodiversity Enhancements Scheme, the proposal would continue to not result in adverse ecological impacts and would be in accordance with Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#).
110. Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the main provisions of emerging Policy 3 (Protection of habitats and species).

Water environment

111. As with the Ecology section above, the site benefits from approved surface water, foul water and groundwater protection measures, with further protections given through the Environmental Permitting regime - that controls the safe handling and use of waste materials - that is regulated and enforced by the Environment Agency (EA) through the Waste Management Exemption issued here to the applicant.
112. Water-related mitigation measures, including site-wide impervious hardstanding, HGV cleaning, haul road drainage measures, careful storage and use of oils/chemical etc, are all controlled by conditions on the initial planning permission [19/00200/HCS](#) and would be retained here (see conditions 14, 16 and 21 - 24). There is no plan to alter these by way of this proposal.
113. The Planning and Permitting regimes are designed to work together and complement one another not to conflict. Controls in relation to protecting air, land and water quality from and within a proposed operational development should be discussed and agreed between the two regulators, the Waste Planning Authority and the Environment Agency, to ensure any controls imposed are correct and appropriate, and work with other regimes.
114. The proposal would not generate significantly different impacts to currently managed impacts and effects, and is therefore, considered to be in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) in relation to the water environment.
115. Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the

process), the proposal is considered to meet the main provisions of emerging Policies 8 (Water resources) and 12 (Flood risk and prevention).

Highways

116. Vehicular access to the site is achieved from its purpose built junction with Stoke Charity Road, which in turn connects south into Lovedon Lane. Access to the wider highway network is achieved via the A33 (Basingstoke Road) and its staggered junction with Lovedon Lane.
117. HGVs can turn left continuing north on the A33 toward the M3 or turn right continuing south on the A33 towards the A34 and the M3. The M3 and A34 are identified as part of [Strategic Road Network](#) in the [HMWP \(2013\)](#).
118. HGVs entering the site turn right in and HGVs exiting the site turn left only. Stoke Charity Road to the north of the access point is unsuitable for HGVs, including due to weight restrictions. HGV routeing, not required through a legal agreement, would remain unchanged (**see Appendix D - Existing HGV route**).
119. Vehicular access to the site is via a purpose built junction comprising a 7.3m wide site access road, kerb radii of 15m with a taper of 1 in 10 over 25m to accommodate the turning of HGVs. Visibility splays of 2.4m x 215m to the right and 2.4m x 200m to the left would be retained through condition 17 on [19/00200/HCS](#). Unauthorised works were undertaken at this junction by the landowner (not the applicant) during 2022 and have been investigated by the County Council's Highways officers outside of the planning process.
120. 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.
121. The proposed increase to HGV movements to and from the site from 40 two-way movements (20 HGVs) each working weekday to 80 two-way movements (40 HGVs) and to 50 two-way movements (25 HGVs) on Saturdays is a fundamental change to the previously approved permission [19/00200/HCS](#) at this site, which this application must be assessed against.
122. Under Condition 13 of planning permission [19/00200/HCS](#), the movement of HGVs to and from the site are restricted to: 07:00 - 18:00 hours on Monday to Friday and 07:00 - 13:00 hours on Saturday.
123. At current permitted levels, 40 two-way HGV movements (20 HGVs) equates to 3.6 two-way movements (1.8 HGVs) per hour on Monday to Friday and 6.6 two-way movements (3.3 HGVs) per hour on Saturdays.

124. The proposed 80 two-way movements (40 HGVs) represent a doubling of permitted movements, equating to equating to 7.2 two-way movements (3.6 HGVs) per hour on Monday to Friday and 50 two-way movements, equating to 8.3 two-way movements (4.1 HGVs) per hour on Saturdays.
125. The applicant has advised that the variation to condition 7 on [19/00200/HCS](#) resulting in the doubling of weekday HGV two-way movements (HGVs) and the additional 10 two-way HGV movements (5 HGVs) on Saturdays, and the variation to condition 13 on [19/00200/HCS](#) to double annual waste imports from 30,000 to 60,000 tonnes per annum are required to meet their growing commercial demand and local need.
126. The local County Councillors, Winchester City Council, Parish Councils and all but seven representees have all objected to the proposed increase in HGV movements / numbers and these concerns are noted. They cite that existing road safety levels and that of other users would be adversely affected through the proposed doubling of HGV movements on this section of Stoke Charity Road and Lovedon Lane.
127. The applicant's **Transport Statement** submitted in connection with the planning application provides an overview of the site in terms of the local and wider infrastructure, traffic volumes and trends and road safety.
128. The applicant is proposing a number of changes along the site's shared haul road and on the public highway at points along Stoke Charity Road and Lovedon Lane - the route that all the applicant's HGVs would continue to follow (**see Appendix D – Existing HGV route**). These proposals include installation of warning signage, physical improvement works to the public highway, road markings, and are accompanied by safety audits, technical drawings and traffic analyses including calculations all looking at the safe integration of additional HGV traffic on to the existing transport network.
129. Throughout 2021 and 2022, the Highway Authority (with the Waste Planning Authority) has been working with the applicant to progress matters relating to road capacity and road safety to ensure satisfactory assessment of the proposal. This is to ensure that any overall decision taken has been examined and investigated thoroughly, to accord with National planning policy and guidance.
130. Further information was requested by the Highway Authority to reflect the current status of the local highway situation used by HGVs travelling to and from the site. In terms of improvement works / solutions to needed as a result of the proposal, the applicant's submitted Road Safety Audit (RSA) proposed recommendations (most involving physical improvement works) at seven key locations:
1. Stoke Charity Road immediately south of Ecogen site access road:
Potential for carriageway failure causing hazard to riders of two wheeled

vehicles. The detailed design stage should take account of the potential for a narrow section of new carriageway to fail and therefore the design team should incorporate appropriate retaining measures into the design to reduce the likelihood of this occurring;

2. Stoke Charity Road at the Ecogen site access road: Lack of swept path analysis. This should be provided to demonstrate how the largest vehicle likely to need to access and egress from the site can do so without the need for injudicious manoeuvres;
3. General - Stoke Charity Road & Lovedon Lane: Potential adverse effect of increased HGV activity on pedestrians, cyclists and equestrians. A Walking, Cycling and Horse-Riding Assessment and Review (WCHAR) should be carried out on the section of Stoke Charity Road and Lovedon Lane affected by the proposed road widening works in support of increased HGV movement;
4. Stoke Charity Road at bend east of railway overbridge: Potential for carriageway failure causing hazard to riders of two wheeled vehicles. The detailed design stage should take account of the potential for a narrow section of new carriageway to fail and therefore the design team should incorporate appropriate retaining measures into the design to reduce the likelihood of this occurring;
5. Stoke Charity Road at bend east of railway overbridge: Potential for inadequate forward visibility to lead to collisions. If it is not possible to provide adequate forward visibility, particularly for opposing large HGVs on the bend immediately to the east of the railway overbridge, then an appropriate priority system should be designed where westbound vehicles give way to eastbound vehicles on the eastern side of the railway overbridge on Stoke Charity Road;
6. Lovedon Lane at disused railway overbridge: Potential for carriageway failure causing hazard to riders of two wheeled vehicles. The detailed design stage should take account of the potential for a narrow section of new carriageway to fail and therefore the design team should incorporate appropriate retaining measures into the design to reduce the likelihood of this occurring; and
7. Lovedon Lane at disused railway overbridge: Potential for inadequate forward visibility to lead to collisions. If it is not possible to provide adequate forward visibility, particularly for opposing large HGVs on the northbound approach to the disused railway overbridge, then an appropriate priority system should be designed where southbound vehicles give way to northbound vehicles on Lovedon Lane.

132. In response to the above recommendations, the Highway Authority commented that the applicant's own Designer's Response (to the Road

Safety Audit) does not agree with all of its seven recommendations, as follows:

“The Designers’ response does not accept any of the problems identified and accepts 3 of the 7 recommended measures (points 1,4 and 6 as outlined above). The response states that “The carriageway widening on Stoke Charity Road will be designed and built to an adoptable standard to accommodate HGV traffic and therefore not susceptible to fail.”

133. Notwithstanding the above, the Highway Authority also concluded that they are satisfied that through engagement with the County Council’s s278 Agreement process, the road widening could be built to an acceptable standard that should not result in failure.
134. The Highway Authority also accepted that for point 2 (above) the site access is an existing access used by HGVs and improvement is not needed. It was, however, reported that unauthorised works were underway at the site entrance in 2022.
135. Prior to December 2022, the Highway Authority did not accept the Designers Response’s suggestion *“of the implementation of priority improvement schemes is that “existing arrangements, which do not cause a road safety issue will maintain similar visibility and priority levels.”* The Highway Authority advise that this cannot be the case with a doubling of HGVs accessing the site and the existing transport network, including these more sensitive locations along the existing HGV route being doubled in use. They state:

“a doubling of the number of HGVs currently accessing the site will undoubtedly lead to an increase in conflict at the two railways bridges and potentially to accidents at the Stoke Charity Road bridge where visibility is compromised. I am in agreement with the Auditor that the originally proposed priority schemes would reduce the likelihood of conflict at the railways bridges, particularly the Stoke Charity Road bridge. Consideration should be given to the provision of these schemes or a more robust explanation of why these schemes are no longer being proposed should be provided by the applicant.”
136. Therefore, the Highway Authority’s position prior to December 2022 was that the doubling of HGV numbers, and its associated impacts on existing road safety must be further explored, including the use or priority schemes and further evidence provided
137. In the absence of this information, which included assessments (WCHAR) on non-motorised users of the public highway and land adjoining sections of it, the Highway Authority could not make a firm recommendation either way, only a recommendation for refusal on the basis of the information submitted. They concluded that it had still not been demonstrated that the increase in

vehicle movements will not cause severe highway safety impacts on Lovedon Lane and Stoke Charity Road.

138. The Highway Authority's position following the submission of the applicant's updated transport-related assessments in late December 2022 was that the information previously requested had now been submitted. Furthermore, the information had now addressed the matters relating to delivering improvements to the local road network required to make the proposed development acceptable in terms of highway capacity and road safety. They concluded that it had now been demonstrated that the increase in vehicle movements, subject to mitigation being delivered and implemented in advance of the additional HGV traffic commencing, would not cause severe highway safety impacts on Lovedon Lane and Stoke Charity Road.
139. The additional concerns received (3 January 2023) by Councillor Porter in relation to proposed traffic management measures proposed set out in the Highway Authority response are acknowledged.
140. In conclusion, the additional HGV traffic proposed is deemed to be acceptable in terms of impacts on road safety subject to the applicant securing their proposed mitigation along the HGV route via conditions and/or legal agreements should planning permission be recommended for approval. Therefore, the proposal is in accordance with Policies 10 (Protection of public health, safety and amenity) and 12 (Managing traffic) of the [HMWP \(2013\)](#).
141. Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is not considered to meet the main provisions of emerging Policy 13 Managing traffic).

Impact on public health and safety

142. Policy 10 (Protection of public health, safety and amenity) of [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 minerals developments and other forms of development. The Policy includes a number of criteria and each relevant criteria is not dealt with in turn.

Noise:

143. Policy DM20 (Development and Noise) of the [Winchester City Council Local Plan Part 2 Development Management and Allocations \(2017\)](#) is also of relevance to the proposal, alongside Policy 10 of the [HMWP \(2013\)](#).
144. The applicant included a **Noise Assessment** with this application to address the potential impact and effects of noise associated with the proposed

additional HGV movements to and from the site. The Assessment was updated following responses from the Environmental Health Officer at Winchester City Council (WCC).

145. No other changes to permitted on-site operations, permitted plant and machinery to undertake waste handling operations and permitted hours of use and HGV movements are proposed here. These activities, and the control of emissions of noise on the local area and specifically chosen receptors including the nearest residential properties (see **Appendix E - Nearest Residential Properties**), with Cherry Tree Stables (10m SW of site, specifically the shared haul road), Little Stoke (70m N/NW of site, specifically the shared haul road and North Winchester Poultry Farm (approximately 75m north-west of the site, specifically the waste management facility)). These would be retained as would the approved Noise Management Scheme approved under condition 26 of planning permission [19/00200/HCS](#) which sets maximum operational noise limits for operational periods on site, and includes a means for review and dealing with complaints to be made.
146. Other conditions of planning permission [19/00200/HCS](#) controlling the impacts of noise, that would be retained, include 5 (silencers and white noise alarms) and 9 - 11 (perimeter bunds and fencing).
147. As part of the submission, the applicant advises that a 1.9m high, close boarded, wooden fence is to be erected around the northern and eastern boundaries of Cherry Tree Stables, at the applicant's expense and with the agreement of the owner of the Stables (including the temporary mobile home that is occupied for residential purposes).
148. The local County Councillors, two Parish Councils and significant numbers of representees (most local residents) have all objected to the proposed increase in HGV movements / numbers. These are noted. They cite that additional noise and general disturbance would be created, and which would exceed approved levels controlled by condition. As a result, the nearby residents would be adversely affected through the proposed doubling of HGV movements on the shared haul road and this upper section of Stoke Charity Road.
149. The proposed introduction of additional HGV traffic, could create impacts on the locality through additional noise sources in excess of that being produced currently under planning permission [19/00200/HCS](#).
150. The Environmental Health Officer (EHO) at Winchester City Council (WCC) has reviewed the submitted assessment and its updated versions. They have queried some of the methods employed in assessing the impacts and effects, and despite these being disputed by the applicant, the EHO advises that the impacts arising from the noise impact assessment has still calculated that there will be an adverse noise impact caused to nearby noise sensitive receptors (nearest dwellings), particularly at 07:00 hours on

weekdays and Saturdays. In accordance with BS4142, this should be 'avoided if possible'.

151. In terms of discrepancies between the submitted Noise Impact Assessment and other submitted assessments, namely the **Transport Assessment** (and its Technical Notes), the EHO advised:

“that numbers of HGV movements at certain times of the permitted working day at the site whether under the extant planning permission [19/00200/HCS](#) or the proposed increase in HGV numbers only assumes a maximum of 6 HGV movements per hour. This is a substantial difference and will result in a significant underestimation of the potential noise impact on the nearest noise sensitive receptors.”

152. The EHO concluded:

“Even if the current operating hours were to be increased to 20:00hrs, the technical note predicts up to 7 HGV movements per hour, again, not accurately assessed in the noise impact assessment. The noise report has not fully assessed the true impact of the proposed changes and therefore cannot be relied upon.

Having read the noise impact assessment together with the technical note I am of the opinion that the proposed changes will lead to an unacceptable noise impact on those living closest to the application site. Either there will be double the HGV movements currently experienced (an average of one movement every 6-7 minutes) or a significant extension to the current operating hours of the site (up to 13 hours per day), resulting in very little respite from the noise for those living in the nearest residential dwellings.

Conditions 7 and 13 were specifically included in the original planning consent to limit movements both to and within the site and to reduce disturbance from the site in the interests of the local amenity. I believe the resulting noise impacts from the proposed amendments will be detrimental to the amenity of the nearest residential dwellings and I would recommend that this application be refused.”

153. Therefore, the doubling of HGV numbers and its associated 'noise' impacts on the amenity of the nearest residential dwellings would be detrimental in nature despite the proposed mitigation (extant noise management plan and the proposed fencing at Cherry Tree Stables).
153. In conclusion, the additional HGV traffic proposed is deemed to be unacceptable in terms of impacts through noise on local residential amenity. Therefore, the proposal is not in accordance with Policy 10 (Protection of public health, safety and amenity) of the [HMWP \(2013\)](#) or Policy DM20 (Development and Noise) of the [WCCLP Pt 2 \(2017\)](#)

154. Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is not considered to meet the main provisions of emerging Policy 11 (Protection of public health, safety, amenity and well-being).

Air quality:

155. The applicant included an **Air Quality Assessment** with this application to address the potential impact and effects on air quality associated with the proposed additional HGV movements to and from the site. The Assessment was reviewed by the Environmental Health Officer at Winchester City Council (WCC).
156. No other changes to permitted on-site operations, permitted plant and machinery to undertake waste handling operations and permitted hours of use are proposed here. These activities, and the control of emissions to air on the local area and specifically chosen receptors including on the nearest residential properties and any other sensitive receptors, would continue to be controlled by conditions imposed on planning permission [19/00200/HCS](#) including 4 (operations), 14 (vehicle cleaning) and 15 (sheeting of loaded goods vehicles) would all be retained.
157. The local County Councillor, two Parish Councils and significant numbers of representees (most local residents) have all objected to the proposed increase in HGV movements / numbers. These are noted. They cite that additional impacts on air quality would be created, and which would adversely affect local air quality levels. As a result, the nearby residents would be adversely affected through the proposed doubling of HGV movements using the extant transport route, the site's haul road, Stoke Charity Road and Lovedon Lane.
158. The proposed introduction of additional HGV traffic, could create impacts on the locality through additional air quality impacts in excess of that being produced currently under planning permission [19/00200/HCS](#).
159. Assessments in accordance with Local Air Quality Management guidance indicate for a baseline traffic situation in 2021, receptors adjacent to Stoke Charity Road have values below the current annual mean air quality objectives for NO₂ and PM₁₀, which is consistent with WCC's air quality review and assessments.
160. With the additional 40 two-way HGV movements (20 HGVs) per day, the applicant's Assessment indicates that absolute concentrations still remain below the current air quality objectives and the level of change due to the increase in HGV movements is very small (less than 0.1 µg/m³ to annual mean concentrations of NO₂ and PM₁₀), which would not have a significant impact upon local air quality adjacent to Stoke Charity Road or Lovedon Lane.

161. It further indicates that the ambient concentrations of local traffic emissions are predicted to be less than 75% of the Air Quality Assessment Level (AQAL), and the % change in concentration relative to the AQAL due to the increase HGV movements is calculated to be less than 1%. On this basis, the impact from the additional 40 HGV movements per day on local air quality will be negligible.
162. The Environmental Health Officer (EHO) at Winchester City Council (WCC) has reviewed the submitted air quality assessment, and raised no concerns over their predicted levels associated with the additional HGVs
163. In conclusion, since the Air Quality Assessment indicates that annual mean air quality objectives will be met at the most exposed receptor locations, and since the actual changes due to the additional 40 HGV movements per day are small and insignificant, it can be concluded that there is no reason in terms of air quality why the current approved daily quantum of 40 HGV movements should not be relaxed to allow for the overall increase to 80 HGV movements per day. Therefore, the matter can proceed to a planning decision, with conditions where appropriate.
164. Overall, in terms of assessing the proposed development's impacts on local amenity, the Environmental Health Officer's (EHO) findings conflict with those in the applicant's detailed **Noise Assessment**, which concludes that the additional HGVs / HGV two-way movements would not adversely affect noise levels the quality of life of local residents), despite their proposed 'fencing' mitigation at Cherry Tree Stables. The proposal is therefore not considered to be in accordance with Part C of Policy 10 (Protection of public health, safety and amenity) of the [HMWP \(2013\)](#).
165. Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the main provisions of emerging Policy 11 (Protection of public health, safety, amenity and well-being).

Extant on-site operations

166. With the method of waste handling operations and storage of waste, materials and products not proposed to change as part of this proposal, it is therefore considered that the Air Quality Assessment (originally submitted under planning permission [19/00200/HCS](#)), which demonstrated that there would be no significant impacts or effects on local air quality subject to conditional controls over the use of on-site plant, machinery, equipment and permitted HGVs (20) entering and departing the site continues to be valid. The Noise and Air Quality Assessments were reviewed by the Environmental Health Officer at the time of the granting of both subsequent planning permissions after [19/00200/HCS](#) in 2019.

Impact on public strategic infrastructure

167. Due to the proximity of the mainline railway line to the existing HGV route Network Rail have indicated that the applicant may be required to enter into an Asset Protection Agreement to enable approval of detailed works near to or on railway infrastructure. This would be separate to the planning process.

Environmental Permitting

168. The site benefits from a T4 Exemption and does not require an Environmental Permit, issued and regulated by the Environment Agency (EA), controlling the approved waste management operations at the site.
169. The Permitting regime and Planning regime should work together and complement each other not duplicate or conflict. Permitting controls the operational impacts and effects of a development whereas the planning concerns the acceptable use of the land, which has already been established here as a waste management (recycling) facility through the granting of planning permission [19/00200/HCS](#).
170. The Permit contains controls on waste / materials' type/s allowed on site, pollution control measures and the protection of air, land and water from emissions. This includes the control of debris and litter arising from waste management operations. The EA undertake their own monitoring programme at the site to ensure compliance with the Exemption's requirements.
171. Any changes to the Permit would be provided to the Waste Planning Authority, who would assess the materiality of any changes to the relevant extant planning permission.

Complaints about site operations

172. No substantiated complaints have been received by the Waste Planning Authority since the granting of planning permission [19/00200/HCS](#).
173. Throughout the determination of this planning application, comments have been received stating that HGVs occasionally arrive at the site before they are permitted to enter at 07:00 hours Monday to Saturday. With site closed, some HGVs are reported to be waiting on Stoke Charity Road.
174. The early arrival and/parking and waiting on the public highway is not controlled by planning permission [19/00200/HCS](#) and is a matter for the Highway Authority and/or the Police to enforce, if any legislation is being breached and road safety being adversely affected.
175. Any associated complaints relating to noise of any waiting HGVs would also not be controlled by planning permission [19/00200/HCS](#) and is a matter for

the Environmental Health Department at Winchester City Council if any legislation is being breached and road safety being adversely affected.

Site Liaison Panel

176. 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.
177. No meetings have taken since the granting of planning permission [19/00200/HCS](#). This is in part due to the impact of covid-19 pandemic. The applicant does engage locally with third parties and wants to continue to.
178. The Waste Planning Authority supports the establishment and development of this panel, to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community.

Planning conditions

179. The proposed amendments to conditions 7 (waste volumes) and 13 (HGV movements) of planning permission [19/00200/HCS](#) are the only amendments being sought by the applicant. All other conditions are being retained as per previous permission.

Conclusions

180. It is recognised that the proposal could help to continue to contribute in providing a sustainable waste management facility to receive and recycle waste paper and card, and some plastic waste. However, on balance, it is considered that the proposal would not fully accord with the relevant policies of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) (HMWP). The development is not considered to be in accordance with Part C of Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013) and Policy DM20 (Development and Noise) of the Winchester City Council Local Plan Part 2 Development Management and Allocations (2017) as it has not been demonstrated that the proposed increase in Heavy Goods Vehicle movements would not have an adverse impact on residential and neighbouring amenity by reason of Heavy Goods Vehicle-related noise and disturbance.

Recommendation

181. That planning permission be REFUSED subject to the reason for refusal listed in **Appendix A** for the following reasons:
 - The development is not in accordance with Part C of Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013) and Policy DM20 (Development and

Noise) of the Winchester City Council Local Plan Part 2 Development Management and Allocations (2017) as it has not been demonstrated that the proposed increase in Heavy Goods Vehicle movements would not have an adverse impact on residential and neighbouring amenity by reason of Heavy Goods Vehicle-related noise and disturbance.

Appendices:

Appendix A – Reason for refusal

Appendix B – Committee Plan

Appendix C – Site Plan

Appendix D – Existing HGV route

Appendix E – Nearest Residential Properties

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/21/00832/HCS>

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

OR

This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:

the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste or local planning authority.

Other Significant Links

Links to previous Member decisions:

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

Direct links to specific legislation or Government Directives

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

Section 100 D - Local Government Act 1972 - background documents

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

Document

Location

21/00832/HCS
WR240

Hampshire County Council

North Winchester Farm, Stoke Charity Road,
Kings Worthy SO21 2RP
(Variation of condition 7 (volume of waste)
and 13 (HGV Movements) of Planning
Permission 19/00200/HCS

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.

OR Delete below if not applicable

2. Equalities Impact Assessment:

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

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

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

REASON FOR REFUSAL

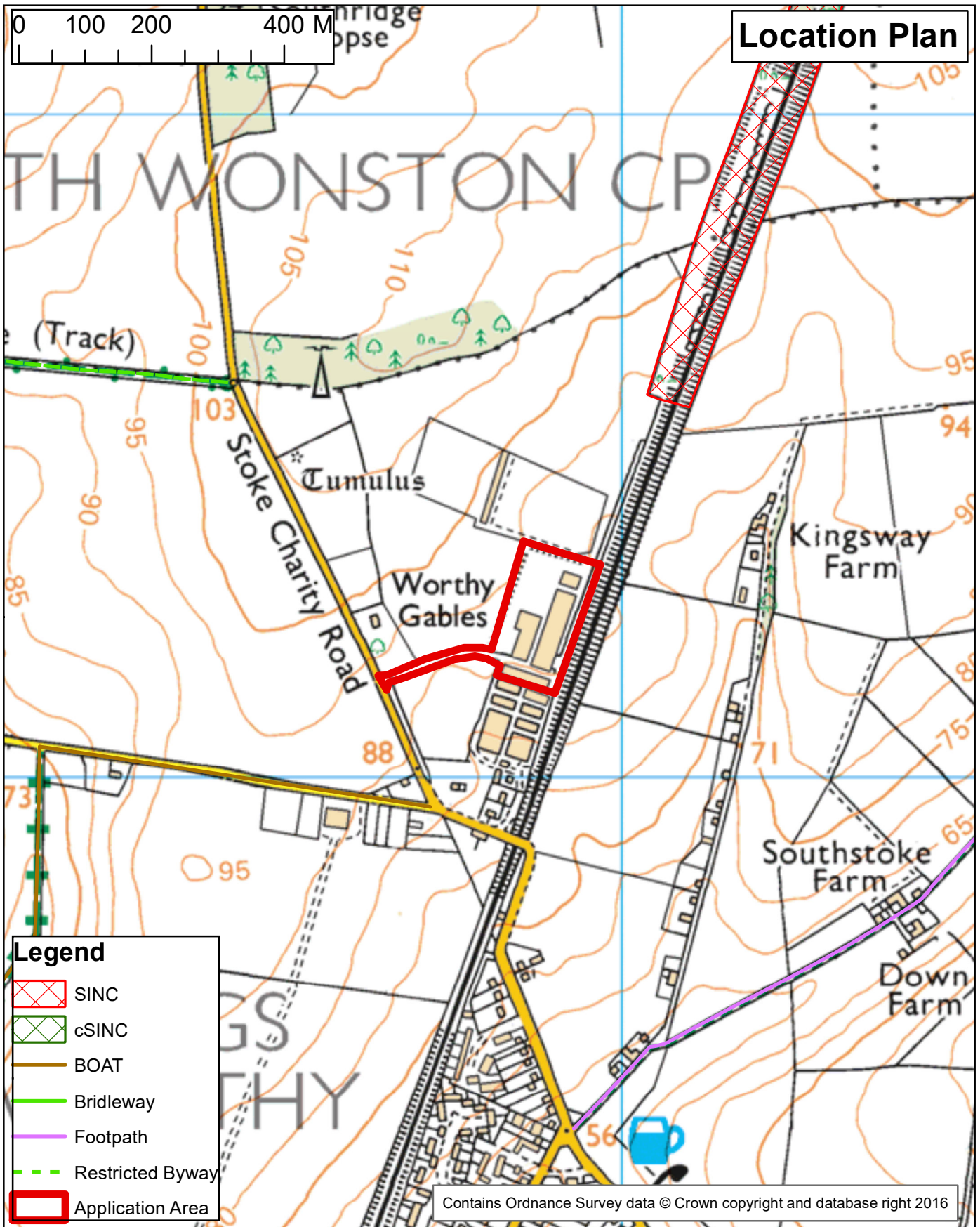
That planning permission be refused subject to the following reason:

The development is not in accordance with Part C of Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013) and Policy DM20 (Development and Noise) of the Winchester City Council Local Plan Part 2 Development Management and Allocations (2017) as it has not been demonstrated that the proposed increase in Heavy Goods Vehicle movements would not have an adverse impact on residential and neighbouring amenity by reason of Heavy Goods Vehicle-related noise and disturbance.

Note to Applicant

1. In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2021), as set out in the Town and Country Planning Act 1990.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.
3. Regardless of the decision, the Waste Planning Authority supports the establishment and development of a Site Liaison Panel, to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community associated the existing site. [Guidance](#) is available to the applicant on the establishment of the panel.

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Variation of condition 7 (volume of waste) and 13 (HGV Movements) of Planning Permission 19/00200/HCS at North Winchester Farm, Stoke Charity Road, Kings Worthy SO21 2RP

Application No: 21/00832/HCS

Site Ref: WR240

Drawn by: Development Management Minerals & Waste Policy

Regulatory Committee

Date 11 January 2023

1:8,000



Hampshire
County Council

Economy, Transport and Environment

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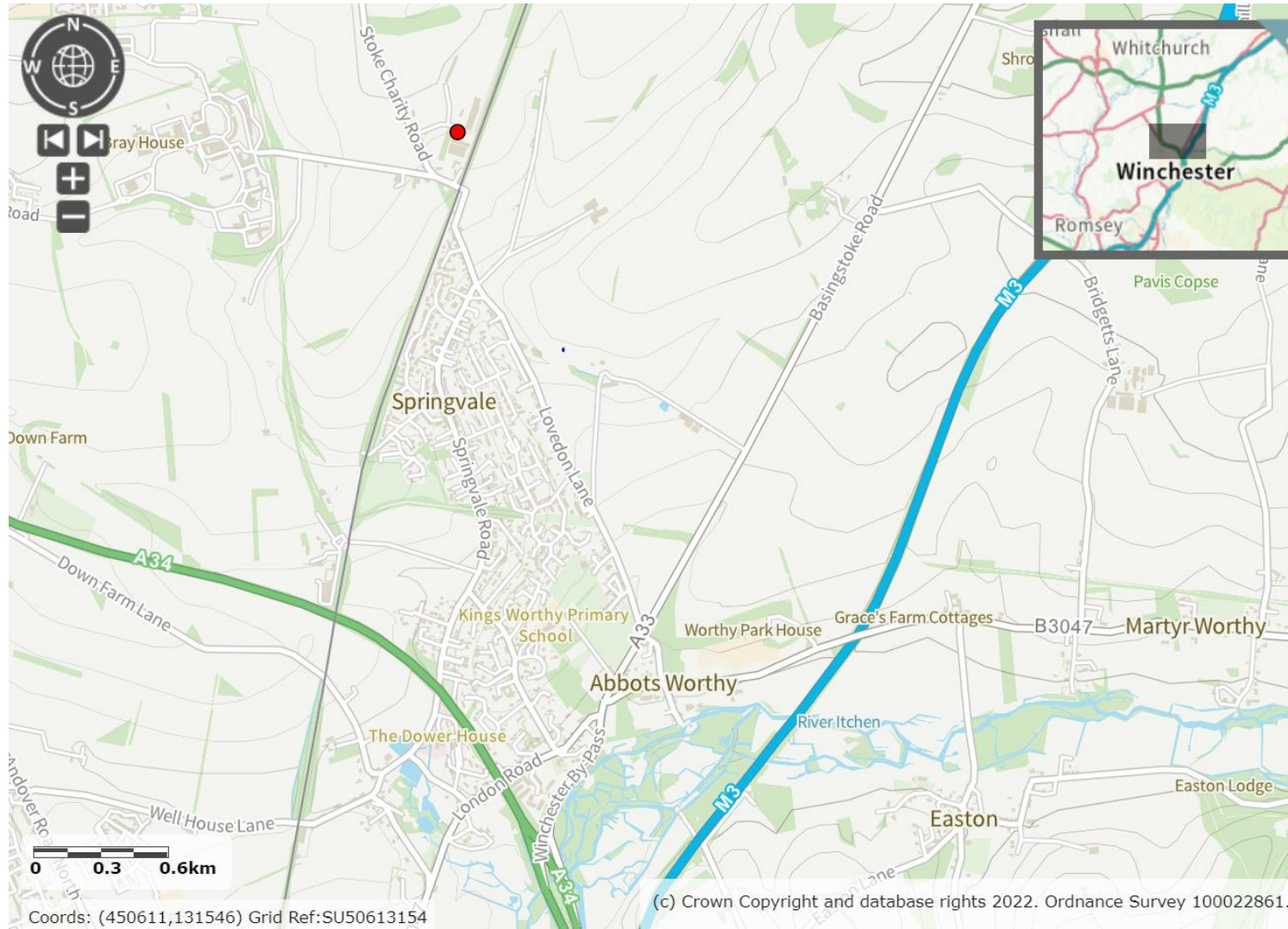
PROPOSED SITE LAYOUT AND LANDSCAPING PLAN

DRAWING KEY:

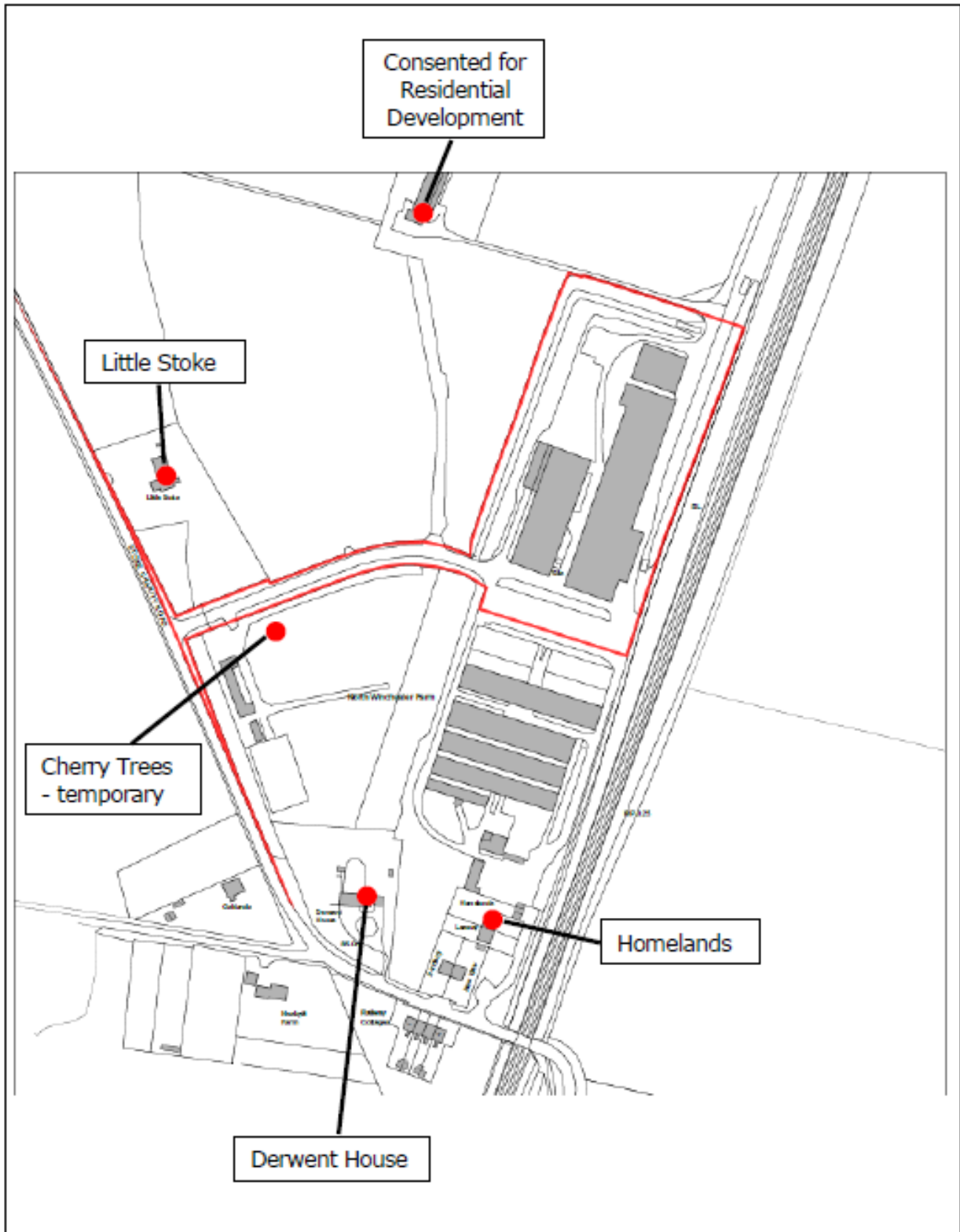
- Site Area
(As per boundary plan provided by client)
- Tarmac
- Permeable Block Pavers
- Permeable Paving
- Structure to be removed (1600 sqm)
- Existing Bund
- Existing Vegetation
- Lawn
- Meadow Grasses
- Proposed Trees
- Proposed Planting




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Project: Ecogen Recycling, Kings Worthy		Description: Site Location showing Receptor Locations		 24Acoustics www.24acoustics.co.uk
DWG No: Figure 1	Scale: N.T.S.	Rev: A		
Date: Jan 2021	Drawn By: AR	Job No: 8891-2		

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HAMPSHIRE COUNTY COUNCIL Decision Report

Decision Maker:	Regulatory Committee
Date:	11 January 2023
Title:	Proposed extension to Nursling Recycling Centre, variations to existing site layout, erection of a new workshop building and the upgrade of parking arrangements at the adjacent paintball centre. OAD (Application No. 22/00174/CMAS Ref: TV055)
Applicant	Collard Group Ltd
Report From:	Assistant Director of Waste & Environmental Services

Contact name: Tim Felstead

Tel: 07761 330557

Email: planning@hants.gov.uk

Recommendation

1. That planning permission be GRANTED subject to the recommended conditions set out in **Appendix A** and the completion legal agreements for a financial contribution for highway safety improvements and road widening scheme to section of Lee Lane between Church Lane and the site entrance.

Executive Summary

2. This planning application relates to the existing Nursling Recycling Centre. It is for an extension of the site boundary, variations to the existing site layout, the erection of a new workshop building on the existing site, the retrospective approval of a picking station attached to the existing recycling centre, and the relocation of existing parking for the adjacent paintball centre which would be impacted by the extension.
3. The application boundary includes the whole of the existing site and the proposed extension (along with a section of land used by the paintballing centre) and consolidate the whole site operations under a new permission if this application is approved.
4. This application is being considered by the Regulatory Committee as requested by the Councillor Adams-King and due to the number of objections presented by the local residents.
5. The key issues raised are considered to be:
 - Highway safety and amenity impacts of HGVs;
 - Air quality impacts (dust);
 - Noise impacts;

- Acceptability within a countryside setting; and
 - Ecology/habitat impacts.
6. A committee site visit by Members took place on 2 November 2022 in advance of the proposal being considered by the Regulatory Committee.
 7. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
 8. The principle of the development is supported by Policies 17 (Aggregate supply – capacity and source), 18 (Recycled and secondary aggregates development), 25 (Sustainable waste management), 27 (Capacity for waste management development) and 30 (Construction, demolition and excavation waste) of the [Hampshire Minerals & Waste Plan \(2013\)](#) (HMWP) in that the movement of waste materials up the waste hierarchy is encouraged to divert them from landfill, and recycling of construction, demolition and excavation (CDE) waste to produce beneficial aggregate products can provide an alternative to marine-won or land won sand and gravel for certain purposes.
 9. The extension would be to an existing, safeguarded waste site (Policy 26 – Safeguarding – waste infrastructure) taking advantage of existing infrastructure albeit in a countryside side location. The site meets the locational requirements of Policy 5 (Protection of the countryside). The addition of the picking station and development of the workshop will take place on the existing site and so does not have to meet the locational requirements of Policy 29 (Locations and sites for waste management). Regarding the extension area, it is utilising the existing site infrastructure and takes advantage of the remote location of the existing site. It is located within the Strategic Road corridor and is considered to demonstrate a special need.
 10. The proposal has been demonstrated to have low visual impact once design features like the screening bund and planting, and building colour are accounted for Policy 13 (High-quality design of materials and waste development). The extension area will be developed on relatively low value grassland/scrub habitat and the existing woodland management plan related to the existing site will remain in effect. With the proposed mitigation and management measures, including higher value habitat created through new planting, the proposal has been determined to be in accordance with Policy 3 (Protection of habitats and species).
 11. The development in in Flood Zone 1 (lowest risk) and the proposed drainage plan for the extension area and workshop building area are suitable (Policy 11 – Flood risk and prevention). Remediation of any contaminated land will be required if identified during the development with any impact on the drainage design having to be addressed before development proceeds further (Policy 10 – Protecting public health, safety and amenity).

12. Health, safety, and amenity impacts will not be unacceptably adverse (Policy 10 – Protecting public health, safety and amenity). The activities proposed for the extension area are already allowed on the existing site. The bunding around the extension area will also provide noise attenuation. The development is not anticipated to result in any unacceptable noise impacts. Noise and dust management plans will provide adequate control of the operation and these would be further controlled by the site Environmental Permit. The extra vehicles movements have been shown to result in negligible air quality impacts along the route and are not expected to result in a noticeable noise increase (though the additional vehicle movements may be noticeable). The picking station has been improved to ensure dust from the plant does not escape into the adjacent woodland. Lighting hours will be limited to operational hours and light spill beyond the site will be minimal.
13. The increase in allowed traffic to the site has been determined to not result in unsafe traffic situations (Policy 12 – Managing traffic). Some improvements to the access route along Lee Lane will be required and would be secured through a legal agreements.
14. Taking all matters into account, on balance, the proposal is considered to be in accordance with the relevant national and local planning policy and is considered to be sustainable in accordance with Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#). It is therefore recommended that permission be granted.
15. It is considered that planning permission ought to be granted subject to the conditions listed in **Appendix A** and the completion of a legal agreement for the completion of a legal agreements for width improvements to section of Lee Lane between Church Lane and the site entrance.

The Site

16. The site lies wholly within the Test Valley Borough Council administrative area and Nursling and Rownhams Parish boundary. It is located on the edge of the urban area of Southampton.
17. The existing site occupies 1.5 hectare (ha). The site is in a predominantly rural location with much of the surrounding land in agricultural use.
18. The proposed extension area is bordered by dense vegetation to the west and north. The eastern boundary of the extension area is tree lined and Lee Lane is located beyond this boundary. Much of the land surrounding the Nursling site, including the proposed extension area has been previously worked for sand and gravel. The extension area has been the subject of full restoration and, therefore considered to be a greenfield site and not Previously Developed Land.
19. The existing Nursling site is located immediately to the south of the proposed extension area, beyond which comprises land previously used as a historic

landfill which has been restored and currently used for grazing horses and paddocks. A woodland area to the west is subject to a Woodland Management Plan which is a condition of the extant planning permission and has reporting requirement until 2039.

20. A railway line is located approximately 100 metres (m) to the east of the site and runs from north to south.
21. The River Test is located approximately 450m to the west of the site and flows from north to south.
22. The site is 500m north of the M27 and is located approximately 800m northwest of the Junction 3 of the M27 site. The route from the M27 is an approximately 3.5 kilometres (km) from Junction 3 using a route south along the M271 and then north via Andes Road/Weston Lane/Station Road/Lee Lane.
23. A paintballing site is located within the woodland to the west of the proposed extension area. The paintballing site uses an access and car park on the location of the extension area.
24. The nearest residential property is located adjacent to the Delvallie Kennels approximately 200m southwest of the proposed extension area and 120m west from the existing site boundary with dense woodland located between the kennels and the site area.
25. Other residential and commercial properties are located on Church Lane approximately 350m south of the proposed extension area. These properties include the Thatched Cottage, the Church of St Boniface and Church Farm. The existing site and a large agricultural field are located between these properties and the proposed extension area. The Grove Place Retirement Village is located approximately 500m east of the proposed extension area on the opposite side of a train track. There are also properties located approximately 500m to north of the proposed extension area on Coldharbour Lane.
26. There are no Statutory Designated Ecology Sites are located within the site. The closest Statutory Designated Site to the site is the River Test Site of Special Scientific Interest (SSSI), which is located approximately 450m to the west of the site. There are no other Designated Sites within 1km of the site. The Lower Test Valley SSSI and the Solent & Southampton Water Ramsar and Special Protection Area (SPA) is located approximately 1.15km to the south-west of the site. The Solent Maritime Special Area of Conservation (SAC) is located approximately 1.8km from the site.
27. There is one Grade I Listed Building, fifteen Grade II Listed Buildings and one Grade II* listed Building within 1km of the site boundary.

28. Grove Place is a Grade I Listed Building located approximately 500m east of the proposed development site. Grove Place is immediately surrounded by a number of Grade II listed buildings:

- Griffon House Grade II Listed Building located 440m east;
- Grove Place Garden Wall Grade II located 480m east;
- Grove Place Forecourt screen Grade II located 510m east;
- Grove Place Boundary Wall Grade II located 520m east; and
- Grove Place Fountain Grade II located 560m east.

29. To the south is a cluster of listed buildings located along Church Lane as follows:

- Table Tomb 8 Metres North of Chancel Grade II Listed Building located approximately 350m south;
- Church of St Boniface Grade II* Listed Building located approximately 350m south;
- Thatched Cottage a grade II Listed Building located 360m south;
- Table Tomb 2 Metres North of Chancel Grade II Listed Building located approximately 360m south;
- Nursling House Grade II Listed Building located 375m south; and
- Church Farm House Grade II Listed Building located 375m south.

30. The existing Nursling Recycling Site has a history of industrial and waste related uses. The existing site was originally used as a processing plant site for sand and gravel working, and the proposed extension area, as well as much of the surrounding land, has been worked for sand and gravel and has since been restored with inert material. The site operations at Nursling have steadily diversified since the site was originally established as a sand and gravel processing site in the late 1990's. The Department for Environment, Food and Rural Affairs (DEFRA) historic landfill site interactive map shows that the site is a historic landfill site which has been restored to agricultural land.

31. An overhead transmission line crosses the extension area for which transmission towers are located to the east and west of the site.

32. A Public Right of Way (PROW) restricted byway (Nursling and Rownhams Footpath 25) runs north-south (120m west of existing site) and then west-east (225m south of existing site) along Church Lane. It then continues north-south along a section of Station Road under the M27 before turning west to run parallel with the M27. The PROW forms part of the Test Way long distance route.

33. The approved buildings on the existing site are a Materials Recycling Facility building, weighbridge, site offices, Ready Mix Concrete plant, and parking spaces. The present activities include recycling operations for CDE waste

including concrete crushing, aggregate/soil screening, production of Ready Mix Concrete (RMC).

34. The site has existing planning conditions that sets limits on annual tonnage of material, working hours, and traffic movements.

Planning History

35. The planning history of the site is as follows:

Application No	Proposal	Decision	Date Issued
16/00088/CMAS	Temporary variation of condition 4 of planning permission 14/00024/CMAS to remove the restriction of a maximum of six vehicles between 06:30 and 07:00 for the duration of the nearby road works i.e. until February 2017	Granted	06/05/2016
14/00024/CMAS	Construction of Materials Recycling Facility building (MRF), demolition of existing workshop and storage buildings, construction of internal screen bund, installation of a sewage treatment facility for the office and reorganisation of the site layout including, replacement of weighbridge/office and ancillary buildings, relocation of concrete plant, parking areas and aggregate storage bays, fuel tanks and skip storage, and drainage improvements and retention of aggregates depot and concrete mixing plant	Granted	24/03/2014
10/02266/CMAS	Revised consolidation application for depot, recycling, concrete plant and offices.	Granted	10/03/2011
10/00926/CMAS	Consolidation application for the continued operation and use of site for mixed development comprising: (i) the importation, storage and	Withdrawn	N/A

	distribution of land won aggregates, marine dredged aggregates, secondary aggregates and bagged cement, (ii) the recycling of construction and demolition wastes and soils, (iii) retention of all existing buildings and structures including offices, workshop, storage building and weighbridge, (iv) ancillary HCV lorry parking, (v) skip storage, (vi) concrete mixing plant and associated block moulds		
08/01785/CMAS	Additional Site Offices and Alterations to Site Access	Granted	14/10/2008
07/01508/CMAS	Proposed additional temporary offices	Granted	31/07/2007
TVS01722/20	Renewal of temporary permission for the recycling of construction and demolition wastes	Granted	25/04/2005
TVS01722/18	Renewal of Planning permission for Night Watchmans accommodation	Granted	02/07/2003
TVS01772/17	Replacement of site offices	Granted	23/06/2003
TVS01722/15	Retention of site weighbridge and associated office	Granted	23/05/2002
TVS01722/16	Relocation of Night Watchmans Caravan	Granted	28/05/2002
TVS01722/14	Relaxation of conditions for temporary period in connection with forthcoming re-surfacing of M27 Motorway Junction 2-3	Granted	04/09/2001
TVS01722/13	Recycling of construction and demolition waste to produce secondary aggregates and soils	Granted	21/07/2000
TVSCLE036	Application for a Lawful Development Certificate	Granted	20/10/1999
TVS1722/11	Retention of Night Watchmans caravan until 22-2-2000	Granted	27/10/1998
TVS1722/10	Retention of weighbridge and associated offices until 28/2/2000	Granted	27/10/1998

TVS1722/8	Retention of weighbridge and associated office	Granted	05/03/1996
TVS1722/9	Retention of Night Watchmans caravan	Granted	05/03/1996
TVS1722/6	Retention of Night Watchmans caravan	Granted	08/03/1995
TVS1722/7	Retention of weighbridge and associated office	Granted	08/03/1995
TVS1722/5	Material change in use of land to allow the importation of inert materials in connection with silt lagoon restoration	Granted	20/10/1995
TVS1722/3	Retention of Night Watchmans caravan	Granted	13/04/1994
TVS1722/4	Retention of site weighbridge and associated office	Granted	13/04/1994
TVS1722/3	Waste disposal	Granted	13/04/1994
TVS1617/3	Tipping of waste materials	Granted	01/04/1987
TVS1617/2	Variation of final restoration contours]	Granted	02/06/1986
TVS4377	Waste disposal	Granted	07/11/1985
TVS4415	Portacabin and weighbridge	Granted	07/09/1984
TVS17722/2	Construction of haul road and access	Granted	16/09/1980
TVS1617	Waste disposal	Granted	03/11/1978
TVS1722/1	Retention of land & buildings for man/storage of concrete	Granted	05/09/1977
TVS1722	Retention of caravan	Granted	23/08/1977
RSR12578	Waste disposal	Refused	11/07/1974
RSR10286	Erection of concrete batching plant and offices	Granted	30/06/1970
RSR3629/1	Construction of conveyor bridge over C227	Granted	16/08/1965
RSR7996	Gravel extraction	Granted	17/03/1965
RSR7773	Extension to repair shop	Granted	20/07/1964
RSR2366	Gravel extraction	Granted	03/02/1956
IDC1316	Gravel extraction	Granted	13/10/1947
TVS.N.007(IDO)	Registration of interim development order permission	Granted	

36. The site is safeguarded through Policy 26 (Safeguarding – waste infrastructure) of [HMWP \(2013\)](#) for recycling including a Materials Recovery

Facility (MRF) and Construction, Demolition, and Excavation (CDE) waste for recycling to secondary aggregate and soil.

The Proposal

37. The proposal seeks to:

- extend the existing recycling site. The extension area is shown on the Proposed Extension and Revised Layout Plan (see **Appendix B**) and is approximately 2.5ha;
- erect a vehicle, plant and skip repair maintenance workshop within the existing site as detailed in the plan;
- provide retrospective planning permission for a picking station on the west side of the existing site adjacent to the existing MRF building;
- increase the allowed number of total vehicle movements to and from the site from 240 vehicles to 350 vehicles of which the number >7.5 tonnes vehicle movements would increase from 160 to 200;
- increase the allowed amount of waste, materials and aggregate imported to the site from combined total of 75,000 tonnes per annum to 125,000 tonnes per annum;
- removal of existing limit on amount of concrete to be exported from the site.

38. The site is already permitted to recycle CDE waste and soils. This was initially granted on a temporary basis in 2000 ([TVS01722/13](#)), renewed for a further temporary period in 2005 ([TVS01722/20](#)), before permanent permission was granted in 2011 ([10/02266/CMAS](#)) for the consolidation of planning permissions and the continued and permanent use of the site for this and other activities.

Extension area:

39. The existing site occupies 1.5ha and the proposed expansion area would be an additional 2.5ha.

40. The applicant has indicated that the additional space provided by the extension would allow improved separation of waste activities which would help improve the separation of associated vehicles from staff and customers allow the site to operate more efficiently.

41. The applicant notes that the closure of the Raymond Brown Rookery Farm (Swanwick) inert recycling facility means that inert waste is currently being diverted to a site near A303, Barton Stacey recycling site and then typically hauled back down to the main Southampton market. The applicant has indicated that the proposed extension would provide capacity for this material to be recycled on site instead reducing haulage requirements on Hampshire roads. The applicant has stated that the overall principal of the proposal is to

manage more waste, further up the waste hierarchy and closer to where it is sourced and the end destination of the recycled product.

42. The extension area would be used for activities that are already permitted by the extant permission.
43. The intended use of the extension area would be for inert recycling operations and for the storage of aggregates, skips and the Ready Mix Concrete (RMC) plant. Moving these operations into the extension area would allow for more space within the current site to increase active waste processing and other site works. The proposed operational area of the extension would be approximately 1.2ha.
44. The **Proposed Extension and Revised Layout Plan (see Appendix C)** shows that an internal access road would link the current and proposed sites.
45. The access road has been designed and orientated in a way to minimise views into the extension area from the south.
46. The surface of the operational area within the extension area would be rolled aggregate, which would be permeable. A roughly rectangular area in southeast corner of the extension would be used for the concrete plant and aggregate bays. The surfacing of this area would comprise an impermeable concrete pad. Separate bays would be formed through the use of concrete block push walls. A black line can be seen to define this area on the **Proposed Extension and Revised Layout Plan (see Appendix C)**.
47. The proposed extension would allow Heavy Good Vehicles (HGVs) currently parked to the rear of the MRF on the existing site to be moved to the extension area. The existing car park could then be dedicated to staff vehicles. As part of the extension area plans, the applicant is proposing to improve the access and create a new replacement parking area for the adjacent paintball site. The paintball site is currently accessed via the separate perimeter driveway running parallel with Lee Lane. The new car park and access roads will be surfaced with rolled aggregate
48. A 3 metre high ecologically enhanced screening bund would be constructed around the perimeter of the operational area. The bund in the southeast of the extension area would require removal of the existing paintball site car park. The bund would be formed through utilising soils that exist on the extension area and, if needed, imported into the site. Tree and scrub planting is also proposed in the bund and ecological receptor sites are proposed outside of the bund as well as immediately adjacent of the existing site. The existing tree line around the proposed site and the woodland that borders the existing site would continue to be retained and managed. The applicant has previously secured control of the woodland adjacent to the existing site. This woodland will be retained and managed for the duration of the use of the site and in accordance with the existing approved Woodland Management Plan.

49. Drainage has been designed to mirror the approved drainage scheme within the current site, which largely comprises a soakaway system through permeable surfacing.
50. Limited lighting is proposed within the extension area. Lighting would only be used within the existing permitted operating hours in periods of darkness.
51. The site extension and proposed activities would need operate in accordance with the existing Environmental Permit (GB3406LN/V/002) for the existing site. An application to vary the permit to cover the additional area will need to be submitted to the Environment Agency by the applicant.

Vehicle, plant and skip repair maintenance workshop:

52. The proposal also includes a dedicated maintenance workshop within the existing site to ensure all plant and vehicles operate efficiently. It would be sited in the place of the current RMC plant.
53. The pitched roof building would have a footprint of 26m by 22m, with a height of 6.87m to the eaves and 9.17m to the ridge. An **Elevation Plan** is included in the planning application.
54. It would be located immediately on the right-hand side as the site is entered as shown in the **Proposed Extension and Revised Layout Plan (see Appendix C)**
55. . The building, including the roof, would be coloured olive green. Additional tree and scrub planting is proposed to the south and east of the proposed workshop building.

Retrospective planning permission for a picking station:

56. The applicant states the retrospective application for the picking station would provide numerous benefits, including health and safety (through a reduction in manual handling), operational efficiency, an increase in on-site processing and therefore a reduction in vehicle movements for transfer waste and improved recycling rates.
57. The picking station is located adjacent to the existing MRF building. The plant, including conveyors, is 56m in length of which includes a 30m long, two story high structure with an enclosed picking area above separated storage bays.
58. The plant has recently been updated to include a dust suppression unit. Other modifications to eliminate dust escaping to the adjacent woodland include a covered fines bay and a chute has been added to the incline conveyor.

Increase in number of total vehicle movements to and from the site:

59. Extant planning permission [14/00024/CMAS](#) restricts vehicle movements to no higher than 240 per day to and from the site. A maximum of 160 of these movements can be by vehicles exceeding 7.5 tonnes in weight.

60. The applicant states that in 2020 there were an average of 215 vehicle movements per day, 95 of which were >7.5 tonnes.

61. The proposal is for the total number of vehicles to increase to 350 and to uplift the restriction >7.5 tonnes vehicles from 160 to 200.

Annual throughput of material:

62. Extant planning permission [14/00024/CMAS](#) restricts the existing operations to no more than a combined total of 75,000 tonnes of waste, materials and aggregate imported to the site per annum. The applicant reports in 2020, a total of 48,000 tonnes of material were imported to the site.

63. The proposals would allow for an increased throughput to 125,000 tonnes per annum.

Removal of concrete production limit:

64. The extant planning permission has a limit placed on on-site concrete production of 30m³ (60) tonnes and no more than 20 concrete blocks (one lorry load) per day. The reason stated in the decision notice for the condition was to limit the intensity of activities on the site and thereby associated amenity impacts. The applicant has requested that that this condition be removed on the basis that spreading the existing site activities over wider area would reduce the intensity of activities from the site.

Existing planning conditions:

65. There would be no change to the existing hours of operations. Commercial vehicles are restricted from entering or leaving the site except between 0630-1930 Monday to Friday and 0700-1300 Saturday. No plant or machinery is allowed to be operated except between the following hours: 0700-1800 Monday to Friday and 0700-1300 Saturday. Working on Sundays or recognised Public Holidays is not allowed.

66. The applicant intends for other existing conditions remain unaltered and apply to the both the existing site and proposed extension. These may need to be updated in any list of recommended conditions to reflect the latest details or to address new conditions.

Other matters:

67. The applicant states the proposal is expected to increase the number of jobs at the site from 21 to 30 full time employees.

68. There is an existing site liaison panel. The panel meets on an as needed basis and the last meeting was on 28 September 2022 at the request of Councillor Adams-King.

Environmental Impact Assessment

69. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). Screening under the EIA Regulations has been carried out on the proposed development as supplied. The development is classified as a Schedule 2 development as it falls within Category 13 (b), Changes and extensions, of a Category 11 'Other Projects' development, (b) Installations for the disposal of waste (unless included in Schedule 1). The existing site is greater than 0.5 hectares and also within 100m of controlled waters. However, whilst being identified under the Regulations, it is not deemed an EIA development requiring an Environmental Statement.

Development Plan and Guidance

70. Paragraph Section 38(6) of the [Planning and Compulsory Purchase Act 2004](#) requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise. Therefore, consideration of the relevant plans, guidance and policies and whether the proposal is in accordance with these is of relevance to decision making.

71. The key policies in the development plan which are material to the determination of the application, are summarised below. In addition, reference is made to relevant national planning policy and other policies that guide the decision-making process and which are material to the determination of the application.

72. For the purposes of this application, the statutory development plan comprises the following:

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

73. The following policies are relevant to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 3 (Protection of habitats and species);
- Policy 5 (Protection of the countryside);
- 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 17 (Aggregate supply – capacity and source);

- Policy 18 (Recycled and secondary aggregates development);
- Policy 25 (Sustainable waste management);
- Policy 26 (Safeguarding - waste infrastructure);
- Policy 27 (Capacity for waste management development);
- Policy 29 (Locations and sites for waste management); and
- Policy 30 (Construction, demolition and excavation waste development).

Update to the Hampshire Minerals and Waste Plan (emerging) (draft)

74. Hampshire County Council and its partner Authorities (Southampton City Council, Portsmouth City Council, New Forest National Park Authority and South Downs National Park Authority) are working to produce a partial update to the Hampshire Minerals and Waste Plan (2013) which will guide minerals and waste decision making in the Plan Area up until 2040. The partial update to the Plan will build upon the adopted Hampshire Minerals and Waste Plan (2013), eventually providing new and updated policies based on up-to-date evidence of the current levels of provision for minerals and waste facilities in the Plan Area. Plan making is currently at the initial [Regulation 18 draft plan consultation stage](#) (for 12 weeks between the 8 November 2022 and 31 January 2023). The update to the Plan and its associated policies are only emerging policy. As stated in Paragraph 48 of the [National Planning Policy Framework \(2021\)](#) (NPPF), this means that the policies cannot be given any weight in decision making at this early stage. However, where proposed changes relate to making current policies more consistent with the NPPF then these NPPF changes should be given consideration.

75. The following draft and emerging policies are of the relevance to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 2 (Climate change - mitigation and adaptation);
- Policy 3 (Protection of habitats and species);
- Policy 5 (Protection of the countryside);
- Policy 8 (Water resources);
- Policy 9 (Protection of soils);
- Policy 10: Restoration of minerals and waste developments;
- Policy 11: Protecting public health, safety, amenity and well-being;
- Policy 12: Flood risk and prevention;
- Policy 13: Managing traffic;
- Policy 13: High-quality design of minerals and waste developments
- 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.

[Test Valley Borough Revised Local Plan \(2011 - 2029\) \(2016\) \(TVBRLP \(2016\)\)](#)

76. The following policies are relevant to the proposal:

- Policy COM2: Settlement Hierarchy;
- Policy E1: High Quality Development in the Borough;
- Policy E2: Protect, Conserve and Enhance the Landscape Character of the Borough;
- Policy E5: Biodiversity;
- Policy E7: Water Management;
- Policy E8: Pollution;
- Policy LHW4: Amenity;
- Policy T1: Managing Movement; and
- Policy T2: Parking Standards.

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

[National Planning Policy Framework \(2021\) \(NPPF\)](#)

78. The following paragraphs are relevant to this proposal:

- Paragraphs 10-12: Presumption in favour of sustainable development;
- Paragraphs 38, 47: Decision making and determination;
- Paragraphs 55 – 56: Planning conditions;
- Paragraphs 81: Support of sustainable economic growth;
- Paragraphs 84-85: Rural economy;
- Paragraphs 110-113: Sustainable transport;
- Paragraphs 126-136: Design;
- Paragraphs 174: Contributions and enhancement of natural and local environment; and
- Paragraphs 183-188: Ground conditions and pollution.

National Planning Policy for Waste (2014) (NPPW)

79. 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)

80. The following paragraphs are relevant to the proposal:

- Paragraph 07 (Self-sufficient and proximity principle) (16 October 2014);
- Paragraph 046 (Need) (16 October 2014);
- Paragraph 050 (Planning and other regulatory regimes) (16 October 2014); and
- Paragraph 051 (Role of Environmental Permit) (16 October 2014).

Consultations

81. The following responses have been received from consultees. A summary is provided below. A full record of all consultation responses is available to view on the [planning application webpages](#) under 'consultee responses'.

82. **County Councillor Adams-King:** Has no objection subject to concerns regarding highway safety, particularly potential conflict with the Lee Lane cycle route, being addressed, the introduction of a system by which the number of lorry movements to and from the site can be controlled by the applicant (other than vehicles being turned away from the site) and continuation of the Liaison Panel.

83. **Test Valley Borough Council:** Objects to the proposal as the proposed recycling centre and car park extension is contrary to Policy COM2 of the Local Plan and therefore, consider that the proposal represents unjustified development of countryside land.

84. **Test Valley Borough Council Environmental Health Officer (EHO):** Has no objection to the proposal. Requested conditions to ensure:

- existing conditions for the protection of amenity is retained;
- to ensure site lighting is turned off when the site is not in use;
- amenity bund surrounding extension area be completed as soon as is practicable;
- application of dust management to construction of bund around extension area; and
- Compliance with noise management plan.

Initial consultation response identified potential air quality impacts from the proposed increase in vehicles, in particular along Station Road - an Air Quality Assessment was recommended. Noted that the increase in traffic noise would likely be insignificant in terms of cumulative average traffic noise but additional vehicle movements themselves may well be noticed by residential properties on Station Road to the south. Considered risk of noise and dust emissions from the site to residential amenity as unlikely to be significant. Also noted site currently operates under an Environmental Permit issued by the Environment Agency. Raised issue of potential for contaminated land in area to be excavated for new workshop given apparent fill history of the site.

Later confirmed potential concerns over air quality impact were addressed in Air Quality Assessment subsequently submitted by applicant.

85. Nursling and Rownhams Parish Council: Has objection due to:

- loss of countryside due to expansion of site;
- impact of additional traffic in particular on Lee Lane and Station Road with concerns raised about suitability of road to withstand weight and frequency of traffic. Referenced narrowness of actual or effective width on Station Road (once parked cars are taken into account) and noise and vibration impacts on quality of life. Noted other commercial traffic also used the route along Station Road;
- impact on noise and air pollution in area; and
- environmental impact on wildlife and water quality noting location of River Test SSSI.

Considered it was not possible to mitigate against impacts of site expansion.

86. Romsey Extra Parish Council: Has objection due to:

- inappropriate expansion for the location;
- proposal infringes on the amenities of Lee Lane; and
- traffic will increase for those living to south of application site.

Response was not received directly by Minerals and Waste Planning Authority from Parish Council but was summarised via the Test Valley Borough Council consultation response.

87. Natural England: Has no objection. Based on the plans submitted, Natural England considered that the proposed development will not have significant adverse impacts on designated sites.

Initial response stated that without appropriate mitigation the application would impact the River Test SSSI. Recommended utilisation of a Sustainable Drainage System (SuDS) and adherence to the submitted drainage plan, the environmental mitigation plan and the dust management plan. Additional

drainage details were submitted including a SUDS. These revised drainage plans were reviewed by the Local Lead Flood Authority (see below).

88. **Environment Agency:** Has no objection subject to a condition requiring remediation actions necessary if contamination is found. Noted the site is located on ground that has previously been infilled, which means it is possible that some contamination may be encountered during the development. Also noted:

- infiltration drainage features should not be located in any areas of contaminated land;
- refuelling activities and storage of pollutants should protect groundwater including controlling and containing drainage from refuelling facility areas; and
- Any storage or processing of any non-inert waste stream that may be brought onto the site should take place on hardstanding and drain to a sealed drainage system with adequate capacity.

89. **National Grid:** Has no objection. Based on the location entered into the system for assessment, the area has been found to not have transmission apparatus.

90. **Southern Electric:** Was notified.

91. **Local Highway Authority:** Has no objection and is satisfied that with the proposed mitigation measures, the highway impacts of the proposal are acceptable subject to a Section 106 Agreement to secure the a Financial contribution of £15,000 to be used to bring forward enhanced on Station Road as well as planning conditions relating to widening works, HGV vehicle movements, sheeting of vehicles, preventing mud and debris on the road and the submission of a Construction Traffic Management Plan.

Initial response requested Personal Injury Accident (PIA) taken from Hampshire Constabulary for the previous 5 years. Also requested Swept Path Analysis to understand impact of increased number of HGVs passing on narrow sections of Lee Lane (between site entrance and junction of Upton Lane/Church Lane) noting the use of the road as by cyclists (10% of recorded movements from Transport Statement).

Subsequently, additional PIA data was submitted as well as Swept Path Analysis. The latter demonstrated sections of Lee Lane (south of the site) which would not allow two 16.5m articulated HGVs to pass one another without overrunning the verge. It was also noted there were sections of the existing site bellmouth and on Lee Lane (south of the site) with overrunning on the grass verge of the highway.

Based on the PIA and Swept Path Analysis data the applicant was requested to submit a road improvement scheme proposals for mitigating the likelihood of

HGVs coming into conflict with one another (or other road users) and minimize the likelihood of excess mud being tracked on to the road in wet weather.

The applicant submitted the required information at which point the Highway Authority required some additional passing places to be provided. The applicant has submitted further topographical survey information showing four locations for road widening to allow HGVs to pass, and an associated Stage 1 - Road Safety Audit. The proposal was acceptable to the Highways Authority.

92. **Lead Local Flood Authority (LLFA):** Has no objection. Initially requested additional information on infiltration rates to support use of the proposed permeable gravel surfaces, swales, and soakaways. Also requested a more detailed drainage strategy. These details were provided by the applicant.

93. **County Landscape Architect (Hampshire County Council):** Has no objection. Initially stated main landscape reservation related to the proposed extension of this site relates to the impact on the surrounding rural roads and the further downgrading of their rural character along with the direct impacts on verges and vegetation either side of Lee Lane, from increased numbers of large vehicles using this rural lane.

Noted the proposed layout and mitigation of the proposal should allow the development to be absorbed on the immediate site with little visual or landscape impact. The main area of concern are views from Church Lane and Nursling Churchyard. Stated that additional planting along the southern boundary of the site should be able to reduce these views.

Requested proposed planting to have additional trees added to the mixes, around the bunds of the extension site, in front of the new building and along the southern boundary.

A revised planting plan was submitted by the applicant to address the above request and was acceptable to the County Landscape Architect.

94. **County Ecologist (Hampshire County Council):** Has no objection subject to a condition that requires implementation of the revised Environmental Mitigation Management Plan and revised Landscape Ecological Mitigation and Enhancement Plan.

Initially noted that survey work for reptiles, badgers, and bats were complete but further surveys for Great Crested Newts and nesting birds were required. Also recommended an amend proposed planting plan and inclusion of measures to protect dormouse from harm or injury. These were addressed in further submissions by the applicant.

95. **County Arboriculture (Hampshire County Council):** Has no objection subject to condition that requires submission of arboricultural method statement that would demonstrate how the bund would be constructed without causing wider harm to the nearby vegetation. Further stated any arboricultural mitigation must include how the root protection areas of retained trees will be

protected and preserved, how the site levels will be managed, what tree pruning is required, how issues such as contaminated run-off and dust suppression are to be achieved.

Initially commented on potential impact of development on mature woodland to west and had questions on ownership of woodland. Asked for additional information on proposed planting stock.

The applicant provided additional details to clarify the ownership and a planting plan.

96. Public Health (Hampshire County Council): Was notified.

Representations

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

98. In complying with the requirements of the SCI, Hampshire County Council:

- Published a notice of the application in the [Hampshire Independent](#);
- Placed notices of the application at the application site and local area;
- Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
- Notified by letter all residential properties within 100 metres of the boundary of the site and additional properties on Church Lane to the west of the site.

99. As of 3 January 2023, a total of 22 representations (16 respondents) to the proposal have been received and objected to the proposal. A petition was also received with 20 names objecting to the application. The main areas of concern raised in the objections related to the following areas:

- impact on wildlife;
- impact of the site and its activities on the rural location;
- the development is out of character in the rural area and should be located in an industrial, not a rural location;
- impact of lighting associated with the development especially at night;
- Impact on the amenity of local residents;
- noise and vibration impacts from traffic (in particular on Station Road) and site operations;
- impact on air quality;
- local roads not suitable for additional HCV movements (in particular Weston Lane, Station Road, Lee Lane);

- lack of environmental net gains (habitat and landscaping);
- increase in traffic and HCV traffic using local roads (especially regarding Station Road);
- impact on vulnerable road users (pedestrians and cyclists) using Lee Lane/Station Road;
- lack of public consultation;
- inaccurate information submitted as part of the planning application (i.e. the access route stated in the planning statement); and
- impact on house prices.

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

Habitats Regulation Assessment [HRA]

101. The [Conservation of Species and Habitats Regulations 2017](#) (otherwise known as the 'Habitats Regulations') transpose European Directives into UK law.
102. 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.
103. 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.
104. 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.
105. The applicant submitted a shadow HRA to screen for the possible impacts from the development. The shadow HRA did not identify any pathways with the potential to result in likely significant effects on European Sites
106. 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 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

107. Hampshire County Council declared a [Climate Emergency](#) on 17 June 2019. Two targets have been set for the County Council, and these also apply to Hampshire as a whole. These are to be carbon neutral by 2050 and preparing to be resilient to the impacts of temperature rise. A [Climate Change Strategy and Action Plan](#) has since been adopted by the Council. The [Climate Change Strategy and Action Plan](#) do not form part of the Development Plan so are not material to decision making. However, it is true to say that many of the principles of the Strategy and Action Plan may be of relevance to the proposal due to the nature of the development. Where these principles are of relevance, they are addressed in the relevant parts of the Commentary section.
108. *Policy 2 (Climate change - mitigation and adaption)* of the [HMWP \(2013\)](#) states that developments should minimize their impact on the causes of climate change and vulnerability and resilience to the impacts of climate change. This includes through the selection of location and design to reduce emission, utilisation energy recovery facilities and low carbon technologies, and avoiding areas vulnerable to climate change and flood risk if the risk cannot be mitigated.
109. The Planning Statement briefly addresses climate change. In particular, the statement emphasises the reduction in CO₂ that would result from reduced transportation miles. The applicant states that material previously processed at the Rookery Farm inert recycling facility (Swanwick) is currently being hauled for processing at their A303 Enviropark site before being hauled to the Nursling site for sale to the Southampton area market. It states that processing on the Southampton site would result in a reduction in vehicle mileage although no estimates of mileage saved have been provided and so this claim cannot be scrutinized. Officers are aware of some processing of secondary aggregate currently occurring at the existing Nursling site although the amount of material able to be stockpiled and processed is constrained by the size of the existing site.
110. The supporting text for Policy 2 (Paragraph 4.7) notes that the location of development adjacent to local markets may provide opportunities to reduce emissions from transport.

111. In general, the proposal is considered to be in accordance with Policy 2 (Climate Change – mitigation and adaptation) of the [HMWP \(2013\)](#) though the extent to which this influences the overall recommendation is limited due to lack of specific evidence.

Commentary

Principle of the development

112. *Policy 27 (Capacity for waste management development)* of the [HMWP \(2013\)](#) supports additional capacity to be created in order to maintain and provide additional capacity for the non-hazardous recycling and recovery. The policy identifies four potential locations categories for recycling sites and includes Part a) the use of existing waste management sites, and Part b) extension of suitable sites. When considering the extension of suitable sites, the extension must be ancillary to the operation of the existing site and improve current operating standards. The supporting text (paragraph 6.180) states that in cases of developments on existing waste management sites, cumulative impacts will need to be taken into account, and applicant should explain how proposals will enhance operating standards or reduce the amount of waste sent for landfill.
113. *Policy 25 (Sustainable waste management)* of the [HMWP \(2013\)](#) supports developments that will result in movement of wastes up the hierarchy, reduce the amount of residual waste sent to landfill, be located near sources of waste and markets for use opportunities, and to share infrastructure at existing sites. However, it also states co-location of activities should not result in intensification of uses that would cause unacceptable harm to the environment or communities in a local area (including access routes), or prolong unacceptable impacts associated with the existing developments.

Picking station:

114. The extant planning application for the site allows for the importation and processing of waste (e.g. skip waste). Before the introduction of the picking station subject to retrospective planning permission, the waste was imported to the existing MRF building where it was subject to a primary sorting before being bulked for collection and removal offsite. The picking station allows for a more specific sorting of the imported waste. The applicant states that this provides numerous benefits, including health and safety (through a reduction in manual handling), operational efficiency, an increase in onsite processing and therefore a reduction in vehicle movements to transfer waste, and improved recycling rates.

Extension of site:

115. The proposed extension area would host the processing of waste concrete and soils, and manufacture of concrete. The expansion would allow more space for additional concrete and soils to be screened or crushed on site. These activities are also currently allowed at the existing site under the

extant planning permission. The new access driveway and parking area for the adjacent paintball facilities are required to mitigate the impact of the proposed extension on the existing parking and access to the paintball facility. The proposal would see the existing parking facility incorporated into an access driveway or be landscaped as part of the bund/restored grassland on the east of the expansion area.

Increase in capacity limits (vehicles and tonnage):

116. The extant planning permission includes conditions which limit the waste processing capacity of the existing site through maximum limits on the number of vehicles trips and the tonnage of waste and materials. The proposal seeks to increase both the number of vehicle trips (including HGVs over 7.5 tonnes) and the waste and material throughput. The applicant has provided figures for 2020 that suggests the daily vehicle limit is close to being reached but that there is still some headroom before the maximum number of HGVs <7.5 tonnes is reached. However, the number of vehicles <7.5 tonnes would have to decrease to accommodate the allowable HGV limit. The extant planning permission also limits the amount of concrete that can be exported from the site in a day to 60 tonnes and 60 concrete blocks (equivalent to one HGV load) – the applicant has requested that this limit be removed entirely.
117. The extant planning permission states that limits on the number of vehicles, including by size, was for highway safety and for policies relating to public amenity and traffic impacts (Policies 10 and 12 of [HMWP \(2013\)](#) respectively). The reason for the limit on tonnage was in order to control the scale of the development and policy relating to public amenity impacts (Policy 10 of the [HMWP \(2013\)](#)). The reason for the limit on concrete production was stated as being to prevent intensification of activities at the site in the interests of local amenity and to ensure the development is in accordance with Policy 10 of [HMWP \(2013\)](#). These conditions were first added under Planning Permission [10/02266/CMAS](#) which consolidated all site activities under one planning permission.
118. Prior to the granting of planning permission [10/02266/CMAS](#), the site was operating under a number of planning permissions (both temporary and permanent) addressing the various activities occurring on the site and also a Certificate of Lawful Use (CLU). The granting of [10/02266/CMAS](#) consolidated all permitted activities and saw the CLU surrendered through a legal agreement. The latter was of particular importance in considering that earlier application since the lack of planning control over the uses already permitted by the CLU meant there were no restrictions on hours of working or lorry movements (although there were such restrictions for waste recycling permitted under the previous temporary consents which were soon to expire).
119. The elements of the proposal to expand the site and the addition of the picking station are in accordance with Policies 25 (Sustainable waste management and 27 (Capacity for waste management development) of the

[HMWP \(2013\)](#). However, as described in the above policies, the impacts of the proposed increase in vehicle numbers, increase in tonnage of waste and materials, and removal of the limitation on concrete exported must be further analysed to determine if they are in accordance with other policies. This analysis is provided in the relevant sections of the commentary below. Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of emerging Policies 25 and 27.

120. Whether the proposal is considered to be a sustainable waste development, in accordance with Policy 1 (Sustainable waste development) of the [HMWP \(2013\)](#) will also be considered.

Demonstration of need and capacity for waste management

121. Policies 17 (Aggregate supply – capacity and source) and 18 (Recycled and secondary aggregates) of the [HMWP \(2013\)](#) both support developments, which will contribute to and invest in infrastructure for the provision of alternative sources of aggregate to marine and land-won. Policy 30 (Construction, demolition, and excavation waste development) also supports the recovery of construction, demolition and excavation waste for high quality/secondary aggregates.
122. The **Planning Statement** explains that the Rookery Farm inert recycling facility has recently closed and the hardcore material (around 10,000 tonnes per annum) that was taken to Rookery Farm had to be diverted for processing near Andover and then typically hauled back down to the main Southampton market. The applicant indicates that the proposed extension would allow for this material to be brought into the Nursling site and would be recycled on site. This is stated as lowering haulage requirements on Hampshire's roads and allow for an increased amount of material to be recycled in the existing site. The applicant also states inert soil and stone is currently sent to inert landfill at Brickworth and consider that up to 95% of that material is recyclable. They explain that the expansion will enable this material to be brought to Nursling with an anticipated 5,000 tonnes per annum reduction in material being disposed of at landfill.
123. It should be noted that the use of the landfill referenced above would be associated with the required restoration activities for existing quarries, and are serving a necessary role in the extraction of high quality land-won aggregates.
124. The proposal is in accordance with Policies 17 (Aggregate supply – capacity and source), 18 (Recycled and secondary aggregates) and 30 (Construction, demolition and excavation waste development) of the [HMWP \(2013\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of emerging Policies 17, 18 and 30.

Development in the countryside and location

125. *Policy 5 (Protection of the countryside)* of the [HMWP \(2013\)](#) states that minerals and waste development in the open countryside, outside the National Parks and Areas of Outstanding Natural Beauty, will not be permitted unless it is a time-limited mineral extraction or related development; or the nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location; or the development provides a suitable reuse of previously developed land, including redundant farm or forestry buildings and their curtilages or hard standings. The policy also includes an expectation that the highest standards of design, operation and restoration will be met and there will be a requirement that it is restored in the event it is no longer required for minerals and waste use.
126. *Policy 29 (Locations and sites for waste management)* of the [HMWP \(2013\)](#) provides the framework for the location of new waste sites in Hampshire. Parts 1 of the policy addresses proximity to urban areas, strategic road corridors or major new or planned development, and Part 2 relates to the status of the land to be developed. Parts 1 and 2 of the policy are read together. Sites which do not meet the requirements of Parts 1 and 2 should be considered against the requirements of Part 3. Part 3 requires good transport connection to sources and markets for waste, and a special need for the specific location. Appropriateness of the proposal in the setting is also a consideration under the policy.
127. Policy COM2 (Settlement Hierarchy) of the [TVBRLP \(2016\)](#) identifies boundaries of existing settlements in the Borough and states that development outside of the identified settlement will only be permitted if it is either appropriate to the countryside as set out under exception policies, or it is essential for the proposal to be located in the countryside.
128. The location of the existing site is located in an area of former mineral working and landfill. This was then redeveloped for other waste uses including the consolidated planning permission [10/02266/CMAS](#).
129. Nursling and Rownhams Parish Council (N&RPC) have stated that the proposed development would result in loss of countryside and result in further urbanisation of the Parish.
130. The Test Valley Borough Council (TVBC) consultation response note that the proposed workshop building would be permitted under Policy COM2 if it was found to meet exception Policy LE17 (Employment sites in the countryside). Policy LE17 allows redevelopment, extension of buildings or erection of new buildings on existing employment sites for employment use provided that it is contained within a lawful employment site; the proposal is well related to any retained building, and does not include outside storage where this could be visually intrusive. TVBC did not further comment

following inclusion of the picking station in the application, but this would be subject to the same criteria as the workshop.

131. TVBC do not consider the site expansion to meet any of the required exceptions under COM2. The exception policies are silent on situations where existing sites wish to expand. However, Paragraph 6.92 of [TVBRLP \(2016\)](#) which supports Policy LE17 acknowledges that there are existing employment sites in the countryside and proposals for redevelopment or intensification can take place within the boundary provided that it does not result in significant harm to the landscape and deals with the whole site. It goes on say that proposals which involve extension of the site boundary into the countryside should be considered on their individual merits and that open storage can be permitted if it is not visually intrusive.
132. The principle of the addition of the picking station and construction of the new workshop building on the existing site is acceptable provided other policies related to design and operation are satisfied. The workshop and picking station would be located on Previously Developed Land (PDL) and therefore satisfy Part c) of Policy 5 of the [HMWP \(2013\)](#).
133. Paragraph 4.37 of the supporting text for of Policy 5 of the [HMWP \(2013\)](#) identifies that some large-scale waste uses that require open sites are difficult to accommodate in urban areas. It states that while waste uses that are not linked to natural occurrence of minerals should be located in urban areas, it also acknowledges that it is not always feasible on amenity grounds. Paragraph 4.38 of [HMWP \(2013\)](#) also acknowledges that appropriately managed waste developments are important to support employment and services in rural areas. The applicant states that the increased capacity would generate an additional 9 jobs in addition to the 21 existing jobs on the site.
134. The extension of the site will use land currently considered to be countryside. While the extension area is described as a previously a restored quarry site (although it does not appear in the Defra database of former landfills), based on the NPPF definition of previously development land (PDL) it is considered an undeveloped, greenfield site. However, the existing site is well established and currently serving the Southampton area in terms of waste processed and recycled aggregate and concrete sold. The concrete crushing/screening activity would be of a scale that would benefit from a more isolated location and it is therefore considered to meet a local need/isolated location therefore meeting Part b) of Policy 5 of the [HMWP \(2013\)](#).
135. The consistency with the [HMWP \(2013\)](#) on development in the countryside also provides weight in determining the merits of expansion of the site under Policy COM2 of the [TVBRLP \(2016\)](#). The Borough Council have objected indicating that the proposal does meet the exceptions directly in the policy. However, no reference has been made by Borough Council to the supporting text of the policy which recognises site expansions and says they should be treated on their own merits having particular regard to visual intrusion.

136. Regarding Policy 29 of the [HMWP \(2013\)](#), the addition of the picking station and development of the workshop will take place on the existing site and so meets the locational requirements of Policy 29 Part 1(ii) and Part 2(c). The extension site is located along a Strategic Road Corridor (the M27), meeting Part 3a of the policy, and in terms of proximity to urban areas is just outside the urban area of Southampton and in relatively close proximity to Romsey. The site also has good proximity to sources of waste and in particular the Southampton urban area market. Paragraphs 6.205 of the [HMWP \(2013\)](#) recognises that recycling and recovery activities '*will largely take place in the open*' and such activities are not '*easily assimilated in built areas*'. As an extension to an existing site on the urban fringe, making use of the existing infrastructure in a relatively isolated setting suitable for open air recycling of inert waste, it is considered that a special need for the location required by Policy 29, Part 3b is on balance met. The proposed ancillary development facilitates the operations of an existing facility, thereby reducing amenity impacts.
137. The applicant has also submitted an Alternative Sites Assessment which reviews other potential locations for the proposed site expansion. The assessment initially searches for sites that would comply with the locational requirements of Policy 29 (Locations and site for waste management) of [HMWP \(2013\)](#). A short-list of six sites was identified for more detailed investigation. For reasons of site size, cost, suitability for CDE waste operations, distance from existing site, and surrounding land uses, the Assessment concluded the proposal for the extension of the existing site was justified. The Minerals and Waste Planning Authority has reviewed this assessment and is satisfied with its findings.
138. On balance, the proposal is considered to be in accordance with Policy 5 (Protection of the Countryside) of the [HMWP \(2013\)](#) as well as Policy COM2 (Settlement Hierarchy) (including supporting text) of the [TVBRLP \(2016\)](#). The extension element of the proposal is in accordance with the relevant parts of Policy 29 of the [HMWP \(2013\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policy 5.

Visual impact and landscape

139. *Policy 13 (High-quality design of minerals and waste development)* of the [HMWP \(2013\)](#) 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. The design should be appropriate and should be of high-quality and contribute to sustainable development. This reinforces the requirement of *Policy 5 (Protection of the countryside)* of the [HMWP \(2013\)](#) for highest-quality design. In addition, *Policy 10 (Protecting public health, safety and amenity)* of the [HMWP \(2013\)](#) protects residents from unacceptable adverse visual impact.

140. Policies E1 (High quality development in the Borough) and E2 (Protect, Conserve and Enhance the Landscape Character of the Borough) of the [TVBRLP \(2016\)](#) address visual impacts of the proposed developments.
141. The development site sits within the 'Lower Test Floodplain' Landscape Character Area. The relevant parts of the Landscape Character Assessment describe this area as:
- 'South of Romsey there is a strong rural character around the hamlet of Lee with a lack of development on the valley floor which also continues down to the M27',*
142. The applicant has submitted a **Landscape and Visual Appraisal** which assess the impact of the proposal on the character of the landscape. A **Landscape and Ecological Mitigation and Enhancement Plan (LEMEP)**, and **Proposed Planting Plan (PPP)** was also submitted by the applicant.
143. The County Landscape Architect has reviewed the proposal, and subject to the additional screening of the site by the proposed 3m bunds and site planting, the proposal is considered acceptable. The colour of the workshop building is proposed to be olive green to reduce the visual impact and would be in keeping with the colour of the existing office, weighbridge and MRF buildings – a condition to this effect is recommended. A condition requiring the implementation of the proposed planting is also recommended in **Appendix A**.
144. The County Arboriculturist has also reviewed the proposal and no objection has requested a condition be added that requires submission of an Arboricultural Method Statement and Tree Protection Plan to ensure new planting is maintained and existing planting on the site is adequately protected. A pre-commencement condition to this effect and addressing specific areas of concern provided in the consultation response is set out in **Appendix A**.
145. The existing Woodland Management Plan (as set out under planning permission ([14/00024/CMAS](#)) for woodland to the west of the existing site will be continued and will be added as an advisory note to the applicant in **Appendix A**.
146. A condition requiring implementation of the LEMEP is set out in **Appendix A**.
147. Based on the proposed mitigation and planning conditions proposed, the proposal is in accordance with Policies 13 (High-quality design of minerals and waste development), 5 (Protection of the Countryside) and 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#), and Policies E1 (High quality development in the Borough) and E2 (Protect, Conserve and Enhance the Landscape Character of the Borough) of the [TVBRLP \(2016\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in

the process), the proposal is considered to meet the requirements of updated Policies 5, 11 (Protecting public health, safety, amenity and well-being) and 14 (High-quality design of minerals and waste development).

Soil Protection

148. *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. *Policy 5 (Protection of the Countryside)* requires that sites within open countryside are restored once the waste use ceases.
149. The majority of the surface of the operational area within the extension area would be rolled aggregate, which would require replacement of the existing top soil. The applicant has stated that the bunds would be created from soils currently in-situ in the extension area, and if needed, imported to the site.
150. A condition on the handling of existing soils is recommended and is set out in **Appendix A**.
151. On the basis of the recommended condition, the proposal is in accordance with Policy 8 (Protection of soils) of the [HMWP \(2013\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policy 9 (Protection of soils).

Cultural and Archaeological Heritage

152. *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.
153. While some Listed Buildings are identified in the wider area around the site, they will be sufficiently distant and screened from the site for their setting not to be adversely impacted by the proposed development.
154. The proposal is in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the [HMWP \(2013\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policy 7.

Ecology

155. *Policy 3 (Protection of habitats and species)* of the [HMWP \(2013\)](#) sets out a requirement for minerals and waste development to not have a significant adverse effect on, and where possible, should enhance, restore or create designated or important habitats and species. The policy sets out a list of sites, habitats and species which will be protected in accordance with the level of their relative importance. The policy states that development which is likely to have a significant adverse impact upon the identified sites, habitats and species will only be permitted where it is judged that the merits of the development outweigh any likely environmental damage. The policy also sets out a requirement for appropriate mitigation and compensation measures where development would cause harm to biodiversity interests.
156. *Policy E5 of the TVBRLP (2016)* aims to ensure that development conserves, and where possible restore and/or enhance biodiversity.
157. N&RPC and some public representations raised concerns about potential ecology impacts from the proposed development. The potential impact to the Test Valley SSSI, net losses in habitat and concern over the appropriateness of the mitigation methods were specifically mentioned. These concerns are acknowledged.
158. The applicant has submitted an **Ecological Appraisal**, and a number of species specific reports (reptiles, bats, plant communities, Great Crested Newts). The Ecological Appraisal focusses on the extension area as the existing site including where the workshop and picking station will be located is fully developed.
159. The achievement of Biodiversity Net Gain (BNG) is not currently mandatory, although maximising the net gain from all developments is encouraged by the Minerals and Waste Planning Authority. Specific Biodiversity Net Gain calculations using the DEFRA BNG Metric were not included in the Ecological Appraisal and there is currently no requirement to use the DEFRA Metric to quantify the level of net gain delivered. Additional habitat is being created as part of the mitigation/enhancements measures proposed. The County Ecologist and Natural England did not cover any BNG requirement in their responses and as there is not specific policy requirement for it (within the HMWP and TVBCLP at this stage) and BNG is not mandatory, BNG does not formally need to be delivered.
160. A site wide **Environmental Mitigation Management Plan (EMMP)** was also submitted which describes management and mitigation actions to be implemented during the construction of the extension area. A **Landscape and Ecological Mitigation and Enhancement Plan (LEMEP)** and associated Planting Plan were also submitted. The LEMEP shows a number of habitat to be created (e.g. log piles, bad boxes, Hibernaculum, bird boxes, harvest mouse tennis ball nests, and insect housing). There will also be new additional planting of species rich grasses, shrubs, and trees will also

provide additional habitat. Receptor sites for translocation of species are also shown.

161. The Ecological Appraisal states the current habitats in the extension area are common, widespread and of low value comprising of semi-improved grassland, scrub and tall ruderal vegetation. The appraisal notes a high density of slow worms across which will be relocated with reptile fencing added to prevent them moving back and eventually a destructive search when the grassland top layer /scrub/tree roots are removed.
162. Bats were recorded in the area with trees around the periphery used the most and these will be retained. It is stated in the EMMP that lighting will be controlled with no lighting between 7pm and 6.30am and when lighting is used it is intended to be designed to ensure no more than an increase of 1 Lux during times they are switch on. A condition requiring a lighting plan demonstrating this is recommended in **Appendix A**.
163. No badger setts were identified though foraging works were identified and setts will be checked for during pre-works.
164. The site vegetation and condition of the vegetation was determined to be unsuitable for ground nesting birds. The extension site is considered to have limited suitability for dormouse habitat. Mitigation of potential harm and injury to dormouse and protect any retained suitable habitat has been included in the EMMP.
165. The County Ecologist has reviewed the proposal and has no objection subject to the implementation of the EMMP and LEMEP – this has been included in **Appendix A**.
166. Natural England also have no objection subject to conditions that require adherence to the submitted plans relating to drainage and surface water management, the EMMP and the Dust Management Plan. These are included in **Appendix A**.
167. As mentioned above, the woodland area immediately west of the existing site is subject to an existing Woodland Management Plan which will be continued forward. This requirement is set out in **Appendix A**.
168. On the basis of the proposed mitigation and proposed planning conditions, the proposal is in accordance with Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) and Policy E5 (Biodiversity) of the [TVBRLP \(2016\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policy 3 with the exception of the 10% BNG requirement, which for the reasons outlined is not currently a mandatory requirements at the time of the decision.

Impact on amenity and health

169. *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.

170. *Policy E8 (Pollution)* of [TVBRLP \(2016\)](#) seeks to ensure that development does not adversely impact the general amenity of the area. In addition, *Policy LHW4 (Amenity)* of the [TVBRLP \(2016\)](#) aims to ensure that the proposed development will not give rise to a negative impact on the living conditions of residential property.

a) Light pollution

171. No lighting plan has been submitted but the **Planning Statement** states that lighting is only turned on during the approved operating hours. As mentioned above under 'Ecology' a condition is recommended that requires submission of a lighting plan to ensure site does not unnecessarily illuminate the tree areas around the perimeter of the site. A planning condition will also cover its usage.

172. The extant planning permission includes a condition requiring adherence to an existing approved plan showing the lighting on the MRF building and will be carried forward in the new lighting condition as set out in **Appendix A**.

b) Noise and vibration

173. N&RPC and public representations raise concerns about increased noise as a result of the development – both site noise and traffic noise.

174. No Noise Assessment has been submitted with the application but the Planning Statement explains that the activities in the extension area will only be those already allowed on the site. The proposed 3m bunds around the extension will provide some noise mitigation and the EHO recommends the bund is secured within a reasonable timeframe. The site is relatively remote with the nearest residence located adjacent to the Delvallie Kennels approximately 200m south west of the proposed extension area and 120m west from the existing site boundary with dense woodland located between the kennels and the site.

175. The extant planning permission includes a condition that requires all vehicles, plant, and machinery on the site to be maintained and the use of white noise reversing alarms. In addition, a **Noise Management Plan** has been submitted (which is also a requirement of the Environmental Permit – see 'Pollution' below). A condition requiring adherence to the Noise Management Plan and the existing noise condition is also recommended.

176. The EHO has reviewed the application and has raised no objection. The EHO specifically references transport noise at residential properties on Station Road in their response and bases their assessment of the potential noise impact on the increase in traffic stated in the **Transport Statement**. The EHO concludes that while the additional vehicle movements may be noticeable (e.g. at receptors along Station Road), these movements will be insignificant in terms of cumulative average traffic noise experienced at the receptors.
177. Concerns raised about noise from HGV movements have been submitted to the Minerals and Waste Planning Authority during the processing of this planning application. Investigations have shown that a pot hole was located on Station Road, impacting noise and vibration. This will be addressed by highway maintenance.
178. In terms of noise from the site, the EHO notes its remoteness from residential receptors. Moving screening and crushing activities into the extension area would move it further from residential properties on Church Lane but inevitably close to properties to the north on Lee Lane. However, the nearest property to the north (at the junction of Coldharbour and Lee Lane) would be 600m from the extension boundary.
179. Noise management will also be covered by the Environmental Permit.

c) Air quality

180. An **Air Quality Assessment** has been submitted in response to concerns raised by the EHO regarding potential impacts of the additional traffic on the receptors along Station Road.
181. The Air Quality Assessment shows that the additional road traffic would result in negligible effects on Nitrogen Dioxide (NO₂), and PM₁₀ or PM_{2.5} levels at receptors on Station Road.
182. The Air Quality Assessment also examined ecology impacts from Oxides of Nitrogen (NO_x), and determined the development would not exceed a level that would require a detailed assessment. The EHO confirmed that the assessment addressed their concerns and was acceptable.

d) Dust

183. A **Dust Management Plan** has been submitted with the application that covers all operations on site. The EHO has commented that adherence to the Dust Management Plan should be required by condition in the interests of public amenity and that it should also apply to the construction phase of the new bund. This is set out in **Appendix A**.
184. Some public representations have commented on dust that was being produced by the picking station which was blowing into the adjacent woodland. These are noted. The operator has undertaken modifications to

the plant since these complaints to enclose potential routes for dust to escape from picking station conveyors and screeners.

185. The County Arboricultural Officer has requested that protection of adjacent woodland is protected from dust as part of the Arboricultural Method Statement. This is set out in **Appendix A**.

186. Dust management will also be covered by the Environmental Permit.

e) *Odour*

187. Inert waste recycling sites rarely emit any odours due the type of material being processed. Odour issues would be covered by the Environmental Permit.

f) *Cumulative Impacts*

188. Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) states that a proposal should not cause an unacceptable cumulative impact arising from the interactions between minerals and waste developments, and between mineral, waste and other forms of development. It also states that the potential cumulative impacts of minerals and waste development and the way they relate to existing developments must be addressed to an acceptable standard.

189. The site is relatively isolated in setting and is not adjacent to other land uses that produce adverse amenity impacts and there are no proposed developments in the vicinity that would be impacted.

190. Public representations have raised concerns about the impact of additional traffic on residential properties on Station Road. These concerns are acknowledged. The additional noise, emissions, or vehicles resulting from the development or its associated traffic are not expected to cause adverse public health and safety impacts, or unacceptable amenity effects.

191. Taking all matters into account, with the proposed mitigation and proposed planning conditions, the proposal is considered to be accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy NBE11 of the [TVBRLP \(2016\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policy 11 (Protecting public health, safety, amenity and well-being).

Potential pollution associated with the development

192. 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](#)).

193. 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.
194. The site already operates under an Environmental Permit (GB3406LN/V/002) from the Environment Agency (EA) which amongst other things considers the waste material being stored and the manner in which it is stored, noise and dust management, and prevention of water pollution. This permit will need to be amended to cover the extension area.
195. According to NPPG for Waste (Paragraph 51), the aim of the permit is to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health.
196. The need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an Environmental Permit. An application for an Environmental Permit will include an assessment of the environmental risk of the proposals including the risk under both normal and abnormal operating conditions. The Environment Agency will assess the application and the adequacy of the impact assessment including whether the control measures proposed by the operator are appropriate for mitigating the risks and their potential impact.
197. The scope of an Environmental Permit is defined by the activities set out in the Environmental Permitting Regulations (England and Wales) 2016 (EPR).
198. The regulations define 'pollution' as:
other than in relation to a water discharge activity or groundwater activity, means any emission as a result of human activity which may—
 - (a) be harmful to human health or the quality of the environment,*
 - (b) cause offence to a human sense,*
 - (c) result in damage to material property, or*
 - (d) impair or interfere with amenities or other legitimate uses of the environment.*
199. The aim of the EPR regime is to protect the environment from potential impacts associated with certain liable facilities or installations. The permitted activities may form a part of, but not all, of the development needing planning permission. In these cases, the planning application will need to address environmental considerations from those parts of the development that are not covered by the permit.
200. The scope of an Environmental Permit is defined by the activities set out in the Environmental Permitting Regulations (England and Wales) 2016 (EPR).

The aim of the EPR regime is to protect the environment from potential impacts associated with certain liable facilities or installations. The permitted activities may form a part of, but not all, of the development needing planning permission. In these cases, the planning application will need to address environmental considerations from those parts of the development that are not covered by the permit.

201. The existing site already has an Environment Permit and this will need to be updated to include the extension area should the proposed facility be acceptable in terms of planning. Should a permit be granted for the proposed operations, it will be monitored and enforced in the same manner as any other regulated site by the Environment Agency. Several mechanisms are put in place to monitor to ensure compliance such as audits, site visits, data analysis and compliance checks are carried out by the regulator.
202. In terms of pollution aspects of amenity and health, the proposal is accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy NBE11 of the TVBRLP (2020).

Flooding and drainage

203. *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.
204. *Policy E7 (Water management)* of the [TVBRLP \(2016\)](#) aims to prevent development from resulting in an adverse flood risk or detrimental impact on the quality of water supply assets.
205. A **Flood Risk Assessment, Drainage Assessment and Surface Water Management Plan** and supporting technical note has been submitted with the application.
206. Regarding flood risk, the site is located in Flood Zone 1 (lowest risk of flooding) and there is no flood risk to the site from Fluvial, Marine, Pluvial or Groundwater sources. The assessment identifies a nearby interurban flood source which is the consequence of under capacity highway drains. However, there is no flood risk to the proposed development on account of its elevated nature above the potential flood source.
207. Except for amendments to the drainage around the new workshop, the existing drainage design of the existing site will not be altered. The extension area will be surfaced with pervious rolled hardcore except for the concrete pad that the concrete plant will be located on. The concrete pad will drain to a soakaway system.

208. Two drainage plans have been submitted, one in the Flood Risk, Drainage Assessment and Surface Water Management Plan which addressed the workshop site and the extension area, and a second which provides an updated plan for the extension area. As a result, a condition is recommended which requires adherence to the site wide drainage plan except as amended by the revised plan submitted for the extension area. This will also include adherence to the maintenance schedule for the drainage infrastructure. This condition is set out in **Appendix A**.
209. The extant planning permission includes a condition that addresses the storage of fuels, oils, chemicals etc to ensure they do not pollute water courses. A further condition also requires no sewage or effluent to be discharged to water courses.
210. The Lead Local Flood Authority (LLFA) has no objection to the drainage proposal.
211. The Environment Agency has no objection subject to a condition that any land that is found to be contaminated during the development then no further development should occur until a strategy on remediation is approved. This condition is set out in **Appendix A**. It also highlights other drainage requirements associated with the Environmental Permit.
212. Natural England have no objection subject also commented that to protect the River Test SSSI, a Sustainable Drainage System (SuDS) and adherence to the mitigation measures in the Flood Risk, Drainage Assessment and Surface Water Management Plan.
213. Based on the proposed mitigation and planning conditions, the proposal is in accordance with Policy 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) and Policy E7 (Water Management) of [TVBRLP \(2016\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policies 8 (Water resources) and 12 (Flood risk and prevention).

Highways impact

214. *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.
215. *Policy T1 (Managing movement)* of the [TVBRLP \(2016\)](#) seeks to ensure development does not have an adverse impact on the highway safety of all users of the local road network.

216. The [Test Valley Cycle Strategy and Network SPD \(2015\)](#) identifies Lee Lane as a proposed on-road cycle route linking Romsey and Nursling.
217. Councillor Adams King raised the possibility of introducing system by which the number of lorry movements to and from the site can be controlled by the applicant (other than vehicles being turned away from the site). This is acknowledged. Conditions are included on the submission of a construction traffic management plan as well as an operational traffic management plan are included in **Appendix A**.
218. N&RPC and a number of public representations raise concerns about the impact of the additional traffic to residents of Station Road where the housing is relatively close to the road and it is also used for on-street parking. The concerns relate to both safety and amenity and are noted.
219. The **Planning Statement** describes the access to the site as coming from the north section of the M271 and then via Coldharbour and Lee Lane, this is not a correct reflection of the route HGVs use to access the site. Coldharbour Lane and Upton Lane, while offering general vehicle access to Lee Lane, would require the use of rail bridges with weight restrictions (3.5 tonnes). The Transport Statement which assess the transport impact in detail correctly considers Station Road to Lee Lane as the established route. The application has been considered on this basis.
220. The applicant has submitted a **Transport Statement** to assess the impact on highway safety. Additional information on accident statistics and a Sept Path Analysis along Lee Lane was submitted. They demonstrated a road improvement scheme to facilitate the passing of vehicles and other road users on the section of Lee Lane (between Church Lane and the site entrance), and improvements to the site bellmouth. Traffic count data for a week period was also provided for a location on Lee Lane between Church Lane and the site entrance. This count data shows an average of 913 weekly movements.
221. The proposal would see an increase in the number of vehicles allowed to enter and leave the site from 240 vehicles (160 of which can be >7.5 tonnes) to 350 vehicles per day (200 of which could be >7.5 tonnes). The count data indicates that the proposed increase in vehicle movements would represent a 12% increase in the currently recorded traffic levels – this would be a lower percentage increase at Station Road once additional vehicles related to other sites are taken into account (e.g. Crescent Estates or Church Lane). Based on the approach used in the report to estimate the additional frequency of vehicles over the current situation (i.e. an additional 110 vehicle movements over an 11 hour period = an additional vehicle every 6 minutes) it is possible to understand the change in frequency if the existing and proposed limits on HGVs >7.5 tonnes were being met. The current 160 HGV limit would result, on average, in an HGV in just over every 4.1 minutes while the proposed HGV limit of 200 HGVs would result, on average, in an HGV just over every 3.3 minutes.

222. On the same basis the frequency of all commercial vehicles coming to or from the site would be just under every 1.9 minutes. It is recognised that other vehicles (including HGVs) travel along Station Road including to the Crescent Estates industrial estate immediately adjacent to the M27 which is accessed directly off Station Road.
223. Planning Permission [10/02266/CMAS](#) had an associated legal agreement where the site operator provided a contribution for construction of traffic calming 'gates' along the section of Station Road and the speed limit was reduced to 30 mph.
224. In addition to limits on the number of vehicles, the extant planning permission includes conditions regarding highway safety. These require the sheeting of vehicles, ensuring vehicles are free from mud, a concrete or metalled surfacing of the existing site's access driveway and MRF yard, and submission of a Construction Traffic Management Plan. These conditions are recommended to be brought forward.
225. While comments regarding the use of Station Road are acknowledged, paragraph 11 of the NPPF (2021) is clear that planning permission can only be turned down on highways grounds if there is an unacceptable impact on highway safety, or the impact on the road network would be severe.
226. The Highways Authority had initial concerns about the ability of two HGVs being able to pass each other on the stretch of Lee Lane between Church Lane and the site entrance. An increase in allowed HGV would increase the likelihood of this occurring. The applicant subsequently undertook a topographic survey of the section of road in question and submitted a proposal for a marginal widening of the existing highway at four points to accommodate passing vehicles. The Highways Authority has found these to be acceptable and, should planning permission be granted, a Section 278 agreement with the applicant would need to be completed prior to any decision notice being issued. On this basis, the Highways Authority has no objection to the application subject to conditions and the completion of a legal agreement addressing works to Lee Lane and a financial contribution for highway safety measures. These conditions are included in **Appendix A**.
227. On the basis of the legal agreement and condition proposed, the proposal is in accordance with Policy 12 (Managing traffic) of the [HMWP \(2013\)](#) and Policy T1 (Managing movement) of the [TVBRLP \(2016\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policy 13 (Managing traffic).

Restoration

228. *Policy 9 (Restoration of minerals and waste developments)* of the [HMWP \(2013\)](#) requires temporary minerals and waste development to be restored to beneficial after-uses consistent with the development plan. Furthermore,

Policy 5 (Protection of the countryside) of the [HMWP \(2013\)](#) requires restoration of minerals and waste developments should be in keeping with the character and setting of the local area, and should contribute to the delivery of local objectives for habitats, biodiversity or community use where these are consistent with the development plan.

229. To ensure restoration of the site when the proposed use ceases, a condition has been recommended requiring a restoration scheme to be approved and ultimately restoration back to agriculture use implemented. This is included in **Appendix A**.
230. On the basis of the planning conditions included on restoration, the proposal is in accordance with Policies 5 (Protection of the countryside) and 9 (Restoration of minerals and waste developments) of the [HMWP \(2013\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policy 10 (Restoration of minerals and waste developments).

Retrospective nature of the picking station

231. A number of public representations have raised the issue that the current application is retrospective. These are noted.
232. Paragraph 3 of the 'Enforcement and post-permission matters NPPG' states there are a range of ways of tackling alleged breaches of planning control, and local planning authorities should act in a proportionate way. Local planning authorities have discretion to take enforcement action when they regard it as expedient to do so, having regard to the development plan and any other material considerations. Paragraphs 12 and 13 of the states that local Planning Authorities can invite retrospective applications when they consider it an appropriate way forward to regularise the situation.
233. The Minerals and Waste Planning Authority was first made aware of the installation of the picking station in May 2022 following its mention in public representations while the application for the extension area and workshop were under consideration. An amendment to the application to regularise the picking station was submitted together with the additional information required for the existing application.

Other matters

234. Some public representations from residents on Station Road raised that they felt they were not adequately consulted when the application was first submitted. Consultation on the planning application has been undertaken in accordance with the adopted [Statement of Community Involvement \(2017\)](#). The notification area for the application was extended beyond 50m to capture the two nearest residential properties on Church Lane. During the application process residents from Station Road approached the MWPA

regarding their concerns about the impact of the additional traffic and complaints about current HGV traffic and they have been invited to make representations. All representations received have been considered in this Officer Report. The residents have been invited to participate in the re-established Liaison Panel and a number did so in the November meeting.

235. The impact of the additional vehicle movements on house prices along Station Road has been raised as a concern by residents. Impact on private property value is not a material planning consideration.

Planning conditions

236. Although the subject application is not a Section 73 planning application, it does subsume the existing site and associated existing activities. As a result, many conditions from the extant planning permission for the exiting site ([14/00024/CMAS](#)) are recommended to be brought forward should the current application be granted. These are set out in **Appendix A**.
237. A number of the existing conditions have also been updated to reflect updated site layout plans and the approved Woodland Management Plan
238. New or updated planning conditions are proposed on the following matters:
- HGV movements (update);
 - Construction Traffic Management Plan;
 - Tonnages of material handled by the site;
 - Operational Traffic Management Plan.
239. An informative is also included on plans and particulars showing the detailed proposals for the road widening works.
240. A condition on the use of the concrete plant, as permitted under planning permission [14/00024/CMAS](#) has not been included in the proposed decision notice. The updated condition on HGV movements and tonnage of materials is considered to control the intensity of site use.

Community involvement and benefits

241. 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. The site already has a Liaison Panel established which meets on an as needed basis.
242. Changes of site ownership and COVID has meant the Liaison Panel had not met for at least three years prior to the latest meeting on 28 September 2022. **Appendix A** includes an informative on continuation of the liaison

panel to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community.

Conclusions

243. The proposed development has a number of elements:

- An extension area to provide additional space for recycling of inert CDE waste in particular concrete crushing and soil screening. It would see the relocation of the existing RMC plant to a new concrete pad in the extension area;
- Construction of a vehicle, plant and skip repair maintenance workshop on the current location of the RMC plant within the existing site;
- Retrospective planning application for a picking station attached to the existing MRF;
- Increase in the maximum number of allowed vehicle movements entering or leaving the site from 240 vehicles per day (up to 160 of which HGVs >7.5 tonnes) to 350 vehicles per day (up to 200 of which can be HGVs >7.5 tonnes);
- Increase in the maximum amount of imported waste and materials to the site from 75,000 tonnes per annum to 125,000 tonnes per annum; and
- Removal of the concrete production limit placed on on-site concrete production of 30m³ (60) tonnes and no more than 20 concrete blocks (one lorry load) per day.

244. The principle of the development is supported by Policies 17, 18, 25, 27 and 30 of the [HMWP \(2013\)](#) in that the movement of waste materials up the waste hierarchy is encouraged to divert them from landfill, and recycling of CDE waste to produce beneficial aggregate products can provide an alternative to marine-won or land won sand and gravel for certain purposes.

245. The extension would be to an existing, safeguarded waste site taking advantage of existing infrastructure albeit in a countryside side. The site meets the locational requirements of Policy 5 of the [HMWP \(2013\)](#). The construction of the workshop and location of the picking station would be on the existing site which is Previously Developed Land (PDL). The scale of the proposed concrete crushing and soil screening requires an open location which has been shown to be hard to find in nearby urban areas. The countryside setting of the extension area would also mitigate amenity impacts from the activity that might be result from being in an urban location. Restoration of the site would be required if the granted use ceases. The proposal is considered to meet the requirements of Policy COM2 when considering the associated supporting text on site extensions.

246. The addition of the picking station and development of the workshop will take place on the existing site and meets the requirement for use of PDL under

Policy 29. The extension site located along the strategic road network (the M27), and just outside the urban area of Southampton and in relatively close proximity to Romsey so has good proximity to sources of waste and in particular the market. Regarding the extension area, it is utilising the existing site infrastructure and takes advantage of the remote location of the existing site. It is located within the Strategic Road corridor and is considered to demonstrate a special need as required by Policy 29.

247. The proposal has been demonstrated to have low visual impact once design features like the screening bund and planting, and building colour are accounted for (Policy 13). The extension area will be developed on relatively low value grassland/scrub habitat. The existing woodland management plan covering the woodland immediately west of the existing site will remain in effect. With the proposed mitigation and management measures including higher value habitat created through new planting the proposal has been determined to be in accordance with Policy 3.
248. The development is in Flood Zone 1 (lowest risk) and the proposed drainage plan for the extension area and workshop building area are suitable. (Policy 11). Remediation of any contaminated land will be required if identified during the development any impact on the drainage design addressed (Policy 3).
249. Health, safety, and amenity impacts will not be unacceptably adverse (Policy 10). As the activities proposed for the extension area are allowed on the existing site it is not anticipated to result in any unacceptable noise impacts. The bunding around the extension area will also provide noise attenuation. Noise and dust management plans will provide adequate control of the operation, and these are further controlled by the site Environmental Permit. The extra vehicles movements have been shown to result in negligible air quality impacts along the route and are not expected to result in a significant increase in noticeable noise increase in cumulative average traffic noise (though the additional vehicle movements may be noticeable). The picking station has been improved to ensure dust from the plant does not escape into the adjacent woodland. Lighting hours (except for limited security lighting) will be limited to operational hours and light spill beyond the site will be minimal.
250. The increase in allowed traffic to the site has been determined to not result in unsafe traffic situations (Policy 12). Some improvements to the access route along Lee Lane will be required and would be secured through a legal agreement.
251. Paragraph 3.5 of the [HMWP \(2013\)](#) describes how, in making a planning decision judgement should be used in the weight given to the various elements of the plan and other material considerations when concluding whether the balance of evidence shows the development to be sustainable and should be granted planning permission. Taking all matters into account, on balance, the proposal is considered to be in accordance with the relevant national and local planning policy and is considered to be sustainable in

accordance with Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#). It is therefore recommended that permission be granted. Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policies.

Recommendation

252. It is recommended that planning permission be GRANTED subject to the recommended conditions set out in **Appendix A** and the completion legal agreements for a financial contribution for highway safety improvements and road widening scheme to section of Lee Lane between Church Lane and the site entrance.

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Layout Plan

Appendix D – Elevations of new workshop

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2021/0784>

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

OR

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

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents

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

<u>Document</u>	<u>Location</u>

HCC/2021/0784

Hampshire County Council

TV055

Nursling Recycling Centre, Lee Lane, Nursling
Southampton SO16 0AD

(Proposed extension to Nursling Recycling
Centre, variations to existing site layout,
erection of a new workshop building and
the upgrade of parking arrangements at
the adjacent paintball centre

EQUALITIES IMPACT ASSESSMENTS:

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

Reasons for approval

It is considered that the proposal would be in accordance with the relevant policies of the development plan and would not materially harm the character of the area or the cause and unacceptable adverse amenity of local residents (Policy 10). The proposal to recycle CDE waste to produce beneficial aggregate products means the proposal meets Policies 17, 18, 25, 27 and 30 of the [HMWP \(2013\)](#). The site meets the locational requirements of Policy 5 of the [HMWP \(2013\)](#). The construction of the workshop and location of the picking station would be on the existing site which is Previously Developed Land. The scale of the proposed concrete crushing and soil screening requires an open location. The picking station and development of the workshop will take place on the existing site and meets the requirement for use of PDL (Policy 29). The extension area would utilise existing site infrastructure and is considered to demonstrate a special need (Policy 29). The proposal has been demonstrated to have low visual impact once design features are installed (Policies 10 and 13). The extension area will be developed on relatively low value grassland/scrub habitat. The proposed mitigation and management measures ensure the proposal is in accordance with Policy 3. The proposed increase in allowed traffic has been determined to not result in unsafe traffic situations (Policy 12). Improvements to the access route along Lee Lane will be required and would be secured through a legal agreement. Taking all matters into account, on balance, the proposal is considered to be in accordance with the relevant national and local planning policy and is considered to be sustainable in accordance with Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#).

Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

Pre-commencement - Arboriculture

2. Prior to commencement of the development hereby permitted, an Arboricultural Method Statement and Tree Protection Plan in accordance with BS5837: 2012 and BS3998:2010 shall be submitted to, and have approved in writing by, the Minerals and Waste Planning Authority.

The Arboricultural Method Statement and Tree Protection Plan should include details of how the root protection areas of retained trees will be protected and preserved, how the site levels will be managed, what tree pruning is required, how issues such as contaminated run-off and dust suppression are to be managed.

The development hereby permitted shall then be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan, including implementation of tree protection prior to any activity effecting arboriculture.

Reason: In the interests of biodiversity, landscape character and visual amenity in accordance with Policies 3 (Protection of habitats and species), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013). This condition is pre-commencement to ensure sufficient precautions are taken to prevent damage and/or loss of arboriculture from excavation and soil storage hereby permitted and thus goes to the heart of the permission.

Hours of Working

3. Unless otherwise agreed in writing by the Minerals and Waste Planning Authority, no commercial vehicles shall enter or leave the site except between the following hours: 0630-1930 Monday to Friday and 0700-1300 Saturday and no plant or machinery shall be operated except between the following hours: 0700-1800 Monday to Friday and 0700-1300 Saturday. There shall be no working on Sundays or recognised Public Holidays.

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

Highways

4. There shall be no more than 350 commercial vehicle movements per day to and from the site, of which there shall only be a maximum of six between 0630 and 0700 Monday to Friday. No more than 200 of these movements shall be by vehicles exceeding 7.5 tonnes gross vehicle weight. Records of vehicle movements to and from the site shall be kept and made available for inspection at the request of the Minerals and Waste Planning Authority.

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

5. No lorry shall leave the site unless its wheels and chassis have been cleaned sufficiently to prevent mud being carried onto the highway.

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

6. All lorries shall be sheeted to prevent material being spilt onto the road.

Reason: In the interest of highway safety and to ensure the development is in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan 2013.

7. Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan, to include details on provision to be made on site for contractor's parking, access and parking arrangements for the paintball site, construction traffic access, the turning of delivery vehicles and lorry routing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the Minerals and Waste Planning Authority.

The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interests of highway safety and to ensure the development is in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan 2013. This is a pre-commencement condition to ensure the safe use of the highway ensuring construction and thus goes to the heart of the permission.

8. Within 2 months of the date of the permission hereby approved, an Operation Traffic Management Plan shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. This Plan should include details of the management vehicle numbers, their use of the highway, driver education measures and a complaints procedure.

The approved Management Plan shall be implemented for the duration of development.

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

Tonnage

9. The combined throughput of waste and materials at the site shall not exceed 125,000 tonnes per annum. A record of the tonnage of material handled shall be kept at the site and be made available to the Minerals and Waste Planning Authority on request.

Reason: In order to control the scale of the development and to ensure that the development is in accordance with Policy 10 (Protecting public health, safety, and amenity) of the Hampshire Minerals & Waste Plan 2013.

10. The concrete plant relocated to the Extension Area as shown on Drawing 277/12 Rev J 'Proposed Layout Plan' Dated 25 November 2021 shall be that shown on Drawing 8MX150 'SCD 8M-150MX' dated 21 January 2009 approved under planning permission 10/02266/CMAS.

Reason: In the interests of visual amenity and to ensure the development is in accordance with Policy 13 (High quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan 2013.

Protection of Water Environment

11. Surfacing and drainage of the Existing Site shall be as shown on Drawing number N6/RB/25 Rev A 'Revised Layout' Dated 04 June 2016, as approved under Non-Material Amendment NMA/2016/0297 of Planning Permission 14/00024/CMAS.

Excepting that drainage around the workshop area shall be modified as shown on the following drawings in Appendix F of the 'Flood Risk, Drainage Assessment and Surface Water Management Plan' dated 15 December 2021:

- Drawing B031539-TTE-00-ZZ-DR-S-W003/P01 'Indicative Drainage Layout' dated December 2021; and
- Drawing B031539-TTE-00-ZZ-DR-S-W011/P01 'Indicative drainage details' dated November 2021

Drainage of the Extension Area shall be according to the according to the following drawings in the 'Surface Water Discharge PCR Technical Note' dated 05 July 2022:

- B031539-TTE-00-ZZ-DR-S-W010/P02 'Drainage Layout' July 2022;
- B031539-TTE-00-ZZ-DR-S-W011/P02 'Drainage Details' July 2022

Maintenance of the drainage shall be performed according to the maintenance schedule in Section 4.5.7 of Flood Risk, Drainage Assessment and Surface Water Management Plan, dated 15 December 2021.

No operational use of the Workshop Building or the Extension area shall be allowed until the approved drainage has been constructed.

Once constructed the drainage shall be implemented for the duration of the development hereby permitted.

Reason: To prevent pollution of the water environment and risk of local flooding and to ensure the development is in accordance with Policies 10 (Protecting public health, safety, and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013).

12. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with, has been produced and agreed in writing with the Minerals and Waste Planning Authority.

No infiltration drainage features shall be located in any area of ground found to be contaminated.

Reason: To prevent unacceptable levels of water pollution from previously unidentified contamination sources at the development site and to ensure the development is in accordance with Policies 3 (Protection of habitats and species) and 10 (Protecting public health, safety, and amenity) in the Hampshire Minerals & Waste Plan (2013).

13. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

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

14. No sewage or trade effluent (including vehicle wash or vehicle steam cleaning effluent) shall be discharged to any surface water drainage system.

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

Storage

15. No stockpiles shall exceed 6 metres in height. No machinery shall operate on top of the stockpiles.

Reason: In the interests of visual amenity and to ensure the development is in accordance with Policy 13 (High quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan 2013.

Noise and Dust

16. The Dust Management Plan, dated June 2022, shall be implemented for the duration of the permission.

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

17. The Noise Management Plan, dated June 2022, shall be implemented for the duration of the permission.

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

18. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times, and shall be fitted with and use effective silencers and white noise, or similar, reversing alarms.

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

19. Prior to the operational use of the Extension Area, the 3m screening bund shall be constructed as shown on Drawing 277/12 Rev J 'Proposed Layout Plan' Dated 25 November 2021, and Drawing 277/14 Rev A 'Proposed development area: East - West Cross-section' 02 November 2022.

Reason: To minimise noise disturbance from operations at the site and in the interests of visual amenity, and to ensure the development is 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.

Ecology

20. Development shall proceed in accordance with the measures set out in the 'Environmental Mitigation Management Plan' dated June 2022 and 'Landscape Ecological Mitigation and Enhancement Plan' (July 2022), and be implemented as approved for the duration of the use of the land hereby permitted.

Reason: To ensure no net loss of biodiversity, and 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 & Waste Plan (2013).

21. The approved Woodland Management Plan approved under Condition 17 of Planning Permission 14/00024/CMAS, approved on 19 September 2014, for the retention and management of the woodland within the blue line shown on Drawing 277/19 Rev A 'Application Plan' Dated 13 December 2021, shall be implemented as approved for the duration of the use of the land hereby permitted.

Reason: In the interests of visual amenity and to ensure the development is in accordance with Policy 13 (High quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

Landscape

22. The weighbridge facility, site office, MRF building, and proposed new workshop shown on plan Drawing 277/12 Rev J 'Proposed Layout Plan', dated 25/11/21 shall all be coloured/painted olive green and maintained as such for the duration of the permission.

The dust covers on the exterior conveyor and screeners associated with the picking station shall be dark green or black in colour and maintained as such for the duration of the permission.

Reason: In the interests of visual amenity and to ensure the development is in accordance with Policies 5 (Protection of the countryside) and 13 (High quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

23. Additional landscaping for the internal bund of the extension area, strengthening the southern hedgerow, and planting around the proposed workshop shall be implemented as shown and specified in the planting scheme on Drawing 277/25 Rev B 'Proposed Planting Plan', dated 28/02/2022. Other trees, hedgerows and grass areas shown on the plan shall be retained.

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 planting of the extension area and around the workshop shall be implemented in the first planting season following their construction with measures to strengthen and improve the density and height of southern hedgerow to be implemented immediately.

Reason: In the interests of visual amenity and to mitigate loss of habitat in accordance with Policies 3 (Protection of habitats and species) and 13 of the Hampshire Minerals & Waste Plan (2013).

Lighting

24. Within 2 months of the date of this permission, an updated Lighting Plan, for the existing site and extension area shall be submitted to, and approved in writing by, the Minerals and Waste Planning Authority.

The lighting design shall result in zero upward light spill and light spill of less than 1 lux onto retained and created boundary habitats and features with lighting directed inward from the boundary features. LED lamps shall be used with a colour temperature of below 3500K.

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

Reason: In the interest of visual amenity and to protect wildlife, in accordance with Policies 3 (Protection of habitats and species), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

25. Lighting shall only be switched on in periods of darkness during the approved operating hours except for security lighting in the vicinity of the existing office as shown on the lighting plan approved under Condition 24.

Reason: In the interest of visual amenity and to protect wildlife, in accordance with Policies 3 (Protection of habitats and species), 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

26. In the event of the cessation of the uses hereby permitted, within 3 months, a Restoration Scheme shall be submitted and approved in writing by the Mineral and Waste Planning Authority detailing the return of the site to agricultural 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 in accordance with Policies 4 (Protection of the designated landscape), 5 (Protection of the countryside) and 9 (Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

27. All topsoil and overburden stripped from the Extension Area shall be removed and stored separately before operations commence for use in site restoration. Topsoil shall only be handled when dry and friable.

Reason: To ensure the satisfactory restoration of the land to agriculture in accordance with Policies 5 (Protection in the Countryside), 8 (Protection of soils), and 9 (Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

Plans

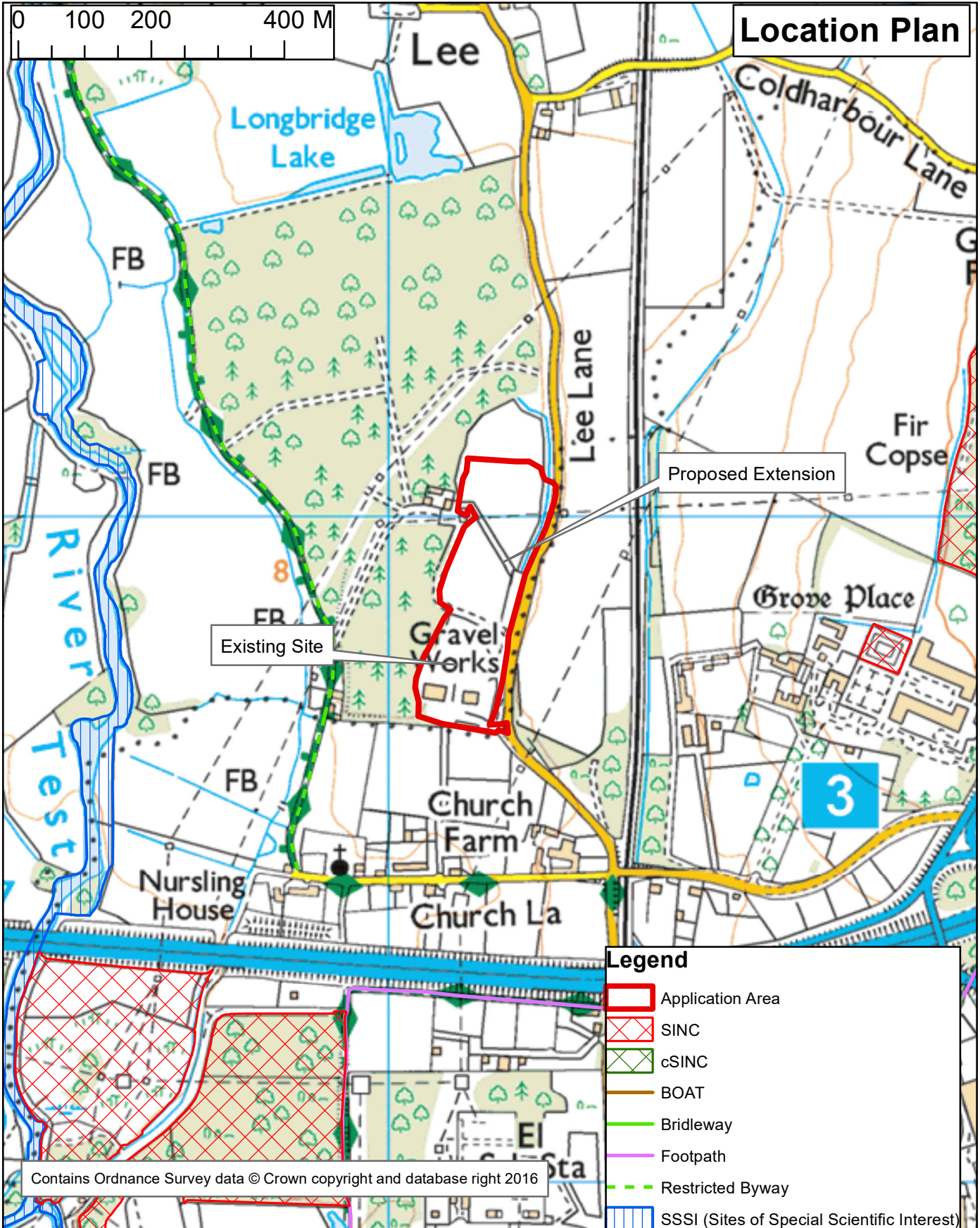
28. The development hereby permitted shall be carried out in accordance with the following approved plans: 277/21, 277/19 Rev A, 277/12RevJ, 277/13RevA, 277/14RevA, 277/22Rev A, 277/25RevB

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

Note to Applicants

1. 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.
2. 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 (2021), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 7.5 tonne un-laden).
 4. The existing Liaison Panel set up between the site operator, Minerals and Waste Planning Authority, interested parties and community representatives should continue to meet at a suitable frequency to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community. The County Council's [guidance](#) on the establishment of panels is available to the applicant.
 5. The Environmental Permit for the site will need to be varied to account for the development hereby approved.

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Proposed extension to Nursling Recycling Centre, variations to existing site layout, erection of a new workshop building and the upgrade of parking arrangements at the adjacent paintball centre at Nursling Recycling Centre, Lee Lane, Nursling Southampton SO16 0AD

Application No: 22/00174/CMAS

Site Reference: TV055

Regulatory Committee

Date 11 January 2023

1:8,000




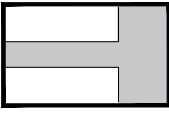


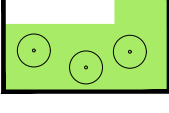


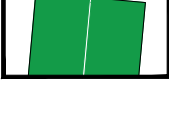

**Hampshire
County Council**

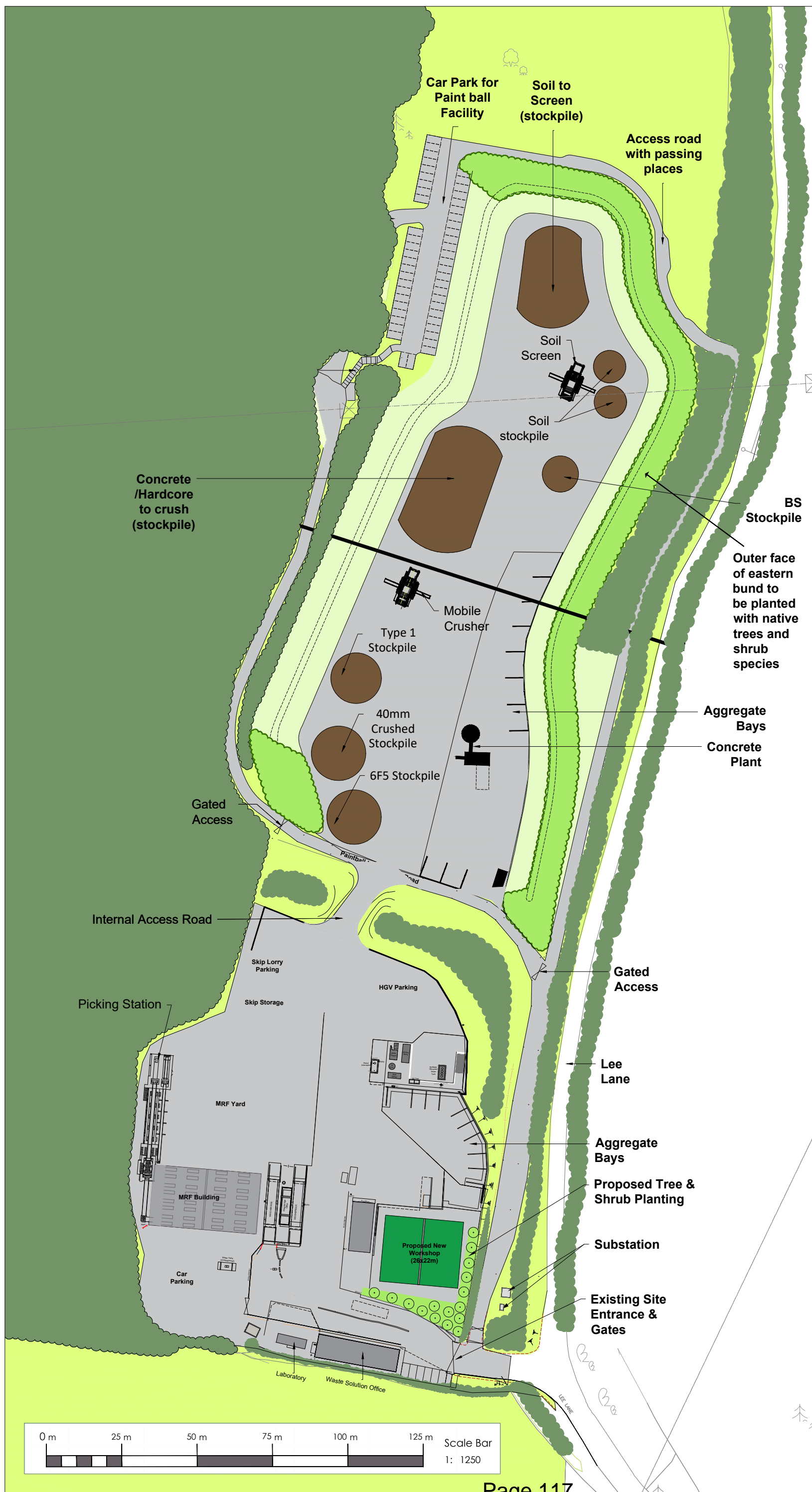
Economy, Transport and Environment

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Key:

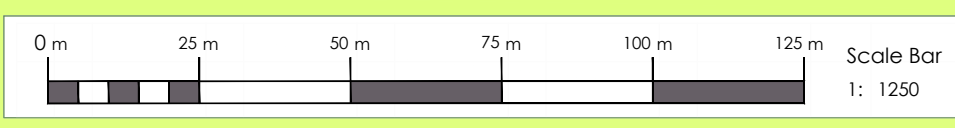
-  Submitted application boundary
-  Access Roads and Hardstanding and Proposed Operational Areas
-  Proposed Bund with native tree and shrub planting
-  Existing Trees and Hedgerows
-  Proposed Tree and Shrub Planting
-  Proposed grassland restoration
-  Material Stockpiles
-  Proposed Workshop
-  Cross Section (see drwg. 277/14A)



rev:	date:	Details
J	29/06/22	Addition of sub station
I	27/06/22	Minor amendment to plan
H	15/06/22	Minor amendment to plan
G	10/06/22	Addition of picking station
F	16/12/21	Proposed bund shrub planting added
E	29/11/21	Rotation of car park and bund
D	26/11/21	Design for paintball car parking

corylus
 Planning & Environmental Ltd.
 The Old Dairy, Yanworth, Cheltenham, Gloucestershire, GL54 3LQ
 tel: 01285 721072

client:	Collard Group		
project:	Nursling Recycling Centre		
title:	Proposed Layout Plan		
scale:	1:1250	date:	25/11/21
drawn by:	SJ	checked by:	AW
sheet no.:	277	dwg no.:	277/12
rev:		rev:	J

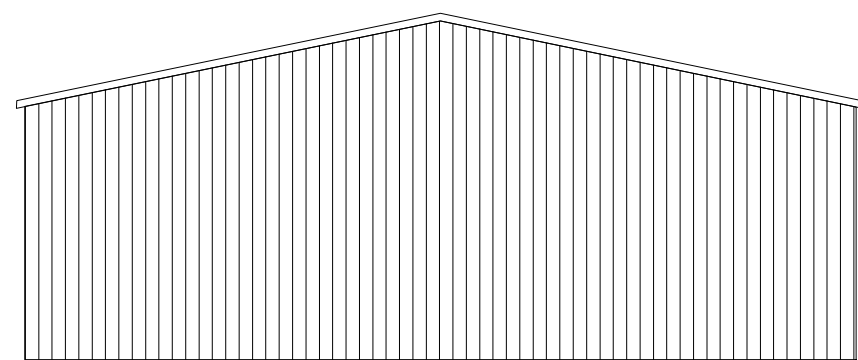


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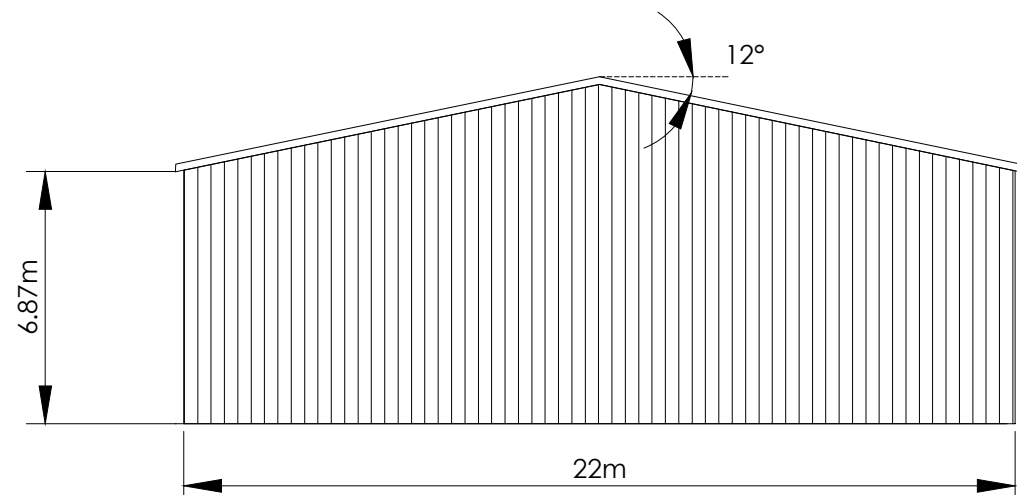
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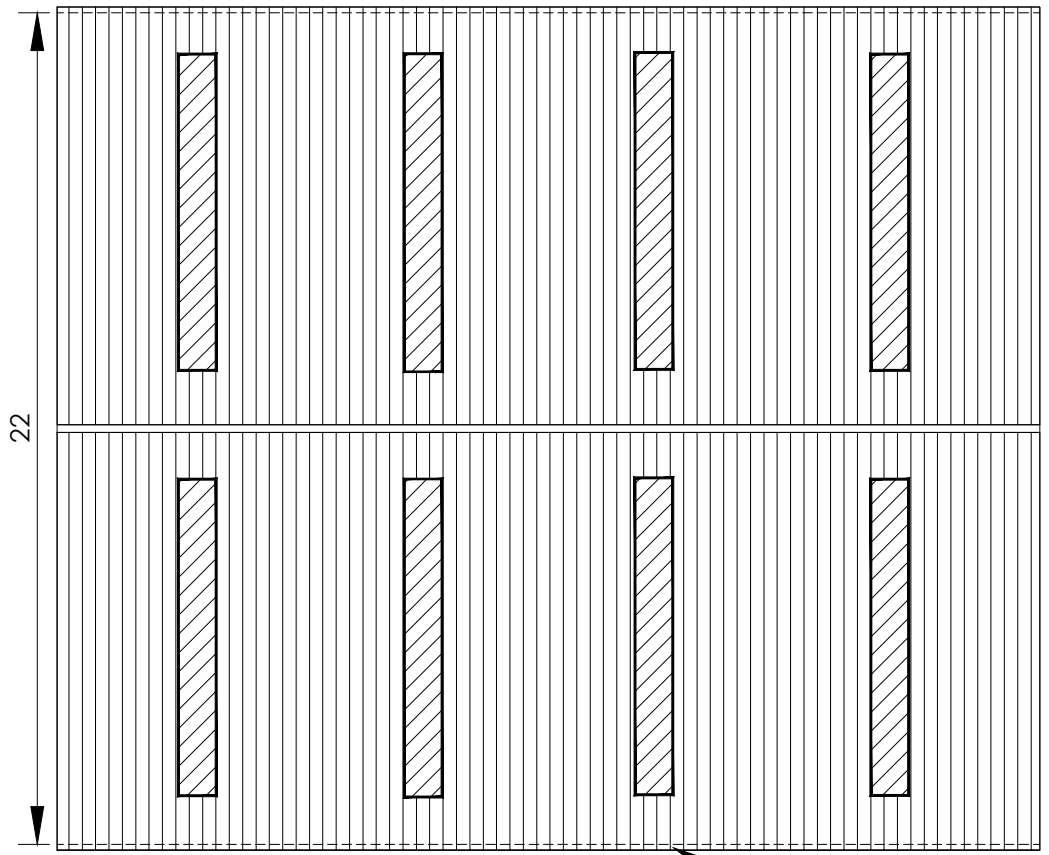
West Elevation



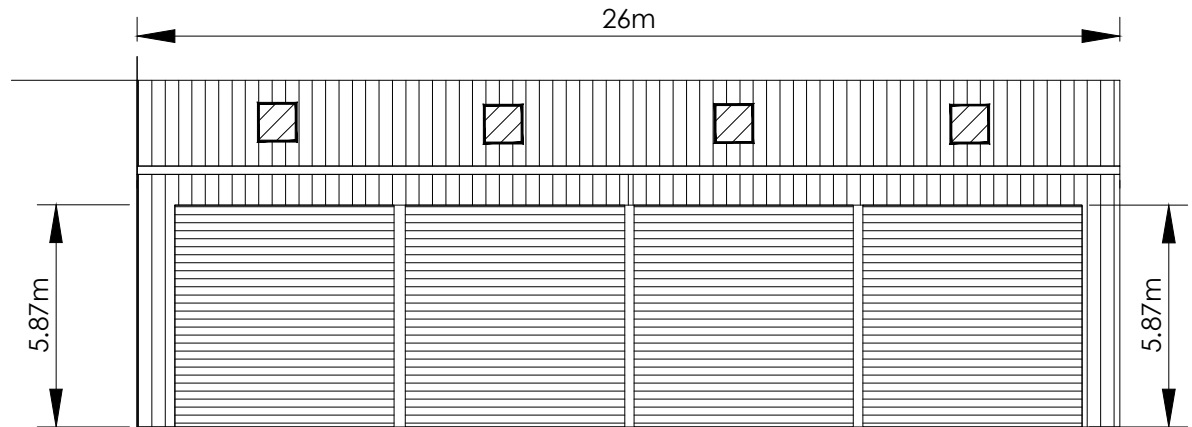
East Elevation



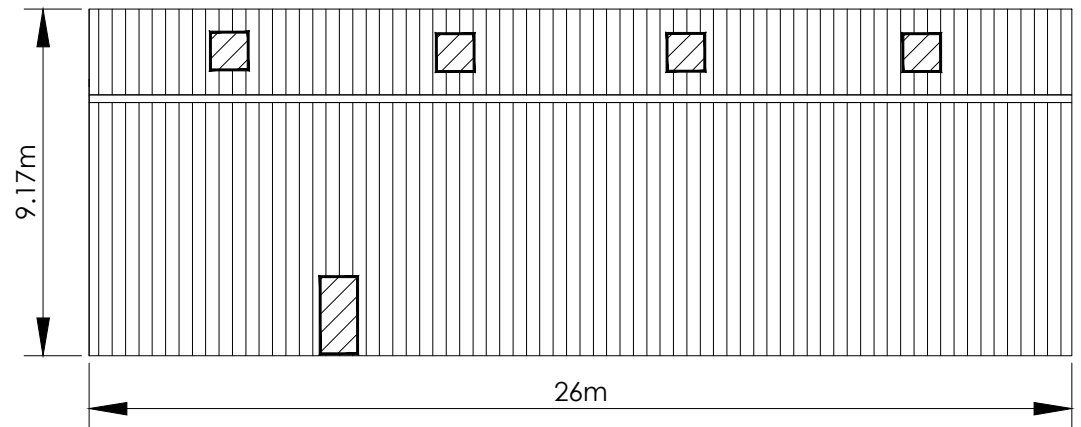
Roof Plan



North Elevation



South Elevation



rev: A	date: 15/12/21	details: Increasing height of doors & building
 <div style="float: right; font-size: small;"> The Old Dairy Yanworth Cheltenham Gloucestershire GL54 3LQ tel: 01285 721072 </div>		
client: Collard Group		
project: Nursling Recycling Centre		
title: Proposed Workshop - Plan and Elevations		
scale: 1:200	date: 28/09/21	drawn by: NG
checked by: AW	date: A3	scale: A3
project ref: 277	dwg no: 277/13	rev: A

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HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	11 January 2023
Title:	Amendment to Local Protocol on Planning, Rights of Way, Commons and Village Green Registration for Members of Regulatory Committee, Substitute Members of Regulatory Committee and Officers
Report From:	Assistant Director – Legal Services and Monitoring Officer

Contact name: Barbara Beardwell

Tel: 03707 793751

Email: barbara.beardwell@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to seek Regulatory Committee's approval to amend references to Chief Officer posts in the Local Protocol on Planning, Rights of Way, Commons and Village Green Registration for Members of Regulatory Committee, Substitute Members of Regulatory Committee and Officers, in consequence of the County Council's new organisational structure.
2. For the same reason, this report also seeks Regulatory Committee's approval to a revised delegation in respect of Section 106 Agreements and other associated matters in relation to the Town and Country Planning Act 1990.

Recommendation(s)

3. That Regulatory Committee agree to amendment of the Local Protocol on Planning, Rights of Way, Commons and Village Green Registration for Members of Regulatory Committee, Substitute Members of Regulatory Committee and Officers (Local Protocol) be amended to replace all references to the 'Director of Culture, Communities and Business Services' and the 'Director of Economy, Transport and Environment' with the 'Director of Universal Services', and that all existing delegations in the Protocol be ratified in favour of the Director of Universal Services.
4. That authority be given to the Assistant Director - Legal Services and Monitoring Officer to settle the terms of and enter into agreements pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended)

(Planning Act), and other associated matters relating to the Planning Act, on behalf of the County Council.

Amendment to Local Protocol on Planning, Rights of Way, Commons and Village Green Registration for Members of Regulatory Committee, Substitute Members of Regulatory Committee and Officers

5. On 19 October 2022, following the recommendation of the Regulatory Committee, the County Council approved an updated Local Protocol. A link to the Local Protocol is included here for ease of reference: [Local Protocol](#)
6. Contained at Paragraphs 3.4, 4.8, 11.1, 11.5 and Annex C within the Local Protocol are a number of references to and delegations to the posts of Director of Community, Culture and Business Services (Director of CCBS), and Director of Economy, Transport and Environment (Director of ETE). As Members of the Regulatory Committee will be aware in consequence of the new organisational structure of the County Council these posts no longer exist. Responsibilities of these posts, so far as they relate to matters within the remit of Regulatory Committee, are now contained within the responsibilities of the Director of Universal Services. The Local Protocol therefore needs to be revised so that references to and delegations to the posts of Director of CCBS and Director of ETE, are now to the Director of Universal Services.

Delegated Authority Section 106 Agreements

7. Responsibility for functions relating to Town and Country Planning as specified in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 exercisable by the County Council is delegated in the Constitution to Regulatory Committee. This includes agreements under Section 106 of the Planning Act, and other associated matters relating to provisions of the Planning Act (for example the modification and discharge of planning obligations), entered into by the County Council with regard to its statutory functions. Typically, Section 106 Agreements will often include requirements relating to highway contributions and infrastructure, but also school provision, highways (including rights of way), education, social services, libraries and so on. Since District Councils will already have resolved to grant planning permission subject to a Section 106 Agreement, the decision for the County Council to enter into a Section 106 Agreement in respect of County planning obligations is an administrative step to secure the matters subject of the obligation.
8. Currently Section 106 Agreements are settled by Legal Services in consultation with the relevant service area(s) pursuant to a delegation from Regulatory Committee to the previous Monitoring Officer. The previous

Monitoring Officer has now stepped down from this position and will be retiring at the end of March 2023. For the avoidance of doubt, it is considered sensible that Regulatory Committee ratify the existing delegation in favour of the previous Monitoring Officer in favour of the Assistant Director - Legal Services and Monitoring Officer.

Consultation and Equalities

9. Equalities have been considered and no adverse impact identified.

Climate Change Impact Assessment

10. No impact or specific measures have been identified.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

This proposal does not link to the Strategic Plan but, nevertheless, requires a decision to reflect the County Council's new organisational structure.

Other Significant Links

Links to previous Member decisions:

<u>Title</u>	<u>Date</u>
Update on Local Protocol for Regulatory Committee	19 October 2022

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.)

<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

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.

2. Equalities Impact Assessment:

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

Insert in full your **Equality Statement** which will either state:

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

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