

HAMPSHIRE COUNTY COUNCIL
Decision Report

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

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Recommendation

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

Executive Summary

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

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

The Site

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

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

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

Planning History

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

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

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

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

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

The Proposal

32. The proposal is for the variation of Conditions 7 (Volume of waste) and 13 (HGV movements) of Planning Permission 19/00200/HCS at North Winchester Farm, Stoke Charity Road, Kings Worthy.
33. The applicant advises that despite the impacts of Covid-19, the business has continued to grow. As a result, the business is approaching its conditioned limits of maximum volumes of waste handled on site (30,000 tonnes per annum) and as a direct consequence maximum daily HGV movements too (40 per day, 20 HGVs in and 20 out) sooner than anticipated.
34. Condition 7 (Volume of waste) of planning permission 19/00200/HCS states that:
- No more than 30,000 tonnes of waste shall be imported to the site per annum. A written record of tonnage entering/leaving the site associated with the permission hereby granted shall be kept onsite and shall be made available to the Waste Planning Authority for inspection upon request.*
- Reason: In the interests of local amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).*
35. The applicant proposes varying Condition 7 (Volume of waste) to increase the annual waste tonnages imported to and exported from the site to 60,000 tonnes per annum. This doubling of waste is required due to demand.
36. Condition 7 (Volume of waste) is proposed to be varied as follows:
- 7. No more than ~~30,000~~ 60,000 tonnes of waste shall be imported to the site per annum. A written record of tonnage entering/leaving the site associated with the permission hereby granted shall be kept onsite and shall be made available to the Waste Planning Authority for inspection upon request.*

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

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

38. Condition 13 states:

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

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

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

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

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

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

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

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

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

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

Environmental Impact Assessment

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

Development Plan and Guidance

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

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

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

Hampshire Minerals & Waste Plan (2013) (HMWP)

51. The following policies are relevant to the proposal:

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

Update to the Hampshire Minerals and Waste Plan (emerging)

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

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

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

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

54. The following policies are relevant to the proposal:

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

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

National Planning Policy Framework (2021) (NPPF)

55. The following paragraphs are relevant to this proposal:

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

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

National Planning Policy for Waste (2014)

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

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

National Planning Practice Guidance (NPPG)

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

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

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

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

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

Consultations

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

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

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

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

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

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

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

Representations

69. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
 - In complying with the requirements of the SCI, HCC:
 - Published a notice of the application in the [Hampshire Independent](#);
 - Placed notices of the application at the application site and local area;
 - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
 - Notified by letter all residential properties within 100 metres of the boundary of the site; plus additional residential properties along Stoke Charity Road, west of the railway line.
70. When further information was submitted by the applicant in response to comments received, all consultees and the local population originally notified of the proposal, plus those who submitted comments independently, were all informed / notified. With respect to consultees, namely the Local Highway Authority and Environmental Health, they were formally reconsulted in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) .
71. As of 3 January 2023, a total of 262 representations to the proposal have been received. There were 8 representations in support of the proposal, predominately from customers and affiliates of the applicant, with the remainder all objecting to or raising concerns about the proposal, predominately from local residents and groups.

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

Habitats Regulation Assessment (HRA)

75. The [Conservation of Species and Habitats Regulations 2017](#) (otherwise known as the ‘Habitats Regulations’) transpose European Directives into UK law. In accordance with the Habitats Regulations, Hampshire County Council (as a ‘competent authority’) must undertake a formal assessment of the implications of any new projects we may be granting planning permission for e.g. proposals that may be capable of affecting the qualifying interest features of the following European designated sites:
- Special Protection Areas [SPAs];
 - Special Areas of Conservation [SACs]; and
 - RAMSARs.
76. Collectively this assessment is described as ‘Habitats Regulations Assessment’ [HRA]. The HRA will need to be carried out unless the project is wholly connected with or necessary to the conservation management of such sites’ qualifying features.
77. The HRA screening carried out by the WPA for planning permission [19/00200/HCS](#) considered the proposed development to have **no likely significant effect** on the identified European designated sites due to:
- It is not located at a distance to be considered to have proximity to directly impact on the European designated sites;

- The site is not considered to have any functional impact pathways connecting the proposed works with any European designated sites; and
 - The proposal does not have any significant increase on any adverse impacts caused by the existing permitted activities on the site.
78. The HRA concluded that mitigation measures would ensure any harm would be avoided. No adverse impacts to designated sites were therefore anticipated. The initial proposal did therefore not result in any adverse likely significant effects to any European designated sites.
79. The current proposal, which adheres to the extant working practices and operations approved under planning permission [19/00200/HCS](#), would continue to not conflict with these outcomes.

Climate Change

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

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

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

Commentary

Principle of the development and need

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

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

Need and waste management capacity

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

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

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

Visual impact and landscape

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

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

Ecology

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

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

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

Water environment

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

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

Highways

116. Vehicular access to the site is achieved from its purpose built junction with Stoke Charity Road, which in turn connects south into Lovedon Lane. Access to the wider highway network is achieved via the A33 (Basingstoke Road) and its staggered junction with Lovedon Lane.
117. HGVs can turn left continuing north on the A33 toward the M3 or turn right continuing south on the A33 towards the A34 and the M3. The M3 and A34 are identified as part of [Strategic Road Network](#) in the [HMWP \(2013\)](#).
118. HGVs entering the site turn right in and HGVs exiting the site turn left only. Stoke Charity Road to the north of the access point is unsuitable for HGVs, including due to weight restrictions. HGV routeing, not required through a legal agreement, would remain unchanged (**see Appendix D - Existing HGV route**).
119. Vehicular access to the site is via a purpose built junction comprising a 7.3m wide site access road, kerb radii of 15m with a taper of 1 in 10 over 25m to accommodate the turning of HGVs. Visibility splays of 2.4m x 215m to the right and 2.4m x 200m to the left would be retained through condition 17 on [19/00200/HCS](#). Unauthorised works were undertaken at this junction by the landowner (not the applicant) during 2022 and have been investigated by the County Council's Highways officers outside of the planning process.
120. Policy 12 (Managing traffic) of the [HMWP \(2013\)](#) requires minerals and waste development to have a safe and suitable access to the highway network and where possible minimise the impact of its generated traffic through the use of alternative methods of transportation. It also requires highway improvements to mitigate any significant adverse effects on highway safety, pedestrian safety, highway capacity and environment and amenity.
121. The proposed increase to HGV movements to and from the site from 40 two-way movements (20 HGVs) each working weekday to 80 two-way movements (40 HGVs) and to 50 two-way movements (25 HGVs) on Saturdays is a fundamental change to the previously approved permission [19/00200/HCS](#) at this site, which this application must be assessed against.
122. Under Condition 13 of planning permission [19/00200/HCS](#), the movement of HGVs to and from the site are restricted to: 07:00 - 18:00 hours on Monday to Friday and 07:00 - 13:00 hours on Saturday.
123. At current permitted levels, 40 two-way HGV movements (20 HGVs) equates to 3.6 two-way movements (1.8 HGVs) per hour on Monday to Friday and 6.6 two-way movements (3.3 HGVs) per hour on Saturdays.

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

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

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

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

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

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

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

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

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

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

Impact on public health and safety

142. Policy 10 (Protection of public health, safety and amenity) of [HMWP \(2013\)](#) requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between minerals developments and other forms of development. The Policy includes a number of criteria and each relevant criteria is not dealt with in turn.

Noise:

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

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

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

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

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

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

152. The EHO concluded:

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

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

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

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

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

Air quality:

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

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

Extant on-site operations

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

Impact on public strategic infrastructure

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

Environmental Permitting

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

Complaints about site operations

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

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

Site Liaison Panel

176. Paragraph 5.59 of the [HMWP \(2013\)](#) states that there is an expectation that all 'major' minerals and waste development will be accompanied by a site Liaison Panel.
177. No meetings have taken since the granting of planning permission [19/00200/HCS](#). This is in part due to the impact of covid-19 pandemic. The applicant does engage locally with third parties and wants to continue to.
178. The Waste Planning Authority supports the establishment and development of this panel, to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community.

Planning conditions

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

Conclusions

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

Recommendation

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

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

Appendices:

Appendix A – Reason for refusal

Appendix B – Committee Plan

Appendix C – Site Plan

Appendix D – Existing HGV route

Appendix E – Nearest Residential Properties

Other documents relating to this application:

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

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

OR

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

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

Other Significant Links

Links to previous Member decisions:

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

Direct links to specific legislation or Government Directives

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

Section 100 D - Local Government Act 1972 - background documents

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

Document

Location

21/00832/HCS
WR240

Hampshire County Council

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

EQUALITIES IMPACT ASSESSMENTS:

1. Equality Duty

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

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

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

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

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

OR Delete below if not applicable

2. Equalities Impact Assessment:

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

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

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

REASON FOR REFUSAL

That planning permission be refused subject to the following reason:

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

Note to Applicant

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