

HAMPSHIRE COUNTY COUNCIL
Decision Report

Decision Maker:	Regulatory Committee
Date:	15 November 2023
Title:	Revised Application - Variation of condition 7 (volume of waste) and 13 (HGV Movements) of Planning Permission 19/00200/HCS at Ecogen Recycling Limited, Stoke Charity Road, Kings Worthy, Hampshire SO21 2RP (No. 23/01338/HCS) WR240
Report From:	Assistant Director of Waste & Environmental Services

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Recommendation

1. That planning permission be GRANTED subject to the conditions listed in **Appendix A** and the completion of legal agreements to ensure that the required mitigatory works to the public highway are completed to ensure levels of road safety are maintained along the Heavy Goods Vehicle (HGV) route between the site's vehicular access with Stoke Charity Road and at the agreed locations along Stoke Charity Road and Lovedon Lane.

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. Planning permission for this same variation of condition 7 (volume of waste) and 13 (HGV Movements) of Planning Permission 19/00200/HCS ([21/00832/HCS](#)) was refused by the County Council on 11 January 2023. It was refused 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 & 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.

5. With the exception of the local County Councillor 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.
6. 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.
7. A committee site visit by Members took place on 23 October 2023 in advance of the proposal being considered by the Regulatory Committee.
8. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
9. On balance, it is recognised that the proposal could help to continue to contribute by providing a sustainable waste management facility to receive and recycle waste paper and card, and some plastic waste, and the proposal is considered unlikely to cause unacceptable adverse amenity impacts by virtue of noise and disturbance and on road safety and capacity. It is considered that the proposal would fully accord with the relevant policies of the adopted [Hampshire Minerals & Waste Plan \(2013\)](#) (HMWP).
10. Therefore, it is recommended that planning permission be GRANTED subject to the conditions listed in **Appendix A** and the completion of legal agreements to ensure that the required mitigatory works to the public highway are completed to ensure levels of road safety are maintained along the HGV route between the site's vehicular access with Stoke Charity Road and at the agreed locations along Stoke Charity Road and Lovedon Lane.

The Site

11. 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**).
12. 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.

13. 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.
14. 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.
15. 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 \(2013\)](#).
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.

21. There are also four properties that share the site access from Stoke Charity Road. Three of those, on the northern side, that share the access road are residential (northern side), the other, on the southern side, is residential and equestrian (including horse stables). Horse exercise and riding areas are situated on the northern side of the access road.
22. 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.
23. The site benefits from an extant waste planning permission ref: [19/00200/HCS](#) (see **Planning History**).
24. 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.
25. 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).
26. 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.
27. HGV movements are permitted to enter and exit the facility between 0700 - 2000 hours Monday to Friday and 0700 - 1300 hours on Saturday only.
28. The site has an active Liaison Panel, which commenced in 2023.

Planning History

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

Application No	Proposal	Decision	Date Issued
21/00832/HCS	Variation of condition 7 (volume of waste) and 13 (HGV Movements) of Planning Permission 19/00200/HCS	Refused	11/01/2023
19/00200/HCS	Demolition of former poultry building;	Granted	10/05/2019

	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		
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30. 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.
31. 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.
32. 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	North Winchester Poultry Farm	Granted	27/06/2018

COU	(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		
17/02495/FUL	Change of use of former agricultural buildings to 4200sqm of commercial floorspace (B1 & B8 Use), access, parking, landscaping and associated works	Granted (now lapsed)	19/01/2018
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

33. 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.
34. The applicant has submitted this planning application, which again seeks the variation of conditions 7 (annual waste throughput) and 13 (HGV movements) only of planning permission [19/00200/HCS](#), to increase the annual throughput of waste from 30,000 tonnes to 60,000 tonnes and the number of permitted HGV movements to and from the site from 40 per day to 80 on weekdays and from 40 to 50 on Saturdays, as the previous application seeking these changes [21/00832/HCS](#) was refused by Regulatory Committee on 11 January 2023.
35. It was refused 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 & 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.

36. The applicant's Noise Impact Assessment submitted in connection with this planning application provides an overview of the impacts of Heavy Goods Vehicle (HGV) movements on the locality, specifically on levels of noise and disturbance to neighbours of the Site and to address [\(21/00832/HCS\)](#) that was refused by the County Council on 11 January 2023.

37. The applicant reiterates 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.

38. 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).

39. 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.

40. Condition 7 (Volume of waste) is proposed to be varied as follows:

*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).

41. Condition 13 (HGV movements) of planning permission 19/00200/HCS states that:

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 Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

42. 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).
43. 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), an increase of 25%.
44. Condition 13 (HGV movements) is proposed to be varied as follows:

*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 Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

45. The application does not seek any other changes to the current permitted activities on the site or to any existing structures or buildings.
46. 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.
47. 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.
48. 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.
49. As with [21/00832/HCS](#), the applicant's **Transport Statement** submitted in connection with the planning application, again 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.

50. As with [21/00832/HCS](#), the applicant is again 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, carriageway markings and writing as well as 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.

Environmental Impact Assessment

51. 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 Waste Planning Authority (within the Screening Opinion issued 07 June 2023) 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

52. 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.
53. 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.
54. For the purposes of this application, the statutory development plan comprises the following.

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

55. 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 & Waste Plan (emerging)

56. 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 & 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 & Waste Plan (2013), eventually providing new and updated policies base 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.

57. 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)**

58. 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).

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

National Planning Policy Framework (2023) (NPPF)

60. 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)

61. 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 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)

62. 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).

63. 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

64. The below consultation responses have been summarised. The full versions of the responses can be viewed on the County Council's [website](#).
65. **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. Additionally, the County Council's Screening Opinion that states "*the proposed development would not create any significant adverse environmental or amenity-related impacts and/or effects due to its proposed amendments to extant operations ' beyond those previously considered and accepted in granting conditional planning permission 19/00200/HCS'*" is disagreed with. The amenity-related impact on residents, walkers, cyclists and other road users has been significant, and will worsen if this application is approved.

Noting the previous application was technically rejected on noise near the site, it is noise all along the length of the route to the A33 that is affecting the amenity of residents, which makes it difficult in some cases to enjoy their properties, particularly early mornings. It is unpleasant to walk on the footway and it feels unsafe to bike on the route if two vehicles have to pass each other. The empty containers rattle far more than conventional HGVs that use this route too. Has the May 2023 legislative changes to HGV lengths impacted this proposal in terms of not needing as many additional HGVs/HGV trips? The applicant's transport details should be reviewed against this as it ought to mean a reduction in HGVs needed as more waste and materials can be transported by individual HGVs, and less noise etc also.

Ecogen has recently held the first liaison group and it is expected these will be held regularly in future. I have advised Ecogen to help the public understand the work they carry out at the site and consider how they can improve the current impact on the amenity which affects all residents along the route.

Should approval be given, the decision should include **a)** clear requirements to build all of the road safety mitigation as detailed in the report, **b)** consideration is given to widening footways at other sections of the route and provide an ongoing maintenance schedule for the vegetation cut backs recommended, **c)** clear instructions are provided at the site exit so that drivers know to turn left only, not right at any time, and that additional signage is included at Sutton Scotney, **d)** Ecogen consider how they can work with the delivery companies to reduce 'stacking' in the early mornings on the highway network, allowing lorries to pass each other on site, **e)** Ecogen continue with Liaison Panel meetings and **f)** Ecogen continue to provide a community email address so that the public can report any relevant matter.

66. **Winchester City Council - Planning:** No objection.
67. **Winchester City Council Environmental Health Officer (EHO):** No objection. Now satisfied that the noise levels from the proposals will be within acceptable levels at the nearest residential dwellings and no adverse comments to make.

68. **Kings Worthy Parish Council:** Objection on the grounds of highway safety, amenity and environmental impact from the proposed HGV movements. Despite the acceptance of the applicant's Transport Assessment and its mitigatory measures by the Local Highway Authority, the increase in HGV movements on the local road network on all local residents and road users within the HGV route along Stoke Charity Road and Lovedon Lane, will adversely affect safety levels.

The Parish Council state that current levels of HGV traffic on the HGV route between the application site and the A33, is already dangerous to users of the road and those living next and close to it and are already causing damage and increasing it will simply exacerbate these problems on what is a rural road.

69. **South Wonston Parish Council:** Objection on the grounds of highway safety. Despite the applicant's willingness to co-operate and efforts to meet the requirements of Hampshire Highways, Winchester City Council's Environmental Health Officer and the Regulatory Committee, South Wonston Parish Council regards the combination of increased HGV movements, proposed mitigation and local conditions, including parked cars, detrimental to road safety for all users, especially cyclists, pedestrians and horse riders, on the Stoke Charity Rd railway bridge.
70. **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.
71. **Local Highway Authority:** No objection as the applicant's proposed mitigation along the existing HGV route - that includes widening works, vegetation clearance, signage, road markings being imposed through condition/s and/or legal agreements - is the same as submitted with [21/00832/HCS](#), and which was found to be acceptable then and remains acceptable now.
72. **Public Health (Hampshire County Council):** Was notified.

Representations

73. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
74. In complying with the requirements of the SCI, the 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; plus additional residential properties along Stoke Charity Road, west of the railway line, and those persons/parties that submitted representations to [21/00832/HCS](#).
75. As of 06 November 2023, a total of 137 representations to the proposal have been received. These were all objecting to or raising concerns about the proposal, predominately from local residents and groups.
76. 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;
 - Ecogen not complying with certain conditions, particularly HGV arrival times and not appearing to be concerned about the local community; and
 - Concern of HGVs travelling through Stoke Charity, South Wonston and Sutton Scotney and surrounding parish/rural areas against highway vehicle restrictions.
77. The above issues will be addressed within the following commentary, (except where identified as not being relevant to the decision).

Habitats Regulation Assessment (HRA)

78. 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.
79. 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.

80. 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.
81. 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.
82. 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

83. 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.
84. 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](#).
85. 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.
86. 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.

87. 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.
88. 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.
89. 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:

90. 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.
91. The site already has established waste uses. The site's 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.
92. 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.

93. 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:

94. The proposed increase in annual waste tonnages handled (30,000 to 60,000 tonnes per annum) at the waste management facility will ensure the continuing opportunities for the management of waste, and there is a lack of paper and cardboard waste management facilities within southern England, at the extant facility. Despite the impacts of the Covid-19 pandemic between 2020 and 2022 on the UK economy, the applicant reported an increase in productivity. This is linked to the huge increase in cardboard and paper packaging use associated with the increased deliveries of products (particularly home deliveries) during that period, a trend which continues today. Therefore, 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 the increased demand for their services has continued to rise resulting in the submission of this planning application to increase waste tonnages handled to 60,000 tonnes per annum.
95. The proposal would continue to manage these non-hazardous waste types/arising and would continue to contribute to the Waste Planning Authority's provisions of achieving 60% recycling and 95% diversion from landfill. 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.
96. 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 capacity level required for additional non-hazardous recycling capacity of 0.29 mtpa, as defined in the [HMWP \(2013\)](#). The [HMWP \(2013\) Annual Monitoring Report \(2021\) DRAFT](#) shows an increase in recycling from 2020's Annual Monitoring Report figure of 67% of non-hazardous waste recycled to 72% being recycled in 2021 as

defined by the monitoring indicator for Policy 25 (Sustainable waste management). The extant facility has contributed to these reported increasing figures (%) and would continue to contribute should planning approval be granted.

97. Furthermore, when applying for the initial waste use (through planning permission [19/00200/HCS](#)), 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. The applicant recently confirmed that the facility will need to secure an Environmental Permit from the Environment Agency as Exemptions are being phased out by the agency.
98. 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 led the applicant to leave their Alresford site for the current facility. There is a lack of bespoke waste paper, card and plastic waste management facilities in this area of Hampshire and regionally also and this is acknowledged by the Waste Planning Authority.
99. 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.
100. Therefore, when applying the requirements of the planning regime through the [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 and that this 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 that the proposal is 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

101. The site benefits from the presence of peripheral bunding on its western, northern and eastern boundaries. These were retained and subsequently planted via conditions 9 and 10 imposed and retained on the initial planning permission [19/00200/HCS](#). 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.
102. 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.
103. 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.
104. 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.
105. 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](#).
106. 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.
107. On the basis of the existing and proposed mitigation measures and approved site infrastructure being retained and maintained, the proposal is 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.
108. 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

109. 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](#). There is no plan to alter these by way of this proposal.
110. 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 this proposal.
111. 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 \(2013\)](#).
112. 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

113. As with the Ecology section above, the site benefits from approved/implemented 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.
114. 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 (see conditions 14, 16 and 21 - 24). There is no plan to alter these by way of this proposal and the quality of the local water environment would continue to be protected as it has been to date since operations commenced.

115. 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.
116. 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

117. 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.
118. 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 \(2013\)](#).
119. 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**).
120. 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 were investigated by the County Council's Highways officers outside of the planning process. They were subsequently approved retrospectively and would be retained to ensure the kerb and highway verge remains undamaged by HGVs exiting the site southwards.
121. 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.
122. 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.

123. 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.
124. 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.
125. 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.
126. 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.
127. The local County Councillor and Parish Councils and third party 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 / local residents would be adversely affected through the proposed doubling of HGV movements on this section of Stoke Charity Road and Lovedon Lane.
128. As with the refused planning application [21/00832/HCS](#), 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.
129. Again, as with the refused planning application [21/00832/HCS](#), the applicant continues to propose 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, vegetation clearance, 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.

130. Throughout 2021 and 2022 and as part of discussions on the refused planning application [21/00832/HCS](#), the Highway Authority (with the Waste Planning Authority) was 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.
131. During determination of [21/00832/HCS](#), 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.
132. In terms of improvement works / solutions to the network needed as a result of the proposal, the applicant's submitted Road Safety Audit (RSA) proposed recommendations (most involving physical improvement works) at the key locations (see **Appendix E - Highway mitigation locations on Existing HGV route and Appendices E1 - E3** below):
1. Stoke Charity Road immediately south of Ecogen site access road (see **Appendix E1 - Stoke Charity Road south of and at the Ecogen site access road junction**): 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 (see **Appendix E1 - Stoke Charity Road south of and at the Ecogen site access road junction**): 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 (see **Appendix E2 - Stoke Charity Road at 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 (see **Appendix E2 - Stoke Charity Road at 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 (see **Appendix E3 - Loveden 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 (see **Appendix E3 - Loveden 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 section 278 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 that improvement is not needed. It was previously reported that unauthorised works were underway at the site entrance in 2022. These works, undertaken by the landowner, widened the southern side of the purpose built haul road's bellmouth by approximately 1m, the result of which meant HGVs departing the site no longer mounted and damaged the kerb and verge.

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 (see **Appendices E, E1, E2 and E3**). 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. In relation to the matters concerning the May 2023 increased lengths of HGVs, as raised by County Councillor Porter, the Highway Authority advised that despite this the proposed mitigatory requirements required to maintain road safety levels, can still be met and achieved by the proposed

additional HGVs. It was also clarified that despite the length increase, the width of HGVs has not been increased. The concerns raised by many of the objectors over this and existing width-related problems especially when vehicles are passing at certain 'narrower' parts of the HGV route along Stoke Charity Road and Lovedon Lane would not be exacerbated.

140. County Councillor Porter has also requested that the applicant attempts to consider how they can work with the delivery companies' HGVs visiting and departing the application site to reduce 'stacking' in the early mornings on the highway network, allowing lorries to pass each other on site (i.e. the haul road). Additionally, there has been criticism of visiting HGVs arriving before the application site opens and parking on the public highway. This is disputed by the applicant. The applicant reiterates that all drivers/delivery companies are regularly reminded of the site's opening hours and not to arrive beforehand. However, this matter is outside of the control of the applicant what with none of the visiting HGVs being owned by them. Provided that no highway legislation is being contravened, HGVs arriving early and using/parking on the public highway, is not a matter for planning to control.
141. Furthermore, it was confirmed by the Highway Authority at Regulatory Committee in January 2023 ([21/00832/HCS](#)) that with the extant HGV route being an existing public highway with no restrictions imposed to prohibit HGVs used by and associated with the applicant's operations (and others) that despite there being 'narrower' and 'tighter' highway and carriageway widths and sections, with the mitigation proposed, there was no material reason to resist the proposal on road safety grounds.
142. Lastly, and in relation to widening works being required at 6. Lovedon Lane at disused railway overbridge (see **Appendix E3 - Lovedon Lane at disused railway overbridge**), the landowner is alleging that these works would involve their land and that their permission would not be given to the applicant to secure these mitigatory works that have been deemed by the Highway Authority as essential to ensure road safety and capacity is maintained.
143. This matter - and that sections of the HGV route is too narrow and unfit for existing HGV traffic - and certainly not fit for increased HGV traffic has been raised by the numerous objectors to the proposal. The applicant has investigated land ownership and highway boundaries as part of the application process (both before and after submission). The applicant remains confident that the land required is within the highway boundary (or otherwise owned by the County Council).
144. As recommended by the Highway Authority, the proposed development is, in its current form, deemed acceptable in terms of road safety and capacity provided that the proposed and approved mitigation can be secured via legal agreements/planning obligations. The delivery of this mitigation, including vegetation cutting/removal, markings, signage, widening works,

and their retention and long-term maintenance would all be agreed subject to schemes that would be implemented at agreed times and dates, and importantly which parties are responsible and why, with monitoring requirements going forward. This would alleviate some of the concerns raised by County Councillor Porter and local residents.

145. Should approval be given by the Regulatory Committee, if third party land ownership matters prove material and prevent necessary mitigation works being delivered as required by the planning obligations, the legal agreement containing the planning obligations could restrain the implementation of the permission until the necessary mitigation was completed.
146. Numerous objectors have raised concerns about speed of vehicles along the HGV route. At the haul road's junction with Stoke Charity Road, the speed limit is 60mph (National Speed Limit). This is lowered to 40mph approximately 150m due south before Stoke Charity Road starts to bear left towards the mainline railway bridge crossing. This limit is maintained throughout the length of the HGV route along Stoke Charity Road and from when it meets Loveden Lane down to its junction with the A33. When the application was previously considered, the Regulatory Committee heard about the community's request to reduce the speed limit to 30mph throughout the HGV route and certainly throughout the sections bordered by residential properties. Similar comments have been made in third party representations for this application.
147. The mph classification for the road is not a matter which can be considered by the planning process. Should Regulatory Committee be minded to approve the planning application, they can require the Waste Planning Authority to request, via the relevant team within the Local Highway Authority, consideration that the 40mph speed limit be lowered to 30mph. The applicant already advises all drivers visiting the site to drive at 25mph along the HGV route, a lower speed than the speed limit that is in force, for both safety reasons and to help reduce any associated traffic. Signage stating this 25mph instruction has been erected at the applicant's expense at the haul road's junction with Stoke Charity Road. An informative is included within **Appendix A** in relation to the applicant exploring options to reduce the speed limit within the locality.
148. In the event that planning permission is granted, County Councillor Porter has also requested and that the applicant's 'left exiting only' signage is retained throughout the life of the facility and that additional HGV routing signage is installed in Sutton Scotney village to ensure no incoming or outgoing HGV traffic (from the A34) diverts from the prescribed HGV route using Stoke Charity road and Lovedon Lane and the A33. The placement of road signage/markings adjacent to/within the highway would have to be agreed and approved with the Local Highway Authority. The applicant has indicated that their existing signage would remain and that they would

continue to remind all drivers regularly to follow the prescribed HGV route only.

149. In conclusion, and based on the current situation, 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 (the site and the site's haul road)/planning obligations 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 \(2013\)](#).
150. 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 13 (Managing traffic).

Impact on public health and safety

151. 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:

152. 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 \(2013\)](#).
153. The **Noise Impact Assessment** submitted in connection with the planning application provides an overview of the impacts of Heavy Goods Vehicle (HGV) movements on the locality, specifically on levels of noise and disturbance to neighbours of the Site and to address [\(21/00832/HCS\)](#) that was refused by the County Council on 11 January 2023.
154. Planning application [\(21/00832/HCS\)](#) was refused 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 & 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.

155. As with [\(21/00832/HCS\)](#), 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 F - Nearest Residential Properties & Monitoring Location**), 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.
156. Other conditions of planning permission [19/00200/HCS](#) controlling the impacts of noise, that would be retained, include conditions 5 (silencers and white noise alarms) and 9 - 11 (perimeter bunds and fencing).
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 noise and general disturbance would be created, and which would exceed approved levels controlled by condition along the HGV route. 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, and the rest of the HGV route involving Lovedon Lane.
158. 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](#).
159. The applicant's **Noise Impact Assessment** methodology was discussed in detail and confirmed in discussions between their Acoustic Advisor with Winchester City Council's (WCC) Environmental Health Officer (EHO). The levels and characteristics of noise events from passing HGVs were to be assessed in relation to the residential receptors which lie either side of the site haul road (Cherry Tree Stables (10m SW of site, specifically the shared haul road) and Little Stoke (70m N/NW of site, specifically the shared haul road) (see **Appendix F - Nearest Residential Properties & Monitoring Location**).
160. Whilst vehicle movements on the public highway beyond the site haul road are a material planning concern in terms of input from highways, it has been confirmed not be raised as a concern for WCC in relation to noise. according to the applicant's Acoustic Advisors. This matter is further discussed in more detail below.

161. A variety of sound monitoring survey work was conducted between 12:00 hours on 20 January 2023 and 09:15 hours on 24 January 2023 within the operational site itself and along the haul road at the position shown in site plan AS12919/SP1 (see **Appendix F - Nearest Residential Properties & Monitoring Location**) when HGVs were arriving at and departing from the application site.
162. The purpose of this survey was to quantify both overall trends in ambient noise reflecting the soundscape of the site, and specifically to quantify and record the number average LAeq 1hr of individual LMax events during normal workdays, a Saturday morning and a Sunday (when the application site was not operational) for comparative purposes.
163. The average operational noise levels ranged between 51 -63 dB and the highest between 71 - 81 dB. Surveys of specific HGV movements to and from the site along the haul road ranged between 64 -81 dB and the highest between 73 - 96 dB. The highest recorded noise levels being HGVs (fixed axle and articulated) arriving and departing over the haul road's speed bumps. As a result, a comparative survey using an HGV carrying an empty shipping container at speeds of 5 - 8 kph was undertaken, one on the exit ramp on the site's haul road and one on a raised road table on Winnall Manor Road, with LMax levels of 93 -98 dB and 78 - 82 dB respectively.
164. On investigating this, the 'clunks' generated by HGVs travelling over raised areas along roadways are more substantial, particularly when HGVs are unladen. The haul road used to have four speed humps along it although three were removed when the road was recently resurfaced but are proposed to be reinstated. Despite this, noise levels experienced at the nearest residential properties - Cherry Tree Stables and Little Stoke - recorded from hand-held devices, range from 80 dB with the 'clunk' and 70 dB without the 'clunk' at Cherry Tree Stables and Little Stoke's garden space but around 10 dB lower at the Little Stoke dwelling itself.
165. Looking at background levels associated with activity at Cherry Tree Stables (it shares vehicular access from the haul road it's for equestrian and residential uses with the application site) LMax noise levels range between mid-60s and mid-70s Db and general traffic levels at Stoke Charity Road between mid-50s and 70 Db, with some levels at 75 Db.
166. It transpired that some of the monitoring undertaken at the Stables and on the Stoke Charity Road took place when the application site was not operating and/or not experiencing HGV movements being on a Saturday when no HGV movements took place that Saturday and on a Sunday when the application site is closed. These noise levels were equal to and at times exceeded noise levels recorded on a Friday when all uses were active.

167. With the above findings in mind, the applicant Acoustic Advisor resolved to remove the 'clunk' as this would lower noise levels by 10 Db to levels not significantly louder than background traffic events on the public highway. Following discussions with neighbours, the three removed speed humps will not be reinstated and that a road table feature would be installed instead to reduce speed limits for all HGV traffic.
168. This solution would work better in mitigating adverse noise impacts at the two nearest residential receptors than a noise barrier or fence would. Fencing would also create visual impacts to these properties and affect access arrangements from Cherry Tree Stables also.
169. The Environmental Health Officer (EHO) at Winchester City Council (WCC) has reviewed the submitted assessment and its updated versions. They have accepted the methodologies used in contrast to those used and rejected for [\(21/00832/HCS\)](#). The EHO advises that the impacts arising from the Noise Impact Assessment has calculated that there will not be an adverse noise impact caused to nearby noise sensitive receptors (nearest dwellings being Cherry Tree Stables and Little Stoke) during permitted hours of operation (that are not changing).
170. Therefore, the doubling of HGV numbers and its associated 'noise' impacts on the amenity of the nearest residential dwellings would be not detrimental in nature due to the above proposed mitigation (raised and the retention of extant 'noise controlling' conditions on [19/00200/HCS](#) (including updating the extant noise management plan with the findings of the submitted **Noise Impact Assessment**) at Cherry Tree Stables and Little Stoke.
171. Numerous objectors have raised concerns about HGV noise along the HGV route itself away from the application site along Stoke Charity Road and Lovedon Lane. This is noted. This is a complicated matter and whilst the addition of any HGVs to the public highway network can contribute to existing traffic noise (and on the condition and status of the highway and its infrastructure), it is difficult to accurately discern when the public highway is already used by other HGV un-associated with the application site, light goods vehicles and public and private transport vehicles. No traffic noise surveys were commissioned or required through pre-application discussions between the applicant and the Environmental Health Officer at Winchester City Council (WCC).
172. This matter is not regulated by the Environmental Health Officer at Winchester City Council (WCC) and with the HGVs already travelling to and from the application site in this direction to get to the A33 and the wider strategic road network as directly as possible, it would be difficult to resist in terms of planning policy, as this is the target set by the Waste Planning Authority under Policy 29 of the [HMWP \(2013\)](#). The applicant advises all drivers visiting the site to drive at a lower speed than the speed limit that is in force along the HGV route, for both safety reasons and to help reduce any associated traffic noise as discussed earlier in the section. An

informative is included in relation to exploring the option to reduce the speed limit.

173. The general condition of the public highway is maintained by the County Council as the Local Highway Authority. This includes ensuring that the surfacing and its integrity is protected and maintained, and repaired when necessary. This includes any third parties working in and adjacent to the highway, including utilities (gas, water, telecoms), and those connecting to the existing highway, including from new development, improvement schemes and new dropped kerbs from adjoining properties under take their works in accordance with legislative requirements and standards.
174. Whilst this matter and noise-related impacts arising due to alleged damage to the highway from HGVs has been raised by many objectors, it has not been deemed necessary by the relevant consultees (Highway Authority and the Environmental Health Department at WCC) to oppose this proposal or require financial contributions or legal agreements to ensure the integrity of the public highway is maintained, and indirectly ensuring that potholes and other damage does not cause increased traffic-related noise, which would impact on the local community. Furthermore, there is difference between expected and discernible - and importantly unacceptable and significantly adverse - traffic-related noise, including on a road where HGVs are already permitted, and traffic-related noise that is unacceptable and causing harm.
175. In conclusion, the additional HGV traffic proposed is deemed to be acceptable in terms of impacts through noise on local residential amenity. Therefore, the proposal is in accordance with Policy 10 (Protection of public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy DM20 (Development and Noise) of the [WCCLP Pt 2 \(2017\)](#).
176. 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).

Air quality:

177. The applicant resubmitted their **Air Quality Assessment** from [\(21/00832/HCS\)](#) 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. No concerns were raised previously in this regard by the Environmental Health Officer at Winchester City Council (WCC).
178. 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.

179. The 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.
180. 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](#).
181. 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.
182. 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.
183. 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.
184. 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.
185. 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.

186. Overall, in terms of assessing the proposed development's impacts on local amenity, the Environmental Health Officer's (EHO) findings no longer conflict with those of the applicant's as was the case in terms of noise impacts that had not been adequately demonstrated and were rejected for ([21/00832/HCS](#)). The proposal is therefore considered to be in accordance with Policy 10 (Protection of public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy DM20 (Development and Noise) of the [WCCLP Pt 2 \(2017\)](#).
187. 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

188. 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 (5 - Maintenance of all vehicles, plant and machinery) 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.
189. The Environment Agency would continue to regulate on-site operations including emissions to air (and noise and water also) through the Permitting regime in tandem with the Planning controls in place.

Impact on public strategic infrastructure

190. 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 (see **Appendix E2 - Stoke Charity Road at railway overbridge**). This would be separate to the planning process. Informatives are included in **Appendix A** relating to Network Rail's assets.

Environmental Permitting

191. 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. 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](#).
192. The site currently 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. This Exemption will shortly be replaced with an Environmental Permit according to the applicant as the Exemption regime is being wound down.
193. The EA undertake their own monitoring programme at the site to ensure compliance with the Exemption's requirements.
194. Any changes to the Exemption 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

195. Since the granting of planning permission [19/00200/HCS](#) (May 2019) no substantiated complaints were received by the Waste Planning Authority. This is not to say that complaints or allegations of activities undertaken by the applicant in relation to the permitted waste management facility (on and off-site, the latter being through HGV movements) were now made to either the applicant, local County/City/Parish Councillors, City Council Planning Authority or Waste Planning Authority.
196. Since the registration of this planning application in May 2023, no substantiated complaints specific to the applicant and the application site's operations (including HGV movements) have been received by the Waste Planning Authority.
197. In summer 2023, a cyclist was knocked from their bicycle after being struck by the nearside wing mirror of an HGV travelling northward to the application site. Whilst the cyclist was not harmed physically, it was raised by them directly (and through County Councillor Porter) with the applicant. Following an investigation by the applicant, the driver was identified and the matter was dealt with privately between those parties. It is not known if the Police were involved.

198. In September 2023, following the closure of the A34 due to a road traffic accident, all traffic was diverted through Kings Worthy and along Stoke Charity Road and Lovedon Lane. This caused delays for several hours to those road users and residents and visitors to the village. The applicant's HGV trips were similarly affected. Local residents highlighted the impacts caused due to several miles of traffic directed from the A34 via Sutton Scotney past the application site and on to the A33. Many forms of transport were directed by the Police along Stoke Charity Road and Lovedon Lane over a number of hours.
199. Residents objecting to the planning application - in the main on highway safety grounds - have provided photographs of HGVs struggling to pass each other at locations along the site's HGV route, horse riders being overtaken and pedestrians having to take additional care where footpaths narrowed close to the passing and queuing traffic. This was exacerbated during September 2023's A34 closure.
200. 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 the site closed, some HGVs are reported to be waiting on Stoke Charity Road.
201. Whilst no substantiated complaints concerning the early arrival and/parking and waiting on the public highway by HGVs have been raised, it 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.
202. 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 to assess if any legislation is being breached and adverse road traffic noise is causing harm as a result.
203. The establishment of the site's Liaison Panel has allowed direct contact via a bespoke 'community' group email account between the applicant and the local community. Contact by phone and in-person continues also. The applicant and the site were and still are contacted directly by parties, including through County Councillor Porter when issues/complaints linked to the site and its operations arise.
204. The Waste Planning Authority do still need to be made aware of any complaints, substantiated or not, so that accurate monitoring of the site's performance and compliance with planning conditions can continue. This has not always happened but with the Liaison Panel now established, communication between all parties is expected to continue and improve.

Site Liaison Panel

205. 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.
206. The applicant established the site's Liaison Panel in 2023. Three meetings have taken place in 2023. The applicant does also engage locally with third parties and wants to continue to. The Waste Planning Authority is a member of this Panel and the panel is chaired by County Councillor Porter.
207. The Waste Planning Authority supports the ongoing nature of this panel, to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community. This expectation is set out as an informative in **Appendix A**.
208. The applicant has set up a dedicated community email address so that the public can report any relevant matter. This approach in managing operational issues is supported.

Planning conditions

209. 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 with the exception of condition 1 which is no longer required and any updating where required (i.e. where a scheme has been approved since [19/00200/HCS](#) was granted and if new conditions need imposing to make this planning applications acceptable in planning terms).
210. It should be noted, that due to the deletion of condition 1 from [19/00200/HCS](#) (commencement), condition 7 becomes condition 6 and condition 13 becomes condition 12 in **Appendix A**.

Conclusions

211. As detailed previously, this proposal would help to continue to contribute in providing a sustainable waste management facility to receive and recycle waste paper and card, and some plastic waste. These are waste materials that are widely recognised as lacking in their management at appropriately designated facilities within both Hampshire and regionally.
212. Planning conditions imposed under the site's extant planning permission [19/00200/HCS](#) would be largely retained as they were, and where required, updated to reflect approvals made through the submission of required mitigatory schemes, such as noise mitigation, boundary treatment, site drainage and operational waste management areas post-decision in 2019.

213. Save for the proposed amendments to conditions 7 and 13 being sought, these extant conditions, both individually and collectively, worked to ensure that the local community and environment were protected from harm from the applicant's permitted waste management activities. This remains the situation on-site and the proposed mitigation required with the current proposal to control both on-site operations and off-site HGV movements and associated impacts supports this and is deemed acceptable in controlling the ongoing waste management use.
214. On balance and taking all matters into account, the proposal is considered unlikely to cause unacceptable adverse amenity impacts by virtue of noise and disturbance and on road safety and capacity. It is considered that the proposal would fully accord with the relevant policies of the adopted [Hampshire Minerals & Waste Plan \(2013\)](#) (HMWP).

Recommendation

215. That planning permission be GRANTED subject to the conditions listed in **Appendix A** and the completion of legal agreements to ensure that the required mitigatory works to the public highway are completed to ensure levels of road safety are maintained along the HGV route between the site's vehicular access with Stoke Charity Road and at the agreed locations along Stoke Charity Road and Lovedon Lane.

Appendices:

- Appendix A - Conditions
- Appendix B - Committee Plan
- Appendix C - Site Plan
- Appendix D - Existing HGV route
- Appendix E - Highway mitigation locations on Existing HGV route
- Appendix E1 - Stoke Charity Road south of and at the Ecogen site access road junction
- Appendix E2 - Stoke Charity Road at railway overbridge
- Appendix E3 - Lovedon Lane at disused railway overbridge
- Appendix F - Nearest Residential Properties and Monitoring Locations

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2023/0269#>

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

23/01338/HCS
WR240

Hampshire County Council

Revised Application - Variation of condition 7 (volume of waste) and 13 (HGV Movements) of Planning Permission 19/00200/HCS at Ecogen Recycling Limited, Stoke Charity Road, Kings Worthy, Hampshire SO21 2RP

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

The proposal would help to continue to contribute in providing a sustainable waste management facility to receive and recycle waste paper and card, and some plastic waste. On balance and taking all matters into account, the proposal is considered unlikely to cause unacceptable adverse amenity impacts by virtue of noise and disturbance and on road safety and capacity. It is considered that the proposal would fully accord with the relevant policies of the adopted [Hampshire Minerals & Waste Plan \(2013\)](#) (HMWP).

Operating times

1. No Heavy Goods Vehicles (HGVs) shall enter or leave the site except between the following hours: 07:00 - 20:00 Monday to Friday and 07:00 - 13:00 Saturday. There shall be no working on Sundays, Bank and recognised Public Holidays.

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

2. No plant or machinery shall be operated on site except between the following hours: 07:00 - 23:00 Monday to Friday and 07:00 - 13:00 Saturday. There shall be no working on Sundays, Bank and recognised Public Holidays.

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

Operations

3. Only the storage (within the Open Storage Area as shown on the Proposed Site Layout and Landscaping Plan (Drawing 50240-P1-02 Rev A)), loading and unloading of waste shall occur outside. All other processing of waste material shall occur inside the buildings hereby approved.

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

4. All vehicles, plant and machinery operating on the site shall be maintained in accordance with the manufacturers' specifications at all times, and shall be

fitted with and use effective silencers. All vehicles shall be fitted with white noise type low tonal reversing alarms.

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

Waste importation

5. Only the following types of inert, non-hazardous waste shall be imported to the site:
 - Paper;
 - Card; and
 - Plastic.

Reason: To ensure the development is implemented in accordance with the details submitted and that the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

6. No more than 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).

Stockpile heights and locations

7. External storage shall only occur on the site in the Open Storage Area as shown on the Proposed Site Layout and Landscaping Plan (Drawing 50240-P1-02 Rev A). Stockpile heights shall not exceed 4 metres from base to peak, as measured from existing ground level.

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

Perimeter screening

8. The existing bunds to the perimeter of the site, and the existing vegetation and arboriculture, as shown on the Proposed Site Layout and Landscaping Plan (Drawing 50240-P1-02 Rev A) shall be retained, managed and maintained in good condition for the duration of the development.

Reason: In the interests of visual amenity and noise mitigation in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-

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

9. The perimeter bund to the north-east corner of the site filled and planted in September 2020 (as approved under Conditions 10 and 20 of planning permission 19/00200/HCS) as shown on the Proposed Site Layout and Landscaping Plan (Drawing 50240-P1-02 Rev A) shall be maintained for the duration of the development permitted. Any planting dying, that becomes diseased, is damaged and/or removed shall be replaced with similar species within the following planting season).

Reason: In the interests of visual amenity and noise mitigation in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

10. The 2.1 metre high concrete fencing erected at the site's southern perimeter in September 2020 (as approved under Condition 11 of planning permission 19/00200/HCS) as shown on the Proposed Site Layout and Landscaping Plan (Drawing 50240-P1-02 Rev A) shall be retained and maintained in good condition for the duration of the development permitted.

Reason: In the interests of visual amenity and noise mitigation in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

Limiting permitted development

11. Notwithstanding the provisions of Parts 4, 7 and 16 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order):

- (i) fixed or mobile plant or machinery, buildings, structures and erections or private ways shall not be erected, extended, installed or replaced at the site without the prior agreement of the Waste Planning Authority in writing; and
- (ii) no telecommunications antenna shall be installed or erected without the prior agreement of the Waste Planning Authority in writing.

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

Highways

12. Heavy Good Vehicle (HGV) movements to and from the site shall be restricted to 80 per day, (40 in and 40 out) on Monday to Friday and 50 (25

in and 25 out) on Saturdays only. No movements shall take place on Sundays, Bank and recognised Public Holidays.

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 Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013)

13. Measures shall be taken to prevent debris from vehicles leaving the site and being deposited on the public highway. These measures shall be maintained throughout the permitted development. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent debris being carried on to the public highway. In the event that any debris is deposited on the highway, it shall be cleaned off at the end of each working day.

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

14. All loaded goods vehicles entering or leaving the site shall be securely sheeted.

Reason: 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).

15. The haul road, including any required drainage features, shall be maintained in accordance with the details approved on 09 July 2020 (including drawing HD0/01P2 dated Dec 19 (as approved under Condition 16 of planning permission 19/00200/HCS) throughout the duration of the permitted development.

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

16. The operator shall maintain visibility splays onto the public highway from the site access haul road as described in the approved Transport Assessment (approved under 19/00200/HCS), 2.4m x 215m to the right and 2.4m x 200m to the left and shall be kept free of obstacles for the duration of the permitted development.

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

Cycle facilities

17. The covered cycle storage facilities and the showering and changing facilities proposed in the Staff Welfare Block (K12) and installed in

September 2020 (as approved under Condition 18 of planning permission 19/00200/HCS), shown on drawing 50240 P2-03-K12 rev 0, shall be retained and made available for employee use for the duration of the development permitted

Reason: In the interest of highway capacity, the environment and amenity in accordance with Policies 12 (Managing traffic) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013).

Ecology

18. The development hereby permitted shall continue to be carried out in accordance with the ecological mitigation measures as set out within the 'Impacts in the absence of mitigation' and 'Further measures required to mitigate the effects of the proposed development' sections of the Phase I Update Letter (PV Ecology, December 2018).

Reason: To provide adequate ecological mitigation to avoid impacts to protected species in line with Policy 3 (Protection of habitats and species) of the Hampshire Minerals & Waste Plan (2013).

19. The approved Biodiversity Enhancement Plan dated May 2020 and produced by Pro Vision (approved 29 October 2020) shall continue to be implemented and maintained in full throughout the duration of the permitted development. This shall continue to be in line with the measures set out within section 6.6 of the Phase I Ecological Assessment (PV Ecology, December 2016).

Reason: To secure biodiversity enhancements in accordance with Policy 3 (Protection of habitats and species) of the Hampshire Minerals & Waste Plan (2013) and the relevant paragraphs of the National Planning Policy Framework (2023).

Protection of the Water Environment

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

Reason: To prevent pollution of the environment in accordance Policies 8 (Protection of soils) and 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

21. The approved site surface water scheme installed in September 2020 (as approved under Condition 23 of planning permission 19/00200/HCS), comprising the revised Drainage Statement (dated April 2019) and the Proposed Drainage Layout (drawing W02186-SWH-XX-XX-DR-C-0500 rev P03), including oil interceptors suitable to prevent contamination of the soil and ground water as shown on the Proposed Drainage Layout drawing, shall be retained and maintained in good condition for the duration of the permitted development. Clean roof water shall not pass through the interceptor(s).

Reason: In the interest of controlling emissions to ground and water in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013).

22. The approved foul water disposal scheme comprising the Foul Water Drainage Mapping and Drainage Plan by Easy Clean Services (approved 15 October 2019) and including the Proposed Drainage Layout (drawing W02186-SWH-XX-XX-DR-C-0500 rev P03), shall be retained and maintained in good condition for the duration of the permitted development.

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

Lighting

23. The approved external site lighting scheme comprising 50240-P1-03 Rev B, Kingfisher Lighting Datasheet 'Quarto' Details, and 3 photos of existing lighting on site (approved 29 October 2020) shall be maintained throughout the duration of the permitted development. No additional lighting to that in the approved scheme shall be erected on the site without prior written approval from the Waste Planning Authority. This scheme shall continue to be implemented in accordance with lighting measures set out within the 'Further measures required to mitigate the effects of the proposed development' section of the Phase I Update Letter (PV Ecology, December 2018).

Reason: In the interest of light pollution for public amenity and ecological impact in accordance with Policies 3 (Protection of habitats and species) and 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Noise

24. The approved 'Noise Management Plan' Technical Report: R8891-1 Rev 2 dated 3rd February 2021 by 24Acoustics (approved 11 March 2021), which includes:

- Maximum noise level for operating times for any part of the site boundary, this limit being set to short duration noise events rather than overall daytime averages (i.e. based upon a LAeq (15 minute) value). This noise value will be considered and set to form the control for noise levels on the site for the development hereby approved and the development shall not exceed it;
- A set out a public complaint process;
- A set out a plan review process; and
- Set measures to mitigate considerate operating procedures that reduce noise impact, including the procedure that HGVs will not sit on site with their engines running and the closing of building openings to contain noise from internal operations.

shall continue be maintained throughout the duration of the permitted development.

In addition, the applicant's submitted Noise Impact Assessment, reference AS12919.230125.R1.3 | 21/03/23 (prepared by Clarke Saunders, dated 21 March 2023) and its measures on HGV noise mitigation along the site's haul road shall be implemented in full throughout the duration of the permitted development.

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

25. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Waste Planning Authority. Works shall not recommence before a site assessment has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Waste Planning Authority. The development shall not be completed other than in accordance with the approved details.

Note; potentially contaminated ground conditions include infilled ground, visual evidence of contamination or materials with an unusual odour or appearance.

Reason: To secure satisfactory development and in the interests of the safety and amenity of future occupants in accordance with Policies 8

(Protection of soils) and 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Plans

26. The development hereby permitted shall be carried out in accordance with the following approved plans: **P1-01RevA, P1-02RevA, 50240 E2-01-K9, 50240 E2-02-K9, 50240 E2-03-K11/12, 50240 E2-04-K10, 50240 E3-01-K9, 50240 E3-02-K10, 50240 P2-01-K9, 50240 P-02-K11/12, 50240 P2-03-K12, 50240 P2-04-K10, 50240 P3-01-K9, 50240 P3-05-K10, 50240 P5-01, W02186-SWH-XX-XX-DR-C-0600-P01, W02186-SWH-XX-XX-DR-C-0500-P01**

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

Notes to Applicant

1. In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2023), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This site is in an outer Source Protection Zone for a public water supply. Contamination may be present in soils and groundwater at this site as a result of the previous uses as a poultry unit. Potential contamination source could include (but may not be limited to):
 - Oil storage, either for on-site boiler, heater or for vehicle refuelling. Any potential underground storage would be of particular concern;
 - Storage of waste material. Chicken waste has the potential to generate significant contamination. In particular this can be a major source of ammonia or nitrate;
 - Any other chemical stored; and
 - Site waste water, and associated drainage arrangements. The public water supply abstraction associated with the SPZ has been identified as having elevated nitrates.
4. The operator should be aware they are responsible for littering caused by waste from this site, resulting in any manner such as being wind-blown or falling from goods vehicles travelling to and from the site. It is acknowledged that the opportunities to clean up of litter on public highways is limited, but the operator should take all reasonable and necessary measures to prevent litter and to collect and dispose of any that does occur, on or off their site.
5. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 3.5 tonnes un-laden.

6. The County Council supports the continuation of the Liaison Panel between the site operator, Waste Planning Authority and community representatives at a suitable frequency to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community.
7. 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.
8. The Minerals and Waste Planning Authority will liaise with the Local Highway Authority on the matter of the 40 mph speed limit on Stoke Charity Road and Lovedon Lane. The issue of concern being whether it can be reduced from 40 mph to 30 mph, in the interests of road and pedestrian safety, along the HGV route to and from the A33.
9. The applicant may be required to enter into an Asset Protection Agreement with Network Rail to enable approval of detailed works near to or on railway infrastructure. Their engineering team should be contacted as soon as possible to discuss these matters.