

**HAMPSHIRE COUNTY COUNCIL
Decision Report**

Decision Maker:	Regulatory Committee
Date:	16 November 2022
Title:	Change of use of part of land forming Redfields Plant Centre to use for recycling of inert materials at Land at Farnham Road, Bowling Alley, Crondall GU10 5RW (No. 21/02058/HCC HR109)
Report From:	Assistant Director of Minerals, Waste and Environment

Contact name: Tim Felstead

Tel: 07761 330557

Email: planning@hants.gov.uk

Recommendation

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

Executive Summary

2. The planning application is for change of use of part of land forming Redfields Plant Centre to use for recycling of inert materials at land at Farnham Road, Bowling Alley, Crondall. It is a retrospective planning application.
3. This application is being considered by the Regulatory Committee as requested by the County Councillor Glen and due to the number of objections presented by the local residents.
4. Key issues raised are:
 - Need for waste development;
 - Visual impact;
 - Dust impacts;
 - Noise impacts;
 - Impacts on ecology and Ancient woodland;
 - Impacts on the water environment;
 - Highway safety;
 - Location criteria and special need; and
 - Acceptability within a countryside setting.
5. A committee site visit by Members took place on 4 July 2022 in advance of the proposal being considered by the Regulatory Committee.

6. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
7. On balance, it is considered that the proposal would be in accordance with the relevant policies of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) (HMWP) and the [Hart Local Plan \(Strategy and Sites\) 2032 \(2020\)](#).
8. The principle of the development is supported by Policies 17 (Aggregate supply – capacity and source), 18 (Recycling and secondary aggregate), 25 (Sustainable waste management), 27 (Capacity for waste management development) and 30 (Construction, demolition and excavation waste development) 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 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. It is considered that the proposal would not adversely impact surround habitat and biodiversity including those in the designated Site of Importance for Nature Conservation (SINC) and Ancient Woodland (Policy 3). The proposal is considered to be appropriate in terms of visual impact and landscape in the countryside setting (Policies 5 and 10). The site is well screened by existing vegetation, existing buildings, and by an approved vegetated bunding to be completed. The fencing and netting is judged to be appropriate for the setting subject to conditions on colours and the site will benefit from a screening bund and additional planting. This is supplemented by conditions to provide reinforcement of the nearby hedgerows and implementation of the separate Hart District Council planning permission ([20/01838/FUL](#)) regarding planting along the bund will visually screen the operation. Conditions limiting the height of stockpiles and restriction on the working height of vehicles will further help keep the proposed development out of sight particularly from the nearby Public Rights of Way (PROW) and public highway.
10. The proposed development already has an Environmental Permit for processing of waste from the Environment Agency. The Assessments submitted as part of the planning application demonstrate that any pollution impacts from dust or site drainage can be adequately mitigated. Regarding noise, the nearest residential receptor is the residence of the operator and would experience between low and adverse noise effects. At other sensitive receptors beyond that noise impacts have also been demonstrated to be at or below existing background levels. The operation is therefore not expected to result in adverse public health and safety impacts and no unacceptable amenity impacts (Policy 10). The development is in Flood Zone 1 (lowest risk) and it is considered that the development will not impact the existing flood risk or drainage. (Policy 11).
11. The existing access is adequate for the proposed vehicles type and numbers, the existing highways network will be able to accommodate the

additional traffic, and the highway safety at the Bowling Alley/A287 junction will not be exacerbated by the proposal (Policy 12).

12. While it is now confirmed by Hart District Council that the site is not Previously Developed Land (PDL), the applicant has demonstrated that there is a local need for the operation which supports the location of the development in the countryside (Policy 5). The site has good transport connections with the local market served (Policy 25). However, the proposal does not demonstrate effectively it meets a 'special need' (Policy 29).
13. 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.
14. While planning applications should be assessed on their own merits, consideration has also been given to the Planning Inspector's Decision for an appeal for the same operation at a location 1.8km east along the A287 (Peacocks Nursery). Particularly relevant, are conclusions on the principle of the proposed development and the benefits provided which included serving a local market for soils and products from inert waste. The Inspector noted '*the need for such development carries moderate weight in the appellant's favour*'. In that instance, the appeal was allowed despite not being found to be in accordance with Policy 29 of the [HMWP \(2013\)](#) and the site not being Previously Developed Land. It is unclear the level of weight the Inspector placed on the temporary duration of the proposal although they referenced that their decision accounted for the temporary nature of the development.
15. Taking all matters into account, on balance, the proposal is considered to be an acceptable development and be sustainable in accordance with Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#).

The Site

16. The site occupies an area of approximately 0.5 hectares of land. The Location Plan (see **Appendix A - Location Plan**) shows that the site lies approximately 1.5 kilometres (km) to the north of the village of Crondall, and 200 metres (m) south of the A287. The site is approximately 7km from the M3 and 7km from the A31.
17. Prior to the relocation of the applicant's business to the site, it was an existing operational yard previously associated with the neighbouring landscaping business that operates from the area of land immediately north of the subject site. Hart District Council, as the Local Planning Authority for the previous development of the wider site, have determined the lawfulness

of the use of the subject site as an 'operational yard' has not been established in planning terms, and or the purpose of the development of the subject site, it cannot be considered as lawful PDL (this is discussed further below in in '[Development in the countryside](#)').

18. Access to the site is achieved from Bowling Alley along a short access driveway which is also under the applicant's control. Bowling Alley connects to the A287 at the north providing access to the wider highway network.
19. The site lies within the countryside but is relatively enclosed as it is bounded by woodland along the southern and eastern boundary. The access driveway connects at the west of the site and the driveway has an existing screening bund in place.
20. The existing screening bund was granted by Hart District Council (Planning permission [20/01838/FUL](#)). Beyond the landscape bund is an agricultural field which is a former landfill and is also under the control of the applicant. To the north is an existing landscape business with associated office buildings.
21. Public Right of Way (PROW) 'Cron dall 14' is approximately 200m west of the site boundary and runs north-south from the A287. The PROW is screened from the site by the driveway landscaping bund described above.
22. Hurst House is the nearest residential properties to the site situated approximately 75m north of the site boundary and is owned by the applicant. Bowenhurst Cottages which is a residential property with a dog kennels and cattery is located 150m north of the subject site on Bowling Alley, opposite the private driveway entrance. The residential property of Willow House is located 160m away from the eastern site boundary.
23. The site is not located in a sensitive flood zone (in Flood Zone 1, the lowest risk zone) but is situated in a sensitive groundwater area Zone 2 of the Environment Agency's Groundwater Source Protection Zones (SPZs).
24. The site is not situated within any designated sensitive heritage, ecological or landscape sites. Part of the adjacent woodland to the south is designated as ancient woodland (beginning from 70m into woodland from southern site boundary). The entirety of the woodland area to the south is designated as a Site of Interest for Nature Conservation (SINC). A further SINC is located 120m north of the site on the opposite side of Bowling Alley.

Planning History

25. The site has no previous minerals or waste planning history associated with the site. The fields immediately to the west are a restored inert waste landfill (HCC site references HR077 and HR041).

26. The recent District planning history is of relevance to the application. The wider site has a history of use for horticultural nursery facilities. Structures including polytunnels, portacabins, water tanks are located in an area immediately north to the subject site and the area is accessed through the subject site.
27. Most recently Hart District Council granted planning permission for reconfiguration of the area immediately to the north and the subject site with demolition of existing buildings and structures, with the erection of new buildings and structures ([14/03075/FUL](#)). The stated existing use of the wider area at that time was a landscape contractors business. The proposed site was part of this redevelopment. The site was to be redeveloped into a yard with storage bays for recycled materials and skips, operational parking and materials set down areas. The 'existing site plan' submitted with that application showed the part of the wider site subject to this current application as an area featuring soil, rubbish, and aggregate heaps; a green waste screener; a container; a water tank; bays for storage of wood chipping, and an area of tarmac hard standing with a canopy. Open areas were shown as a gravel/tarmac surface (likely the road planings that currently surface the site).
28. Planning permission [14/03075/FUL](#) was granted on 17 March 2015 and included a condition for development to start within three years and conditions to be discharged prior to any development occurring. On 26 June 2018, Hart District Council informed the then applicant that the permission expired as the necessary conditions had not been discharged in time as the final schemes had been submitted too late ([18/00604/CON](#)). Hart District Council also stated that the driveway improvement that would have been allowed under the planning permission were considered unlawful. A Section 278 legal agreement had been signed to cover the improvements to the site access.
29. The existing screening bund was granted by Hart District Council (Planning permission [20/01838/FUL](#)) prior to the current uses commencing on site although associated planting is still to be completed.
30. The site is not identified in the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) as an allocated waste management site nor is it a safeguarded waste site.
31. Other relevant planning history relates to the proposed operation. Prior to moving to the subject site the operator was located 1.8km to the east along the A287 in 'Land behind Peacocks Nursery' ([16/03156/HCC](#)). The application was refused on 23 March 2017, and was allowed on appeal (Appeal on 16 January 2018 for a temporary period of 20 months ([APP/Q1770/C/17317/6219](#))).

The Proposal

32. The proposal is for a change of use of an existing operational yard previously associated with the adjacent landscaping business. The change of use would allow aggregate and soil recycling to be undertaken on the site. Construction, demolition and excavation waste would be brought to the site before it is crushed/screened on site to produce, soils, aggregate and sub-base materials which are then exported by the site operator.
33. It is a retrospective application. More discussion on the retrospective nature of the application is provided below under [Retrospective nature of the application](#).
34. As the nature of the uses were waste, a new planning application to retrospectively regularise the uses was submitted to Hampshire County Council as Waste Planning Authority.
35. A 360° excavator is used to sort the imported materials. A stand-alone crusher is used to crush the concrete. A soil screener is used to remove larger material from the imported soils. A loading shovel is used to load Heavy Commercial Vehicles (HGVs) for export of material.
36. Landscaping screening bunding is already located on site under an existing planning permission although the associated planting is yet to be completed. Aggregate storage bays are located to the west of the site near the end of the private driveway.
37. The proposed site layout (see **Appendix C**) would also see:
 - a new 2m height concrete wall constructed around the southern and eastern perimeter of the site to prevent dust and any other material reaching the surrounding woodland. The walls would be topped with 4m tubular poles that would support additional dust netting (6m total);
 - bat and bird boxes on trees on adjacent land within the operators control; and
 - Additional planting along the bunds.
38. The centre of the yard would be occupied with stockpiles of material that either has been processed or is waiting to be processed.
39. Import and export of materials would occur by Heavy Goods Vehicles (HGVs). It is estimated that the daily operations would result in 24 HGV movements with 4 HGVs being parked overnight. There would be two operatives that require to park at the site along with HGV drivers parking their vehicles for the day.
40. Requested hours of operation are 0700 – 1800 Monday to Friday and 0800-1300 on Saturday. The applicant proposes no crushing would take

place on Saturdays with only delivery or export of material allowed. No working is proposed on Sundays or recognised Public Holidays.

41. No external lighting is proposed.
42. The applicant proposes to import 15,000 tonnes of soils and inert waste per annum and for stockpile to be no greater than 5 metres (m) in height.
43. The site is accessed via Bowling Alley and is 130m from the A287. The access onto the A237 is approximately 7.5km from the A31 to the east and the same distance to the M3 to the west. The A287 is not identified as part of the Strategic Road network under the Hampshire Minerals & Waste Plan Policies Map - October 2013.
44. The site is already subject to an existing Environmental Permit regulated by the Environment Agency.

Environmental Impact Assessment

45. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017.](#); 10(a) - Urban development projects and 11(b) Installations for the disposal of waste (unless included in Schedule 1) and does not require an Environmental Impact Assessment. A Screening Opinion confirming this was issued by the Minerals and Waste Planning Authority on 19 August 2021.

Development Plan and Guidance

46. 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.
47. 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.
48. For the purposes of this application, the statutory development plan comprises the following:

[National Planning Policy Framework \(2021\) \(NPPF\)](#)
49. The following paragraphs are relevant to this proposal:

- Paragraphs 10 -12: Presumption in favour of sustainable development;
- Paragraphs 38 and 47: Decision making and determination;
- Paragraphs 55 - 56: Planning conditions;
- Paragraphs 57: Planning obligations;
- Paragraphs 81: Support of sustainable economic growth;
- Paragraphs 84 - 85: Rural economy;
- Paragraphs 180 - 181: Biodiversity and planning; and
- Paragraphs 183 - 188: Ground conditions and pollution.

National Planning Policy for Waste (2014) (NPPW)

50. 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)

51. 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).

Hampshire Minerals & Waste Plan (2013) (HMWP)

52. 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 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 27 (Capacity for waste management development);
- Policy 29 (Locations and sites for waste management); and
- Policy 30 (Construction, demolition and excavation waste development).

[Hart Local Plan Strategy & Sites 2032 \(2020\)](#)

53. The following policies are relevant to the proposal:

- Policy SD1 (Sustainable development);
- Policy ED3 (Rural economy);
- Policy NBE1 (Development in the Countryside);
- Policy NBE2 (Landscape);
- Policy NBE 4 (Biodiversity);
- Policy NBE9 (Design);
- Policy NBE11 (Pollution); and
- Policy INF3 (Transport).

[Hart Local Plan \(Replacement\) 1996-2006 Saved Policies \(2020\)](#)

54. The following policies are relevant to the proposal:

- GEN1 (General policy for development; and
- GEN2 (Policy for noisy/un-neighbourly developments).

[Crondall Parish Council Neighbourhood Plan \(2021\)](#)

55. The following policies are relevant to the proposal:

- Policy 3 (Good Design); and
- Policy 4 (Crondall/Mill Lane Gap).

Consultations

56. **County Councillor Glen:** Has objection to the proposal and has requested it be considered by the Regulatory Committee.
57. **Hart District Council - Planning:** No objection based on small scale of the operation and it being unlikely to have strategic implications for Hart District Council. Identified potential impacts that the MWPA should consider in determining the application noting visual impact, ecology/biodiversity, trees, drainage/flooding, noise/dust pollution, and traffic generation.

Clarification was received confirming that HDC did not consider the site to be PDL as no planning application had been received and the subject site does not have a Lawful Development Certificate (LDC). They concluded that the lawfulness of the use of the land as 'operational yard' has not been established in planning terms and therefore for the purpose of the development that HCC is considering that part of the site, as it stands, cannot be considered as a lawful PDL.

58. **Hart District Council - Ecology** – Noted the presence of the SINC which was not initially identified in the submitted Ecology Assessment (this was corrected in a revised Ecological Assessment). Also noted the use of the concrete wall as mitigation to prevent impact to the woodland but stated their preference would be for a buffer strip to separate the operation from the woodland. Regarding the concrete containment wall, suggested consideration given to a return to the wall in the at the north of the site to ensure materials are contained. Suggested action to remediate the rubbish materials located in drainage ditches surrounding the site. Suggested additional ecology enhancements could include management of any woodland under control of the applicant.
59. **Hart District Council Landscape** – Provided comments on the landscaping bund that runs parallel to the bund on the west edge of the access driveway. (The bund and associated planting is outside of the subject site and was given planning permission by Hart District Council (20/01838/FUL) - this includes an approved planting scheme. Comments received in response to the subject application suggested an alternative planting scheme with a hedgerow replacing the trees. Stated a planting and management scheme should be required as a condition.
60. **Hart District Council Environmental Health Officer (EHO):** Has no objection.

Reviewed three versions of **Environmental Noise Survey and Plant Noise Assessment Report**. Following a clarification request from MWPA in response to concerns raised by the public and Crondall Parish Council on noise concerns, the EHO requested the applicant provide two further revisions of the noise assessment. Second version was requested to use a more appropriate methodology (BS 4142:2014 + A1:2019) versus the standard in the national Planning Policy Guidance on Minerals. Third and final version was requested to improve background noise assessment at the three properties most impacted properties (Hurst House, Bowenhurst Cottages, and Willow House), assess the combined impact of all plant running simultaneously as a worst case scenario, confirm that the plant was crushing concrete at the time of measurement, and to consider acoustic corrections as required by the measurement standard.

Noted that the impact as Willow House and Bowenhurst Cottages is expected to be 'Low Impact' in line with the measurement standard. While the levels at Hurst House, as the premise is in the applicant's own demise

they would have control over noise levels if it was a disturbance to themselves.

Supported the proposed time restrictions proposed by the application and noted no external lighting was proposed.

Referenced the Dust Emissions Management System, Environmental Management System, and Noise & Vibration Emissions Management System documents submitted with the application and the Environmental Permit to which they were related. They had no comment on these documents based on the stipulations of NPPF Paragraph 188 (i.e. if site operations are subject to separate pollution control regimes, planning decisions should assume these regimes will operate effectively).

61. **Crondall Parish Council:** Has objection. Considers the negative impacts outweigh the proposed benefits for multiple reasons
- Planning permission 14/03075/FUL had lapsed meaning any development of the subject site was unlawful. The subject site should not be considered previously developed land. Referenced Policy 5 (Development in the Countryside) would not support development on a 'greenfield' location. Disagreed with HDC conclusion that it was previously developed land associated with the existing landscape business.
 - The proposed development is located in the Crondall Gap (Policy 4 of the adopted Crondall Neighbourhood Plan) which aims to retain separation between Mill Lane and Crondall.
 - Being contrary to Policies 25 and 29 of HMWP (2013) in terms of location of the subject site and lack of 'special need' for the use of the location.
 - Unsafe highway access onto the A287 and errors in the analysis supporting the Transport Statement.
 - Unacceptable impacts on noise and dust. In particular stated there were deficiencies in the noise assessment. Also noted lack of assessment of particulates generated by the operation of the development.
 - There would be ecological impact to surrounding ditches and woodland from the development and the proposed mitigation was insufficient.
 - Although the development is 'hidden' from view it would have an urbanising effect on the landscape due to the 24 HGV movements per day.
 - Numerous public representations opposing the development.
62. **Environment Agency:** Has no objection. Noted the proposal would not have a significant impact on ground water quality.
63. **Farnborough Airport:** No objection

64. **Blackbushe Airport:** Was Notified
65. **Defence Infrastructure Organisation:** No objection.
66. **Local Highway Authority:** Has no objection subject to a condition that ensure vehicles leaving the site do not deposit mud or other dirt or debris on the road. Noted that the accident information submitted in the transport statement showed there were no accidents at the intersection of Bowling Alley with the A287. The swept path analysis demonstrated the access onto Bowling Alley was adequate. The highway network was able to accommodate the additional traffic generated. The application stated all traffic will turn right into the site and right out of the site (and so not travel along the longer stretch of Bowling Alley to ward Crondall)
67. **Lead Local Flood Authority (LLFA):** Has no comments to make. Noted that the change of use would not change the surface water management or flood risk.
68. **Landscape Planning and Heritage (Landscape) (Hampshire County Council):** Has no objection subject to conditions. Noted the site currently only has a semi-enclosed character as the hedgerows alongside the adjacent lane and road are not thick and have gaps which allows views into the site for properties on Mill Lane, on Farnham Road (A287) and Bowling Alley. The planting along the bund is key to screening site views from the footpath.

The proposed 5 m stockpiles with allowance to use a 360 excavator on top of them was considered too intrusive. The existing earth bund constructed as part of planning permission 20/01838/FUL have not been seeded as proposed under that planning and ruderals are beginning to colonise.

Recommended conditions be added to address the above issues:

- Infill planting along the field boundary hedgerows on Farnham Lane (A287) and Bowling Alley;
 - the netting should be dark coloured (black, dark green or dark brown);
 - stockpiles maximum of 4m above ground level be required, together with machinery being required to work below the level of screening bunds;
 - Thorough preparation of the bund and ongoing maintenance to remove ruderals;
 - Initial planting should be maintained for a period of 5 years post implementation and any plant failures in each and every year of that period, should be replaced in the next planting season.
69. **Landscape Planning and Heritage (Archaeology) (Hampshire County Council):** No archaeological issues as no sites currently recorded in the location and the existing development of the land will have compromised any archaeological potential.

70. **Arboriculture (Hampshire County Council):** No objection subject to conditions. Noted that no trees would be lost as part of the proposed development and that trees provided along the bund would be welcomed. Recommended a condition requiring submission of a Tree Protection Plan and Arboricultural Method Statement.
71. **County Ecologist (Hampshire County Council):** No objection subject to conditions. Requested additional details be added to the submitted Ecological Assessment to address concerns over the lack of habitats assessed, the proximity of the aggregate bins and wall to the SINC, proposed protective fencing and ability to mitigate dust impacts, surface water drainage and release of silt into ditches which drain to ancient woodland.

Following submission of an updated Ecological Impact Assessment the County Ecologist was satisfied that it assesses the impacts on the ancient woodland habitat. Also noted that the additional planting associated with the bund and bird/bat boxes provided further biodiversity compensation and enhancement. Were satisfied that pollutant impacts including from dust could be mitigated with the construction of the wall, netting and dust monitoring. Waste removal from the drainage ditches was also picked up on. The planted bund offered opportunities for wildlife connectivity.

Recommended condition stating development is undertaken according to the measures set out in the Ecological Impact Assessment, approved planting of the bund per the planting plan approved under 20/01838/FUL, and the Dust Management Scheme.

Representations

72. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
73. 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 some additional properties further than 100m.
74. As of 8 November 2022, a total of 68 representations (from 46 respondents) to the proposal have been received - all objected to the proposal. The main areas of concern raised in the objections related to the following areas:

- conflict with 'Cron dall Gap' in Neighbourhood Plan;
- site's status as Previously Developed Land;
- previous use of land not of same scale as current proposal;
- impact of the site and its activities on the rural location;
- residential (noise, air quality, dust, health) and visual amenity and landscape impact including proposed wall and netting;
- surface water/flooding impacts;
- impact on wildlife/designate sites;
- arboriculture impacts;
- Impact on historic setting;
- hazardous nature of waste;
- pollution, odour, and emissions associated with the development;
- surrounding highways/local roads not suitable for additional HGV movements including junction of A287 and Bowling Alley;
- associated HGVs parking inappropriately at nearby petrol station;
- debris left by HGVs on roads;
- the development is out of character in the rural area and should be located in an industrial, not a rural location;
- lack of demonstrated need for the development in the area;
- lack of public consultation;
- location of similar operation nearby (1-2 miles away);
- inaccurate information submitted as part of the planning application (e.g. noise assessment, location of the nearest property, number of lorry movements); and
- retrospective nature of the planning application.

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

Habitats Regulation Assessment [HRA]

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

77. 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.

78. 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.

79. 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.
80. 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:
- The site 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

81. 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.
82. This proposed development has been subject to consideration of Policy 2 (Climate change – mitigation and adoption) of the [HMWP \(2013\)](#). The Planning Statement briefly addresses climate change. It references the proposed development's potential to contribute to the use of recycled and secondary aggregates, and the potential for the relatively local market served by the proposed development to result in reduced transportation emissions. While this may have some weight, no empirical evidence has been provided to support these assertions compared to the waste travelling to existing sites. However, there is also nothing to suggest that the movement to, and recycling of, CDE waste to the proposed site would increase Greenhouse Gases. The proposed site is not in a location vulnerable to climate change and flood risk.
83. Overall, the proposal is considered to be consistent with Policy 2 (Climate change – mitigation and adoption) of the [HMWP \(2013\)](#).

Commentary

Principle of the development

84. In order for the proposed development to be considered for approval, the principle of a waste recycling facility on this site needs to be established. The proposal needs to be considered against national policy and guidance and must be in accordance with the policies of the [Hampshire Minerals & Waste Plan \(2013\)](#) (HMWP) (2013).
85. The need for effective waste management development is recognised in various policies of the [HMWP \(2013\)](#). Policies 17 (Aggregate supply – capacity and source), 18 (Recycled and secondary aggregates development), 25 (Sustainable Waste Management) and 27 (Capacity for waste management development) support development of new inert waste recycling facilities in principle, in order to provide contribution to recycled and secondary aggregate targets, divert waste from landfill and encourage waste to be managed at the highest achievable level in the waste hierarchy. This principle is in accordance with paragraph 1 of the NPPW (2014). Policy 30 (Construction, demolition and excavation waste development) of the [HMWP \(2013\)](#) also supports development which will maximise the recovery of construction, demolition and excavation waste to help to meet the targets within the policy.
86. The proposal would contribute to providing additional infrastructure to maximise the availability of recycled material. It would contribute to the use of crushed waste concrete as a secondary aggregate, process excavated waste soils to provide a beneficial product for local markets, and keep the material from being sent to landfill.
87. As described above the proposed development is a relocation of an operation that was allowed temporary permission to operate at a site (Peacocks Nursery) 1.8 km east along the A287, between the subject site and Ewshot. As the operation is the same and proposed location is in relatively close proximity to the Peacock Nursery location, it is relevant to review the [Inspector's Decision](#) for the previous location to understand which policies were problematic the proposed development. The Inspector's Report highlights that the operation did not meet Policy 29 – this will be further discussed in [Location of development](#). The need for the proposal and the operation in the countryside (Policy 5) was also examined and this is discussed under [Development in the Countryside](#).
88. *Policy 1 (Sustainable minerals and waste development)* of the [HMWP \(2013\)](#) states that a waste development that accords with the policies of the Plan will be approved. Whether the proposal is considered to be a sustainable waste development, in accordance with Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#), will be considered in the remaining sections of this commentary.

Location of development

89. Policy 29 (Locations *and* sites for waste management) of the [HMWP \(2013\)](#) provides the framework for the location of new waste sites in Hampshire. Part 1 of the policy states that '*Development to provide recycling, recovery and/ or treatment of waste will be supported on suitable sites in the following locations:*
- i. Urban areas in north-east and south Hampshire;*
 - ii. Areas along the strategic road corridors; and*
 - iii. Areas of major new or planned development.*
90. The application site is not within the urban area of north-east Hampshire nor within the strategic road corridor as identified in Figure 6 – Key Diagram of the [HMWP \(2013\)](#). On the basis the site doesn't meet Part 1, Part 2 does not apply.
91. It is therefore necessary for the applicant to demonstrate that the proposed development is in accordance with Part 3 of the Policy 29. This has two requirements that must both be met. Part 3 of Policy 29 states that '*development in other locations will be supported where it is demonstrated that;*
- a. the site has good transport connections to sources of and/or markets for the type of waste being managed; and*
 - b. a special need for that location and the suitability of the site can be justified.'*
92. Part 3 (a) of the criteria is linked to Policy 25 (Sustainable waste development) of the [HMWP \(2013\)](#) which also says that waste management should be located near to the sources of waste or markets for its use. The previous [Inspector's Decision](#) notes that the policy does not specify distance requirements although the supporting text states an aim of reducing long-distance transport. Regarding the Peacocks Nursery location, the Inspector noted that site was reasonably close to urban areas including Farnham, Aldershot, and Fleet. The Inspector's Decision also highlights that the material being transported was of relatively low value and it is unlikely to be cost-effective to transport it long distances.
93. The above assumption is noted and is considered to be of relevance to this proposal. For this current application the applicant has submitted a client list which also shows a number of serviced locations - this supports the Inspector's conclusion on this point. Highlighting its central location to the sites serviced locations around Odiham, Alton and Basingstoke are also listed. This provides evidence that the site is meeting a local market need. The proposed site continues to meet this locational local requirement.
94. Furthermore in relation to Part 3 (a) of Policy 29, whilst the site is outside of the Strategic Road Corridor (identified on the [HMWP \(2013\)](#)'s Key Diagram), the site is located on the A287 which is a good quality A class

road with direct access to the M3 and A31(both Strategic Road corridors). Importantly, the site has good proximity the service locations identified above. The Local Highway Authority raises no objection to the application on the grounds of highway safety as noted in [Highways Impact](#). It is therefore considered that the proposal meets Part 3 (a) of Policy 29.

95. Part 3 (b) of Policy 29 has an emphasis on 'special need'. Again, it is important to understand how the previous Inspector viewed the Peacock Nursery operation in terms of the materials it is processing. The Inspector found that the operation did not meet the threshold of 'special need'. Paragraph 7 of the NPPW states that it is not necessary for a proposed waste management facility to demonstrate a quantitative or market need if it is consistent with an up-to-date Local Plan – in the case of the proposed development, it is considered that this evidence would be required. There is no evidence to amend the Inspector's previous conclusion that there is no 'special need' for the proposed development. More discussion on local need is also set out in [Development in the Countryside](#) and the proposal is considered to demonstrate a local need in this context.
96. Taking all matters into account, the proposal is considered to be in accordance with the locational requirements of Policy 25 (Sustainable waste management). The proposal is also considered to meet Part 3 (a) of Policy 29. However, the proposal is not considered to fully meet Part 3 (b). Therefore, the proposal cannot be considered to be fully accordance with the provisions of Policy 29 (Locations and sites for waste management) of the [HMWP \(2013\)](#). The impact this has on the wider balance will be covered in the remaining sections of this commentary.

Development in the countryside

97. *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.
98. *Policy NBE1 (Development in the Countryside), Part J* of [HLP \(2020\)](#) states that development proposals will be supported within the countryside (the area outside settlement policy boundaries) if it located on suitable previously developed land appropriate for the proposed use. The status of the site in terms of PDL is discussed below. In addition, *Policy ED3 (Rural Economy), Part (c)* of the policy states that to support the rural economy,

development proposals for economic uses in the countryside will be supported where they enable the continuing sustainability or expansion of a business or enterprise at scale. It goes on to state all development proposals must be of a use that is appropriate to the site and location, and that landscape, heritage and environment, residential amenity, site access and highway must be considered. Supporting text for this policy (Paragraph 188) acknowledges that existing businesses may need to re-locate and they can provide employment and services in rural areas. The supporting text also makes reference to PDL redevelopment being encouraged (Paragraph 190) but not specifically a requirement for re-locations.

99. When reviewing the proposal against Policy 5 (Protection of the countryside) of the [HMWP \(2013\)](#), the proposed development has the potential to meet either the local need requirement, or, based on the applicant's planning statement, that is located on PDL.

a) *Local need:*

100. To better understand what is meant by 'local need' in the context Policy 5 the supporting text can be referenced. Paragraph 4.37 of the [HMWP \(2013\)](#) states that '*some waste uses, such as large scale facilities requiring an open site are difficult to accommodate in urban areas*'. *Waste uses ... that are not specifically linked to the natural occurrence of a mineral should be located in urban areas*'. Paragraph 4.38 goes onto say that '*appropriately managed ...waste development is important to support employment and provision of services in rural areas*'.
101. The applicant has submitted details of their client list showing the locations that the business serves on behalf of their client list. As the applicant considers this is sensitive information, a redacted version has been made available (see **Additional Information from the Applicant - Client List (28 July 2022)**). The locations are primarily located within a 20 mile radius of the subject site and concentrates on areas around Fleet, Farnham, Odiham, and Aldershot, with some additional locations around Alton and Basingstoke. It is also relevant to consider the Planning Inspector comments on the nature of the operation at its previous location at Peacocks Nursery, which was 1.8km east along A287 of the subject site.
102. As the Planning Inspector discussion on 'need for the development' (Paragraph 7) Inspector notes, Policy 5, Part b), supports development in the countryside where there is a 'local need'. The consistency with Part (b) of Policy 5 could be weakened by the presence of other similar recycling sites in the wider area (e.g. Beacon Hill) despite the applicant not having access to these sites. However, in Paragraph 8, the Inspector recognised that there are other facilities in the vicinity that provide similar recycling facilities (e.g. Beacon Hill) but then states '*the need for such developments carries moderate weight in the appellant's favour*'.

103. Later under Paragraph 25 of the decision, '*The Planning Balance and Overall Conclusion*' of the Appeal decision the Inspector found that the development '*is consistent with promoting a rural business and would also help serve local markets for soils and other products from inert waste*'.
104. Based on above and the additional information submitted showing the local market locations served by the applicant, there is no evidence to suggest the Inspectors conclusion wouldn't continue to apply to the proposed subject development in the proposed subject site. A local need has therefore been demonstrated in this context.

b) Previously Developed Land (PDL):

105. Crondall Parish Council and local representations have questioned the previous development status of subject site based on the previous planning permission for redevelopment of the site lapsing prior to implementation of the permission.
106. PDL is defined in the NPPF (2021) Annex 2 as:

'land which is or was occupied by a permanent structure including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'

107. The applicant has asserted that based on their previous correspondence and reports by Hart District Council (HDC) (particularly Officer Report for the previously granted planning permission) the subject site has been recognised as Previously Developed Land. However, as described under [Consultation Responses](#), HDC have now clarified the development status of the site.
108. The Minerals and Waste Planning Authority requested additional information from HDC regarding development status of the subject site as described in planning application 14/03075/FUL, noting that the Officers report for that planning application identified the subject site as an 'operational yard' associated with the landscape business. HDC's initial response indicated that although there was no planning application for a change of use from agricultural to the operational, the reference to its use inadvertently established the land as Previously Development Land as art

of the garden/landscape business when the planning permission was granted.

109. However, the latest HDC response clarifies that in light of the planning history of the subject site, they do not consider it to be PDL. The Minerals and Waste Planning Authority has accepted District Council's position on this given the ambiguity of how the subject site is described within the context of the wider site in the Officer Reports for previous HDC planning applications.
110. As described elsewhere in this report, the design of the proposed development is found to be consistent with other relevant policies related to the design and operation.
111. Crondall Parish Council and local representations have raised the issue of the location of the development in 'the Crondall Gap'. The Crondall Gap is a Local Gap area defined under Policy 4 of the Crondall Parish Council Neighbourhood Plan (CPCNP) (2021). The policy states that development proposals within the Local Gap should not result in coalescence or harm the separate identities of Crondall and Mill Lane. This is also supported by Policy NBE2 (Landscape) of [HLP \(2020\)](#) which states it does not lead to the physical or visual coalescence of settlements, or damage their separate identity. Taking into account the woodland, agricultural fields, and Bowling Alley highway immediately surrounding the site and the previous development of the subject site, the proposed development is considered to be a discrete, well screened development and would not risk contributing to a coalescence of Mill Lane and Crondall.
112. Regarding the previous Peacocks Nursery application, it was found by the Inspector that site was not PDL but the appeal was still allowed (though the Inspector did account for the temporary nature of the applicant's proposal had in that decision). The appeal documents describe how the applicant was going to have to relocate from the Peacock Nursery location as the landowner had other development ideas for the site.
113. The proposed site has limited capacity to expand in the future as the restored quarry/landfill to the west is not considered Previously Developed Land per the NPPF definition of PDL, and surrounding woodland further constrains future expansion.

c) Design and restoration

114. The design of the development is addressed in more detail below in terms of visual (see [Visual impact and landscape](#) and ecological (see [Ecology](#) impacts).
115. Restoration is a requirement of Policy 5 (Development in the Countryside). 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**.

116. Taking all matters into account, whilst it is acknowledged that the subject site is considered countryside, the development has been found to meet the requirements of Policy 5, Part b, by demonstrating a local need for the relatively small scale operation. The District Council's position that the land is not considered to be PDL is accepted despite it previously being identified as an 'operational yard' in district council planning documents. The proposed site would utilise a relatively small area which is disconnected from Crondall and Mill Lane and is bound by woodland, a larger area of agricultural land which is not considered PDL, and the existing structures for the landscaping business which does benefit from Planning Permission. Taking all matters into account, with the proposed mitigation and planning conditions, the proposal is considered to be in accordance with Policy 5 (Protection of the Countryside) of the [HMWP \(2013\)](#), Policies NBE2 (Landscape) and ED3 (Rural Economy) of [HLP \(2020\)](#), and Policy 4 (Crondall/Mill Lane Local Gap) of [CPCNP](#) (2021). However, the proposal is not considered to be in accordance with Policy NBE1 (Development in the Countryside) of [HLP \(2020\)](#).

Visual impact and landscape

117. Policy 13 (High-quality design of minerals and waste development) of the [HMWP \(2013\)](#) requires that minerals 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.
118. Policy NBE2 (Landscape) of [HLP \(2020\)](#) also identifies how development proposals must respect and wherever possible enhance the special characteristics, value or visual amenity of the District's landscapes. It states proposals will be supported where there will be no adverse impact to identified landscape character, visual amenity and scenic impact, trees, woodlands, hedgerows, e.g. rivers and other landscape.
119. A **Landscape Statement** has been submitted with application which includes photos of the subject site from various public viewpoints including the Public Rights of Way (PROW) to the west of the site and the A287.
120. As described above, a bund already exists alongside the access road and while outside the redline area for this application benefits from an earlier planning permission from Hart District Council (see [Planning History](#)). This

bund is within on land under control of the applicant and as a result can be subject to conditions under this current planning application. The approved bund planning permission included a number of conditions including that required a planting and maintenance scheme to be submitted to Hart District Council for their approval. This condition has since been discharged ([20/01838/CON](#)) and the approved planting scheme is submitted as part of the current planning application.

121. The County Landscape Architect has reviewed the proposal and has no objection subject to conditions. The applicant has proposed a condition that limits stockpile heights to 5m and allowance to operate 360° excavator on top. As demonstrated from photos submitted as part of public representations and in the Landscape Statement, this stockpile height will remain visible above the landscape bund and is considered too intrusive. This is likely to change as the proposed vegetation becomes more established. The addition of the concrete wall was considered acceptable although the additional 4m high dust netting would benefit from being a dark colour to blend with the surrounding woodland. The existing earth bunds constructed as part of planning permission 20/01838/FUL have not been seeded as proposed under that planning permission and ruderals are beginning to colonise. For the visual impact of the proposed development to be considered acceptable the planning permission for the bund must be implemented in full and reference to the implementation and maintenance of the bund will be necessary. To further block views of the site from the A287 and Bowling Alley reinforcement of the existing hedgerow will also be necessary. Conditions have been recommended to address the above issues and are set out in **Appendix A**. The proposed conditions also include the restriction of certain permitted development rights – this is justified on the basis of taller structures on the site potentially being visible above proposed screening.
122. On the basis of the proposed mitigation and planning conditions, 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 [HMWP \(2013\)](#), and Policy NBE2 (Landscape) of [HLP \(2020\)](#).

Arboriculture

123. Arboricultural matters are addressed under a number of policies in the [HMWP \(2013\)](#). Policy 3 (Protection of habitats and species) covers ecological impacts while Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) address visual impacts respectively with trees and hedgerows being key elements.
124. Policy NBE2 (Landscape) of [HLP \(2020\)](#) also requires there to be no adverse impact on trees, woodlands and hedgerows.

125. In addition to the **Landscape Statement**, an **Arboricultural Impact Assessment** has been submitted which assess the benefits and impact of the installation of the proposed 2m concrete fencing. The assessment describes how the fencing will prevent materials encroaching toward the woodland areas and that it can be erected with a stand-off between the trees to ensure the roots. The Ecological Impact Assessment and submitted plans describe how fine mesh netting to an additional height of 4m will be installed to prevent dust from the site impacting the woodland. A dust monitoring procedure is also included as part of the submitted **Dust Emissions Management Procedure** that was included in the application for the site Environmental Permit.
126. Crondall Parish Council and public representations raise concerns about the impact of the development on the surrounding woodland and these are noted.
127. The site is bounded by mature woodland on the east and south perimeter with woodland to the south a designated SINCS. A few trees on the edge of the woodland are on land under control of the applicant but the majority of the woodland is not. The County Arboriculturist has reviewed the application and were satisfied that no trees would be lost as part of the development. They had no objection subject to a condition being added that required submission of an Arboricultural Method Statement (including a Tree Protection Plan). This is included in **Appendix A**.
128. On the basis of the proposed mitigation and planning conditions, the proposal is 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 development) of the [HMWP \(2013\)](#), and Policy NBE2 (Landscape) of [HLP \(2020\)](#).

Ecology

129. Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) sets out a requirement for minerals and waste development to not have a significant adverse effect on, and where possible, should enhance, restore or create designated or important habitats and species. The policy sets out a list of sites, habitats and species which will be protected in accordance with the level of their relative importance. The policy states that development which is likely to have a significant adverse impact upon the identified sites, habitats and species will only be permitted where it is judged that the merits of the development outweigh any likely environmental damage. The policy also sets out a requirement for appropriate mitigation and compensation measures where development would cause harm to biodiversity interests.
130. Policy NBE4 (Biodiversity) of the [HLP \(2020\)](#) states that development will be permitted if it does not have an adverse impact on the integrity of designated sites including SINCS, it does not result in the loss or deterioration of irreplaceable habitat including ancient woodland and

ancient trees, and opportunities to protect and enhance biodiversity and contributions to wildlife and habitat connectivity are taken where possible.

131. An **Ecological Impact Assessment** was submitted with the initial application. A revised version of this assessment was subsequently submitted in response to requests for additional information from the County Ecologist. In terms of habitat creation, the implementation of the landscaping bund and associated planting along the access driveway along the west edge of the subject site is also relevant (covered by a separate Planning Permission from Hart District Council). The applicant is also proposing to install bat boxes and bird boxes on trees within the wider site which is under their control.
132. The Ecological Impact Assessment includes a number of mitigation measures to address potential impacts to the site. Silt escaping from the site would be prevented by the installation of the fencing and removal of existing drains and pipes connecting the site to the drainage ditches. The fence and dust netting would prevent dust and invasive species impacting the surrounding woodland. The fencing is located away from the surrounding woodland.
133. Crondall Parish Council and public representations raise concerns about the impact of the development on the surrounding habitat including the woodland and drainages and these concerns are noted.
134. The County Ecologist is satisfied that collectively the mitigation measures identified in the Ecological Assessment, the implementation of the Dust Management, addressed potential impacts to the adjacent habitat. They also noted the biodiversity benefits resulting from the additional planting along the bund, and bird and bat boxes. Conditions have been recommended that ensure implementation of the above mitigation and enhancements and are set out in **Appendix A**. Since the netting fencing and netting is a key part of the mitigation it is important to ensure it is maintained for the duration of the development and the condition reflects this. This is also set out in **Appendix A**.
135. The Hart District Council Ecologist also provided a response to the consultation noting key issues of remediating any rubbish that had been deposited in the drainage ditch. Conditions to this effect are set out in **Appendix A**. They also recommended an additional return be added to the concrete wall in the northwest corner of the subject site to ensure full containment of materials. The applicant has submitted updated plans to address this issue.
136. On the basis of the proposed mitigation and planning conditions, the proposal is in accordance with Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#), and Policy NBE4 (Biodiversity) of the [HLP \(2020\)](#).

Impact on amenity and health

137. 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.
138. Policy NBE11 (Pollution) of the [HLP \(2020\)](#) says that development will be supported provided it does not give result in unacceptable levels of pollution and that any adverse impacts can be mitigated for or minimised to an acceptable level. Proposals that may give rise to pollution must be accompanied by an assessment examining risks and possible impacts. Regarding noise it notes that developments that give rise to significant adverse effects will not be supported. Dust is addressed under the policy in the context of construction and demolition stages of a development which are more temporary in nature than the proposed operation but does refer to the need for adequate controls and so recognises that controls can be put up place.
139. The proposed development has potential to create noise and/or dust impacts in particular. Crondall Parish Council and many of the public representations raise pollution in particular noise, air quality (including dust), and water. Complaints about noise from the site have been raised to the Minerals and Waste Planning Authority since the submission of the planning application. These concerns are noted.
140. Paragraph 5.15 of the [HMWP \(2013\)](#) states that a 100m buffer from inert waste recycling facilities to nearest sensitive receptor is typical though this distance is reviewed on a case by case basis. Hurst House is only 75m from the subject site boundary but is under ownership of the operator. The next nearest sensitive receptor is Willow House (160m to the East) of the subject site.

a) Emissions to the atmosphere (air quality):

141. Crondall Parish Council and public representations raised concerns that a full air quality assessment was not submitted with the planning application. The Hampshire County Council Validation Checklist does require Air Quality Impact Assessments to be submitted for any planning applications which are likely to have an impact on air quality through dust fumes or significant traffic movements. The application did include the Dust Management Report that was approved as part of the Environmental Permit. The development is not considered to generate significant traffic movements and based on the approval of the Environmental Permit (and associated management plans), and air quality not being a concern of the EHO, an Air Quality Impact Assessment has not been requested.

142. Other than the potential for dust emissions from the site, other air quality pollutants are not an issue from operations such as the one proposed.

b) Noise and vibration:

143. Crondall Parish Council and public representations raised concerns about the noise produced by the proposed development. In response to questions from Crondall Parish Council and public representations, regarding the noise assessment with the application, a revised **Noise Assessment** was requested using an alternative methodology to quantify the noise impact of the proposed development at the nearest sensitive receptors.

144. In response the applicant submitted a revised **Environmental Noise Survey and Plant Noise Assessment Report** which the Environmental Health Officer requested further revisions and clarifications to including the combined 'worst case scenario of expected noise with all plant operating simultaneously. The methodology used (BS 4142:2014 + A1:2019) compares the noise levels expected by the various plant on the site with the measured or calculated background levels at the receptors. The greater the difference between the generated noise and the background level, the greater the impact. The standard identifies the impact under three general levels –

- 'significant adverse' (10 dBA or more above background);
- 'adverse' (around 5dBA above background); and
- 'low' (below the background level).

145. The nearest receptor is Hurst House (75m from site) which is the residence of the operator – the report states the expected noise level from the loudest scenario, with all plant equipment operating and HGVs operating, to be 2dBA above the measured background. This includes 'penalty' feature correction added to the calculated noise to account for the distinctive characteristics of the crusher and unloading of HGVs. This would place it above the 'low' level but below the 'adverse' level. Both Willow House and Bowenhurst Cottage were calculated to experience noise under the worst scenario that was at or below the measured background level.

146. The Environmental Health Officer has reviewed the assessment and has no objection to the development.

147. The **Noise & Vibration Emissions Management System** document submitted for the Environmental Permit was also submitted with the planning application. The document identifies how the site operations should control impacts and also requires a daily noise monitoring regime. Adherence to the noise management system is recommended as a condition in **Appendix A**. The requirement to only use the plant included in the Noise Assessment is also included to ensure the results of the

submitted noise assessment remain applicable in the future although allowance is made for the Minerals and Waste Planning Authority to allow replacement commensurate plant once the noise and visual impact is considered. In addition, to prevent the 'worst case scenario' and provide some buffer in the actual noise versus calculated noise a restriction on the use of both the soil screener and crusher at the same time has also been recommended as a condition in **Appendix A**.

148. In addition, it is recommended that given the specific nature of the activities and uses addressed in the Noise Assessment that the proposed conditions include the restriction of certain permitted development rights to limit any further intensification of activities on site other than those considered from the application.

149. It is proposed that HGVs be allowed to enter and leave the site and for the site to operate between - 0700-1800 Mondays to Fridays. On Saturdays activities would be limited to loading or unloading of HGVs between 0800-1300. There would be no working on Sundays or on recognised Bank Holidays. A condition to this effect has been recommended in **Appendix A**.

c) Dust:

150. The site has an approved Environmental Permit which includes control and monitoring of dust impacts, and as described elsewhere, the fence/dust netting is satisfactory to prevent dust escaping from the site into adjacent woodland. The Dust Management Plan Report adequately assesses the impact of dust and proposes mitigation measures and a monitoring regime.

151. The wall and dust netting surrounding the subject site will need to be maintained and a condition to this effect has been recommended.

d) Lighting:

152. No artificial lighting is proposed as part of the development. A condition to reflect this has been recommended and set out in **Appendix A**.

e) Odour:

153. Inert waste recycling sites rarely emit any odours due the type of material being processed. To ensure no burning of materials occurs on the site a condition is recommended and set out in **Appendix A**.

f) Cumulative impacts:

154. 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.

155. Some public representations referenced other recent developments in the Mill Lane area. This is on the opposite site of the A287 and they are sufficiently distant from the subject site for the development not to result in cumulative impacts except for possibly traffic.
156. The potential cumulative impacts of the development on the highway were considered as noted elsewhere in this commentary section.
157. Overall, the proposal is in accordance with Policy 10 (Protection of public health, safety and amenity) in the [HMWP \(2013\)](#) in relation to cumulative impacts. In terms of pollution aspects of amenity and health, the proposal is in accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy NBE11 of the [HLP \(2020\)](#).

Potential pollution associated with the development

158. National Planning Practice Guidance states that Planning Authorities should assume that other regulatory regimes will operate effectively rather than seek to control any processes, health and safety issues or emissions themselves where these are subject to approval under other regimes ([Paragraph 050 Reference ID: 28-050-20141016](#)). Planning and permitting decisions are separate but closely linked. The Environment Agency has a role to play in both.
159. 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.
160. The site already operates under an Environmental Permit from the Environment Agency (EA) which amongst other things considers the waste material being stored and the manner in which it is stored. The application includes a copy of the Environmental Permit, the latest site visit report from the Environment Agency, and a Dust Management System Report and Environmental Management System Report both of which were submitted for the Environmental Permit application.
161. 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.
162. 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 includes an assessment of the environmental risk of

the proposals including the risk under both normal and abnormal operating conditions. The Environment Agency assesses 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.

163. The scope of an Environmental Permit is defined by the activities set out in the [Environmental Permitting Regulations \(England and Wales\) 2016](#) (EPR).

164. 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.

165. 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.

166. The proposed facility is acceptable in terms of planning. Should a permit be granted for the operation, 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.

Flooding

167. 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.

168. Policy NBE5 (Managing Flood Risk) of the [HLP \(2020\)](#) addresses developments and flooding.

169. A statement addressing flooding from the site has been included as part of the **Planning Statement** submitted with the application. The development is located in Flood Zone 1 (lowest risk). Per the Hampshire County Council planning application validation checklist, a Flood Risk Assessment is not required for developments under 1 hectare if located in Flood Zone 1.

170. The Lead Local Flood Authority have reviewed the application and noted that the site has a permeable and the change of use would not change the surface water management or flood risk.
171. The proposal is considered to be in accordance with Policy 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) and Policy NBE5 (Managing Flood Risk) of the [HLP \(2020\)](#).

Highways impact

172. 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.
173. Policy INF3 (Transport) of the [HLP \(2020\)](#) also addresses impacts of developments on the highway network. Of relevance to the proposed development the policy states developments will be supported that do not have a severe impact on the operation, safety or accessibility of the local or strategic highway networks, that development should integrate into the existing movement network, and that impacts on the local or strategic road network should be mitigated.
174. Import and export of materials would occur by Heavy Goods Vehicles (HGVs). The development will generate relatively modest levels of traffic with daily operations would result in 24 HGV movements with 4 HGVs being parked overnight. There would be two operatives that require to park at the site along with HGV drivers parking their vehicles for the day. This would result in an additional 12 car movements. HGV vehicles would turn left out of the site and right into the site from Bowling Alley and then proceed to the A287.
175. HGV movements into the site would be limited to the operating hours of the site - 0700-1800 Mondays to Fridays and Saturdays 0800-1300. There would be no working on Sundays or on recognised Bank Holidays. This is subject to a planning condition set out in **Appendix A**.
176. As this is a retrospective application, the site has been continuing to operate while the application is being determined. Complaints from a member of the public have been received since the submission of the planning application about vehicles, including HGVs, entering the site outside of the hours informally agreed with the operator (which are the same as those proposed in this planning application). The operator has confirmed that were responsible for some of these incidents which others were attributed to the landscape contractors that share the same access.

177. The earlier District Council Planning Permission allowing a redevelopment of the site ([14/03075/FUL](#)) included the reconstruction of the bell mouth entrance of the access road onto Bowling Alley. Although conditions were required to be discharged before any development of the site took place including the entrance, the bell mouth was reconstructed and was covered by a Section 278 Highways Legal Agreement.
178. A **Transport Assessment** has been submitted with the application which includes an analysis of the suitability of the entrance onto Bowling Alley for ingress and egress of HGVs, and accident analysis for the 110m section of Bowling Alley from the site access to the A287, and the junction of the A287 and Bowling Alley.
179. Crondall Parish Council and public representations raise concerns about the impact of the development on highway safety especially the junction of Bowling Alley and the A287, the suitability of Bowling Alley for regular HGV along the 110m stretch from the A287 to the site access, and concern HGVs could travel along the longer length of Bowling Alley toward Crondall. These concerns are noted.
180. The Local Highway Authority has no objection to the proposed development subject to conditions. In terms of Highway Safety they noted that three accidents (two slight and one serious) had occurred in the study area but did not involve HGVs and were not at the junction of the A287 and Bowling Alley. Regarding the access onto Bowling Alley, it is noted that two HGVs could not pass one another at the site entrance but it is stated that the management and scheduling of operations at the site will not result in any simultaneous arrivals and departures at the site. The visibility splays onto Bowling Alley were considered adequate. The Local Highways Authority is also satisfied that the trips generated by the proposed development can be accommodated on the local highway network.
181. On this basis, the proposal is in accordance with Policy 12 (Managing traffic) of the [HMWP \(2013\)](#) and Policy INF3 (Transport) of [HLP \(2020\)](#).

Retrospective nature of the application

182. A number of public representations have raised the issue that the current application is retrospective.
183. 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.
184. The operator purchased the site in December 2019 and the Minerals and Waste Planning Authority was first made aware of the operation of the site

in January 2020. At that time the operator stated that they were under the impression that the previous planning history of the site and the nature of the business would allow it to operate on the land as an ancillary activity to the existing landscaping business. Hampshire County Council informed Hart District Council about the Operator's understanding about the existing planning permissions.

185. In August 2020, Hart District Council informed the operator that a new planning permission would be required. The applicant chose to submit a planning application to the Minerals and Waste Planning Authority. Following preparation of the application and necessary and supporting assessments to be prepared the application was subsequently received in May 2021. Since that time, consultees and the planning officer have requested additional information of the applicant as part of the planning determination process.
186. No complaints had been received by the Minerals and Waste Planning Authority prior to the request for the submission of the current planning application though some may have been received by HDC. Between this request and prior to the submission of the current application, 2 complaints were received relating to the hours of working. A further 4 complaints (not including any subsequent follow up correspondences) have been received following submission the application. All complaints have been received from one complainant. The nature of these complaints are noted in the relevant sections of the commentary.

Community benefits

187. 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. While the proposed waste development is relatively modest in scale in terms of land area, employees and quantity of material processed, given the public objections raised by both Crondall Parish Council and public representations the operation of a Liaison Panel would be beneficial so that any initial operational issues with the site can be addressed in an open manner.
188. **Appendix A** includes an informative on the establishment of a liaison panel for the site if permission were to be granted. The Panel should be setup between the site operator, Minerals and Waste Planning Authority, other interested parties and community representatives to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community.

Conclusions

189. The proposed development is a retrospective application for an inert waste recycling site processing construction, demolition and excavation waste (CDE) to sell as aggregate and soil.

190. 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 development) 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.
191. It is considered that the proposal would not have adversely impact surround habitat and biodiversity including those in the designated SINC and Ancient Woodland (Policy 3). The proposal would also be appropriate in terms of visual impact and landscape in the countryside setting (Policies 5, 10, and 13). The fencing and netting is judged to be appropriate for the setting subject to conditions on colours and the site will benefit from a screening bund and additional planting. With conditions to provide reinforcement of the nearby hedgerows and implementation of the separate HDC planning permission regarding planting along the bund will visually screen the operation. Limits on the height of stockpiles and restriction on the working height of vehicles will further help keep the proposed development out of sight in particular from the nearby PROW and public highway.
192. The proposed development already has an Environmental Permit for processing of waste and the Assessments submitted demonstrate that any pollution impacts from dust or site drainage can be adequately mitigated. Regarding noise, the nearest residential receptor is the residence of the operator and would experience between low and adverse noise effects. At other sensitive receptors beyond that noise impacts have also been demonstrated to be at or below background levels. The operation is not expected to result in adverse public health and safety impacts and no unacceptable amenity impacts (Policy 10).
193. The development will not impact the existing flood risk or drainage (Policy 11).
194. The existing access is adequate for the proposed vehicles type and numbers, the existing highways network will be able to accommodate the additional traffic, and the highway safety at the Bowling Alley/A287 junction will not be exacerbated by the proposal (Policy 12).
195. While it is now confirmed by Hart District Council that the site is not Previously Developed Land (PDL), the applicant has demonstrated that there is a local need for the operation which supports the location of the development in the countryside (Policy 5). However, the site does not demonstrate it meets a ‘special need’ (Policy 29).
196. 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.

197. While planning applications should be assessed on their own merits, consideration has also been given to the Planning Inspector's Decision for an appeal for the same operation at a location 1.8km east along the A287 (Peacocks Nursery). Particularly relevant, are conclusions on the principle of the proposed development and the benefits provided which included serving a local market for soils and products from inert waste. The Inspector noted *'the need for such development carries moderate weight in the appellant's favour'*. In that instance, the appeal was allowed despite not being found to be in accordance with Policy 29 of the [HMWP \(2013\)](#) and the site not being Previously Developed Land. It is unclear the level of weight the Inspector placed on the temporary duration of the proposal although they referenced that their decision accounted for the temporary nature of the development.
198. Taking all matters into account, on balance, the proposal is considered to be an acceptable development and be sustainable in accordance with Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#). It is therefore recommended that permission be GRANTED.

Recommendation

199. It is recommended that planning permission be GRANTED subject to the conditions listed in **Appendix A**.

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Layout Plan

Appendix D – Cross-sections

Appendix E – Approved planting scheme along screening bund

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2021/0302>

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

OR

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

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

Section 100 D - Local Government Act 1972 - background documents

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

Document

Location

HCC/2021/0302

Hampshire County Council

HR109

Land at Farnham Road, Bowling Alley,

Crandall GU10 5RW

(Change of use of part of land forming

Redfields Plant Centre to use for recycling

of inert materials

EQUALITIES IMPACT ASSESSMENTS:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Officers considered the information provided by the applicant, together with the response from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

CONDITIONS

Reason for approval

On balance, it is considered that the proposal would be in accordance with the relevant policies of the development plan. The proposal will provide local, relatively small-scale capacity for recycling of construction, demolition and excavation waste, with good highway connections, meeting a local need (Policies 5, 17, 18, 25, 27, 30). It would not materially harm the character of the area in terms of visual and landscape impacts due to adequate screening and development design, and it would be a confined, isolated development (Policies 5, 10 and 13). Ecological impacts will be adequately controlled through proposed mitigation measures (Policy 3). The proposed development would not result in adverse public health and safety impacts, or unacceptable adverse amenity impacts local residents (Policy 10). It would also be acceptable in terms of highway safety and convenience (Policy 12).

Tonnages

1. No waste other than soils and inert waste shall be imported to the site. No more than 15,000 tonnes of soils and inert waste shall be imported to the site per annum. A written record of tonnage entering and leaving the site shall be kept onsite and made available to the Minerals and Waste Planning Authority for inspection upon request.

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

Operating hours

2. No heavy goods vehicles (HGV) associated with the use hereby permitted shall enter or leave the site and no plant or machinery shall be operated except between the following hours: (i) 0700-1800 Mondays to Fridays and (ii) Saturdays 0800-1300. During the allowed Saturday hours only delivery and export of material shall take place and no crushing or screening operations shall take place. There shall be no working on Sundays or on recognised Bank Holidays.

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

Lighting

3. No external lighting shall be installed or used at the site.

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

Landscape

4. All stockpiles shall be no greater than 4 metres above ground level until such time as the infill planting required by Condition 5 and screening associated with the landscape bund required by Condition 7 provide sufficient screening, as approved in writing by the Minerals and Waste Planning Authority, to allow 5 metre high stockpiles.

No plant or machinery shall be operated on the stockpiles.

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

5. Within 1 month of the date of permission being hereby granted, the operator shall submit to and have approved in writing by the Minerals and Waste Planning Authority, a planting scheme for infill planting along the field boundary hedgerows on Farnham Lane (A287) and Bowling Alley.

The scheme shall be implemented within the first planting season. Planting shall be maintained for a period of 5 years post implementation and any plant failures in each and every year of that period, shall be replaced with equivalent selected standard sized trees in the next planting season.

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

6. Dust netting attached to the concrete fencing and poles, and as required by Condition 8, shall be dark coloured (dark green or dark brown).

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

7. The bunds and associated planting scheme shown on 1579-KC-XX-YTREE-BSLP-01 Rev0, 'Bund Soft Landscape Plan' dated May 2021 landscape plan for the bunds shall be implementing within the first planting season of the date of permission being hereby granted.

Planting shall be maintained for a period of 5 years post implementation and any plant failures in each and every year of that period, shall be

replaced with equivalent selected standard sized trees in the next planting season.

The bunds and installed planting shall be retained for the duration of the development.

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

Site layout

8. Within 3 months of the date of permission being hereby granted, the 2m concrete fencing, 4m pole and associated dust netting shall be installed in accordance with Drawing 1579-KC-XX-YTREE-ASP01 RevF 'Proposed aggregate and soil recycling site plan', Dated Feb 2021 and Drawing 872-LA-P-01 RevB 'Proposed Cross Sections', Dated July 2021.

Reason: To ensure the protection of local ecology and biodiversity from unacceptable impacts in accordance with Policies 3 (Protection of habitats and species) and 5 (Protection of the countryside), and to ensure the protection of local residents, visitors and those working within the locality in accordance with 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals & Waste Plan (2013).

Noise

9. The Noise and Vibration Emissions Management System Version 1.1, Dated 1 October 2020 shall be implemented in full, from the date of this decision and for the duration of the development hereby permitted. A record of daily noise and vibration inspections and complaint forms shall be kept and made available to the Minerals and Waste Planning Authority for inspection upon request.

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

10. No more than one campaign activity (either soil screening or crushing) shall take place on the site at the same time.

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

11. The soil screener, and crusher, that were the subject of Environmental Noise Survey and Plant Noise Assessment Report, 28536/PNA1/Rev3, dated 18 October 2022, shall be the only ones used on site for the duration of the development, unless alternative plant is approved in writing by the Minerals and Waste Planning after considering if it is commensurate in their noise and visual impact.

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

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

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

Dust and odour

13. The Dust Emissions Management Plan Version 1.3, Dated 4 April 2022 shall be implemented in full, from the date of this decision and for the duration of the development hereby permitted. A record of daily dust inspections and complaint forms shall be kept and made available to the Waste Planning Authority for inspection upon request.

Reason: To ensure the protection of local ecology and biodiversity from unacceptable impacts in accordance with Policies 3 (Protection of habitats and species) and 5 (Protection of the countryside), and to ensure the protection of local residents, visitors and those working within the locality in accordance with 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals & Waste Plan (2013).

14. The dust netting shall be maintained and free from holes for the duration of the development.

Reason: To ensure the protection of local ecology and biodiversity from unacceptable impacts in accordance with Policies 3 (Protection of habitats and species) and 5 (Protection of the countryside), and to ensure the protection of local residents, visitors and those working within the locality in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals & Waste Plan (2013).

15. No burning of any sort shall take place on the site at any time.

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

Arboriculture

16. Within 1 month of the date of permission being hereby granted, an Arboricultural Method Statement and Tree Protection Plan in accordance with BS:5837 shall be submitted to, and have approved in writing by, the Minerals and Waste Planning Authority.

The development hereby permitted shall then be carried out in accordance with the approved 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).

Ecology

17. The construction and operation of the development hereby permitted shall be carried out in accordance with all measures contained in the Section 5 of the Environmental Impact Assessment, Dated 5 April 2022.

The protection of the open watercourse habitat around the site shall be ensured throughout the duration of the construction and operation of the development hereby permitted.

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

18. Prior to construction of the surrounding wall required by Condition 8, any litter and other foreign objects located in the open watercourses around the site shall be removed. The drainage pipe through the bund identified in Figure 2 of the Environmental Impact Assessment, Dated 5 April 2022, shall be removed.

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

19. Within 1 month of the date of permission being hereby granted, a plan showing the proposed locations of the two bird and two bat boxes stated as

mitigation in Chapter 5 of the Ecological Impact Assessment, dated April 2022, shall be submitted to, and have approved in writing by, the Minerals and Waste Planning Authority.

The bird and bat boxes shall be installed according to the approved plan and shall be retained for the duration of the development.

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

Highways

20. A maximum of 24 HGV movements a day (12 in and 12 out) associated with the use hereby permitted shall enter or leave the site on any working day. Records of vehicle movements to and from the site and the times of entry and departure shall be kept and made available to the Minerals and Waste Planning Authority for inspection upon request.

Reason: To limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

21. No vehicle associated with the use hereby permitted shall leave the site unless it has been cleaned sufficiently to prevent mud and spoil being carried onto the highway.

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

22. All vehicles transporting waste to or exporting material from the site shall be sheeted.

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

Restoration

23. In the event of the cessation of the uses hereby permitted, within 2 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 within 12 months of the cessation.

All plant, buildings, structures, hardstandings and associated infrastructure shall be removed from the site and the site should be restored in accordance with approved scheme.

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 5 (Protection of the countryside) and 9 (Restoration of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

Restriction of Permitted Development Rights

24. Notwithstanding the provisions of parts 4 (Temporary Buildings and Uses), 7 and 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that Order) fixed plant or machinery, buildings, structures and erections, private ways and telecommunications antenna shall not be erected, extended, installed or replaced at the site.

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

Plans

25. The development hereby permitted shall be carried out in accordance with the following approved plans submitted with the application: The location plan, 1579-KC-XX-YTREE-BSLP01 Rev0, 872-LA-P-01 Rev B, Location Plan, Block Plan, 1579-KC-XX-YTREE-ASP01RevF

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

Note to Applicants

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

3. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 3.5 tonne un-laden).
4. A Liaison Panel should be set up between the site operator, Minerals and Waste Planning Authority, interested parties and community representatives at a suitable frequency to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community. The [County Council's guidance](#) on the establishment of panels is available to the applicant.
5. The site is currently subject to regulation by the Environment Agency under Environmental Permit EPR/JB3404HT. The operator should ensure any changes to site design required by this planning permission do not require modification of the current Environmental Permit.