

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	20 March 2019
Title:	Variation of Conditions 19 and 20 of planning permission 16/10450 to allow screening operations to take place at Forest Lodge Home Farm, Fawley Road, Hythe, SO45 3NJ.
Report From:	Head of Strategic Planning

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1. Executive Summary

- 1.1. Planning permission is sought for the variation of Conditions 19 (to include a screener on site) and 20 (to allow screening operations) of planning permission 16/10450 (granted 23 March 2017) at Forest Lodge Home Farm, Fawley Road, Hythe, SO45 3NJ.
- 1.2. New Forest District Council and Hythe & Dibden Parish Council objected to the proposal. A total of 10 representations were received from members of the public and local councillors (including a petition with 59 signatures), all objecting to the proposal. The main areas of public concern related to the potential for impacts on: the local landscape, air quality; highway safety and capacity, noise levels and public health.
- 1.3. In summary it is considered that the proposal would:
 - continue to contribute to maintaining an adequate and steady supply of soft sand, sharp sand and gravel for Hampshire through the development of a site allocated for new mineral extraction in the development plan;
 - continue to be a time-limited mineral extraction subject to a requirement for restoration and beneficial afteruse;
 - not cause unacceptable adverse public health and safety or unacceptable adverse amenity impacts;
 - not cause an unacceptable adverse visual impact; and
 - continue to be acceptable in terms of highway capacity and safety.
- 1.4. Therefore, it is recommended that permission be granted subject to the conditions in integral Appendix B and the completion of a Deed of Variation to the Section 106 agreement (signed 14 March 2017) between all parties

and the County Council to secure and dedicate a public right of way from west to east across the application site connecting with Footpath no. 3a (Solent Way) following completion of restoration of the site.

2. The Site

- 2.1. The site is an active sand and gravel quarry and extends over 5.6 hectares of land. The Location Plan (see **Appendix D**) shows that the site lies approximately two kilometres to the south of the town of Hythe and to the west of Southampton Water.
- 2.2. Access to the site is from Fawley Road, south of which lies a roundabout junction with the A326. Access to the wider highway network is achieved via the A35 at Totton before continuing north to the M27.
- 2.3. The site lies within the countryside and is bounded by hedgerows and trees, with woodland to the north-east.
- 2.4. To the north of the site lies agricultural land, Forest Lodge Home Farm and associated buildings and residential properties. Further agricultural land is situated to the south of the site.
- 2.5. With the exception of the middle section of the western boundary, all boundaries surrounding the site include mature hedgerows and trees. The middle section of the western boundary includes the current site access which connects to the local road network, namely Fawley Road.
- 2.6. The site is situated 35 metres to the north-east of Gringo's Copse and Crampool Copse Site of Importance for Nature Conservation (SINC) and 115 metres to the south-east of Fawley North SINC. Further ecological designations in the vicinity include the Hythe to Calcot Marshes Site of Special Scientific Interest (SSSI) and Southampton and Solent Water Special Protection Area (SPA)/RAMSAR/Special Area of Conservation (SAC) sites which are located 1000 metres to the north-east of the site. The New Forest SSSI is situated 340 metres to the south-east and 570 metres to the south-west of the site. The New Forest National Park lies approximately 550 metres to the south west of the site.
- 2.7. The Netley View residential estate and settlement of Buttsash lies immediately adjacent to the west of the site beyond Fawley Road. The nearest residential properties are found at Beach Crescent which is located approximately 35 metres south west, 150 metres to the west and north-west and continuing to 480 metres north of the site beyond Frost Lane.
- 2.8. The Solent Way public right of way (Footpath no. 3a) runs outside the site boundary approximately 10 metres to the east. The majority of Fawley Road has a shared footway and cycleway and uncontrolled crossings are provided close to Butts Ash Lane to the north of the site and close to Cedar Road to the south of the site.

3. Planning History

3.1. The planning history of the site is as follows.

Application no.	Proposal	Decision	Date
16/10450	Extraction of soft sand and sharp sand and gravel, the construction of an improved access onto Fawley Road, the importation of inert materials and restoration of the site to agriculture.	Granted	23/03/2017

3.2 This planning application for the site was permitted on the grounds that the proposal would:

- be a time-limited mineral extraction subject to a requirement for restoration;
- contribute to maintaining an adequate and steady supply of soft sand, sharp sand and gravel for Hampshire through the development of a site allocated for new mineral extraction in the development plan;
- be acceptable in terms of highway capacity and safety;
- not cause adverse public health and safety impacts or unacceptable adverse amenity impacts;
- not cause an unacceptable adverse visual impact;
- not have a significant adverse effect on designated or important habitats and species;
- not cause an increase in flood risk off-site;
- protect Hampshire's historic environment and heritage assets, including the setting of those sites;
- protect soils and not result in the net loss of best and most versatile agricultural land;
- be restored in a progressive manner to an after-use consistent with the development plan and in keeping with the character and setting of the area; and
- include a long-term benefit in the form of a requirement for the dedication of a public right of way across the site following completion of restoration.

3.3. Planning permission 16/10450 was granted on 23 March 2017. It permitted the phased extraction of 468,000 tonnes of mineral and the importation of 540,000 tonnes of clean, inert waste/soil and phased backfilling to restore the site to agriculture over a period of 10 years.

3.4. The development commenced on 11 July 2017. Mineral extraction will extend over 4.2 ha of land within the site. The remaining area of the

application site is occupied by soil storage bunds, mitigation/enhancement planting and the site management area/access.

- 3.5. The development comprises three phases (Phase 1, 2 and 3) from west to east as shown in the Approved Phased Working Plan (Appendix E).
- 3.6. The site is dry-worked, with no de-watering required with the excavation of mineral by a 360 excavator and loading shovel. Mineral is be dug and loaded into tipper lorry before leaving the site.
- 3.7. The site will be progressively restored to original levels and use using inert fill and land uses of an agricultural nature as shown on the Approved Restoration Plan (Appendix F).

4. The Proposal

- 4.1. Planning permission is sought for the variation of conditions 19 and 20 of planning permission 16/10450 to allow screening operations to take place at Forest Lodge Home Farm, Fawley Road, Hythe, SO45 3NJ.
- 4.2. Condition 19 presently reads:

19. On-site plant and machinery shall comprise only 1 x Excavator, 1 x Loading shovel and 1 x Tractor and bowser.

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

- 4.3 The applicant advises that since mineral extraction commenced, sand being extracted is highly rich in clay. They advise that this clay cannot be separated by hand and is not fit for purpose. The most common and efficient means of separating minerals is by mechanical methods, in the form of a screener. The screener would be as required throughout mineral extraction operations
- 4.4 The applicant seeks to vary Condition 19 as follows:

*19. On-site plant and machinery shall comprise only **1 x Screener**, 1 x Excavator, 1 x Loading shovel and 1 x Tractor and bowser.*

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

4.5 Condition 20 supports Condition 19 in restricting screening operations from being carried out within the application site. Condition 20 presently reads:

20. No screening, crushing or washing of mineral, waste or materials shall take place on site.

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

4.6 To reflect the changes sought to Condition 19, the applicant also seeks to vary Condition 20 as follows:

*20. No **screening**, crushing or washing of mineral, waste or materials shall take place on site.*

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

4.7 No changes to the approved hours of operation of Monday to Friday 0700 - 1800 and Saturday 0700 - 1300 with no operations on a Sunday or recognised Public Holidays are proposed.

4.8 No changes to the approved maximum number of HGV two-way movements generated by the site on any one day would be 96 (48 HGVs) are proposed.

4.9 The site management area (located in the north-western area of the site) will remain unchanged, retaining the following components:

- One temporary Cabin/office - single storey;
- One temporary Weighbridge;
- One temporary Wheel wash;
- Internal access road; and
- Designated parking area for six cars.

4.10 No changes to the approved duration and volume of mineral extraction and restoration works using imported waste/materials are proposed, nor are any changes to the approved aftercare (to agriculture).

4.11 The proposal is not an Environment Impact Assessment (EIA) development.

5 Development Plan & Guidance

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

Hampshire Minerals & Waste Plan (HMWP) 2013

5.2 The following key policies are relevant to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 5 (Protection of the countryside);
- Policy 10 (Protecting public health, safety and amenity);
- Policy 12 (Managing traffic);
- Policy 13 (High-quality design of minerals and waste development)
- Policy 17 (Aggregate supply - capacity and source)
- Policy 20 (Local land-won aggregates)

National Planning Policy Framework (2019)

5.3 The following paragraphs are relevant to this proposal:

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

National Planning Practice Guidance

5.4 The following paragraphs are relevant to this proposal:

- Paragraph 021 Reference ID: 27-021-20140306 (What are the appropriate noise standards for mineral operators for normal operations?); and
- Paragraph 022 Reference ID: 27-022-20140306 (What type of operations may give rise to particularly noisy short-term activities and what noise limits may be appropriate?)

6 Consultations

6.1 **County Councillor McEvoy:** Objection on the grounds that unacceptable levels of noise, dust, disturbance and impacts on the health of local residents would be caused. No new assessments on noise and dust have been submitted and the proposal contravenes Policy 10 of HMWP 2013.

- 6.2 **County Councillor Wade:** Objection on the grounds that the increase of plant on site is detrimental to the locality and that noise and dust/airborne particulate levels will adversely affect local population.
- 6.3 **New Forest District Council:** Objection on the grounds that impacts by virtue of noise, dust, times of working and highway movements will be created.
- 6.4 **New Forest District Council - Environmental Health Officer (EHO):** No objection subject to conditions relating to hours of working, noise limits and records of the duration of short-term operations, the use of white noise-type reversing alarms and the approved dust management plan on planning permission 16/10450 all being retained. Consideration could be given to additional noise management/monitoring controls.
- 6.5 **New Forest National Park Authority:** No response.
- 6.6 **Hythe & Dibden Parish Council:** Recommends refusal on the grounds that local residents and the environment will not be protected as was intended by conditions on imposed planning permission 16/10450, which should be retained.
- 6.7 **Fawley Parish Council:** Accept County Council officer's recommendation.
- 6.8 **Natural England:** No comments to make.
- 6.9 **Rights of Way:** Has no objection to the proposal.
- 6.10 **County Highways:** No objection subject to the retention of all highways related conditions on planning permission 16/10450 being retained.
- 6.11 **County Archaeologist:** No objection subject to the retention of all archaeological conditions on planning permission 16/10450 being retained.
- 6.12 **County Landscape:** No comments to make.
- 6.13 **County Ecologist:** No concerns.
- 6.14 **County Planning Policy:** No objection.
- 6.15 **County Arboriculturalist:** No comments to make.
- 6.16 **Southampton Airport:** No objection.

7 Representations

- 7.1 Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted procedure and publicity requirements associated with determining planning applications.
- 7.2 In complying with the requirements of the SCI, HCC:

- Published a notice of the application in the [Hampshire Independent](#);
- Placed notices of the application at the application site;
- Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
- Notified by letter all residential properties within 250 metres of the boundary of the site (exceeding the 100 metres set out in the SCI); and
- Notified by letter all those parties who previously made representation to planning permission 16/10450.

7.3 A total of 10 [representations](#) (including from the Local District Councillor and the Netley View Residents Association with a 59 signature petition) to the proposal were received. Of these, all objected to the proposal. The main areas of concern raised in the objections relate to the following areas:

- Poor justification why screening should not remain excluded by conditions 19 and 20 on pp 16/10450;
- Impacts on noise as result of screener and associated operations;
- Impacts on air quality and health as a result screener and associated operations;
- Highway safety and capacity and pedestrian safety;
- Duration of operations could be affected;
- Visual impact; and
- Inadequate consideration of local benefits.

7.4 When new information has been submitted, both the relevant consultees and the local population originally notified of the proposal, have been informed.

8 Commentary

Principle of the Development

- 8.1 The principle of the use of the site for sand and gravel extraction and restoration, through infill with inert waste, within 10 years (by 11 July August 2027) has already been established through the granting of planning permission 16/10450 in March 2017.
- 8.2 Forest Lodge Home Farm is identified as a site allocation in Policy 20 (Local land-won aggregate) of the HMWP (2013). The site is identified for the extraction of 0.4 million tonnes of soft sand and 0.17 million tonnes of sharp sand and gravel. The current planning application would not undermine the expectations of the site allocation in terms of these extractable reserves.
- 8.3 The applicant is not proposing any changes to the approved 468,000 tonnes of sand and gravel to be extracted nor to the importation of 540,000 tonnes of clean, inert waste/soil for backfilling to restore the site in phases to an agricultural afteruse.

- 8.4 The use of a screener on site to remove the clay content from the extracted sand at source would ensure the provision of economically-important sand and gravel resources to continue to be delivered at an allocated site, and as a consequence, the continued phased extraction and restoration to agriculture, as permitted under the approved restoration scheme.
- 8.5 As the site is included as an allocation in the HWMP (2013) a number of development considerations are relevant to the proposal. The Plan states that site allocations should be designed with appropriate mitigation measures, where applicable, to avoid or mitigate impacts on the environment and local communities. Where the development considerations are relevant to this proposal, these are considered under the relevant sections.

Noise

- 8.6 Changes to approved mineral extraction and restoration with imported inert waste/materials, in this instance the proposed introduction of a screener, could create impacts on the locality through an additional noise source in excess of that being generated by the extant development.
- 8.7 A [Noise Impact Assessment](#) submitted with this application updated the previously submitted Noise Assessment that was accepted through the granting of planning permission 16/10450 in 2017. It had previously assessed the worst-case predicted noise levels that would be generated by the development, in relation to the nearest noise-sensitive receptors (i.e. residential properties). It concluded that overall there would be no significant impacts or effects on the locality through noise subject to conditional controls over the use of on-site plant and machinery, including hours of on-site mineral extraction and restoration operations and associated HGV movements being imposed.
- 8.8 [National Planning Practice Guidance](#) (NPPG) sets out guidance for the determination of planning applications for mineral extraction and identifies noise limits for such developments. [Paragraph 022](#) recognises that activities in the early stages of such developments may give rise to particularly noisy short-term operations. [Paragraph 021](#) sets out noise limits for normal day to day operations following completion of such short-term works.
- 8.9 The noise predictions presented within this proposal's updated Noise Assessment and Additional Noise Information (see **Integral Appendix E**) submitted in February 2019 again represent a worst-case scenario in terms of plant and equipment locations where mobile equipment is operating at its closest approach to the nearest noise-sensitive receptors (i.e. residential properties) or in locations where attenuation provided by the screening bunds is at a minimum. Examples being plant working at multiple locations including surface levels, in the quarry pit, and away from any perimeter screening mounds. All predictions were made based on all plant operating at full power and 100% on-time.

- 8.10 This Noise Assessment concludes that as a result of designed-in mitigation measures such as physical barriers around the perimeter of the site, the potential increase in ambient noise levels will not be significant at nearby residential properties, remaining within approved noise levels. Noise levels are predicted to remain within the noise limits required by paragraphs Paragraph 021 and Paragraph 022 of the NPPG at the nearest residential properties for both short-term and long-term operations at various locations within the quarry site.
- 8.11 Concerns raised by New Forest District Council's Planning Committee, Hythe & Dibden Parish Council and local residents regarding the proposed operating hours of the screener, specifically the start time of 07:00, which is classified as the start of the daytime period. The Environmental Health Officer advises that the operating hours should remain as approved under planning permission 16/10450, to remain in accordance with accepted daytime working hours on open sites. As such the proposed hours of working, including the use of a screener, remain acceptable.
- 8.12 Overall, subject to conditions relating to hours of working, noise limits and records of the duration of short-term operations and the use of white noise-type reversing alarms being retained, the Environmental Health Office raises no objections to the proposal. These conditions are included within **Integral Appendix B** to this report.
- 8.13 The Environmental Health Officer offered further advice on the imposition of conditions, should the situation arise, requiring either a noise management plan that dealt the investigation of substantiated noise level breaches or regular noise monitoring being undertaken by the applicant.
- 8.14 The proposal is therefore considered to be in accordance with Policy 10 (Protection of public health, safety and amenity) and the relevant development considerations set out in the site allocation in the adopted [HMWP \(2013\)](#) in relation to noise.

Air Quality

- 8.15 Changes to approved mineral extraction and restoration with imported inert waste/materials, in this instance the proposed introduction of a screener, could create impacts on air quality as a result of the release of dust from site operations and from exhaust emissions from plant generated by the development.
- 8.16 An Air Quality Assessment was submitted with and its findings accepted through the granting of planning permission 16/10450 in 2017. Its findings, were that overall there would be no significant impacts or effects on local air quality subject to conditional controls over the use of on-site plant and machinery and goods vehicles entering and departing the site.
- 8.17 That assessment was reviewed then by the Environmental Health Officer who raised no objection in relation to air quality impacts, subject to the same

conditions concerning a site-specific Dust Management Plan (DMP) and a restriction relating to the processing of excavated mineral or infill materials on site being imposed.

8.18 Following review of the proposed development, the Environmental Health Officer raises no objection in relation to air quality impacts. The same conditions concerning a site-specific Dust Management would be retained and re-imposed.

8.19 The applicant advises that they have now secured an Environmental Permit from the Environment Agency for the restoration operations using imported inert waste/materials. The Permit also contains controls on operational air quality emissions, which require the control of air quality from sites such as this and the protection of the local environment and public health.

8.20 The proposal is therefore considered to be in accordance with Policy 10 (Protection of public health, safety and amenity) and the relevant development considerations set out in the site allocation in the adopted [HMWP \(2013\)](#) in relation to air quality.

Countryside location, Landscape & Visual Impact

8.21 The proposed amendments to planning permission 16/10450 would result in visual impact through the introduction of a screener into the existing extraction and restoration operations.

8.22 The proposed development is situated at a permitted sand and gravel pit that is situated in a rural location, and in close proximity to the New Forest National Park. Therefore, the development has the potential to affect local sensitive landscape features.

8.23 Changes in views and on visual amenity, as a result of a proposed development - introduction of a screener in this instance - can be caused by the introduction of built or engineered forms into a previously approved development. It is the severity and acceptability of the impact of that has to be considered.

8.24 The adopted HMWP (2013) includes a specific development consideration relating to the protection of the setting of the nearby New Forest National Park. This is in addition to the requirement of Policy 10 and 13 of the HMWP (2013) which requires that minerals and waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and townscape.

8.25 A Landscape Visual Impact Assessment (LVIA) was submitted with and its findings accepted through the granting of planning permission 16/10450 in 2017. Its findings were, that overall there will be no significant landscape or visual effects both locally or on the setting of the New Forest National Park. The site is well screened by both natural and man-made features and although periodic views of the screener would be likely at times, the impact

and effect on the locality would not be significantly different to that currently taking place.

- 8.26 The proposal does still constitute minerals and waste development in the open countryside. However, the development would be time-limited and would therefore be in accordance with Policy 5 (Protection of the countryside).
- 8.27 Furthermore, the County Landscape Architect still considers that overall there will be no significant landscape or visual effects both locally or on the setting of the New Forest National Park as a result of the proposed development. Previously imposed conditions concerning the restoration of the site to agriculture and the aftercare of the restored site remain acceptable and would be retained by condition.
- 8.28 In summary, the proposal is considered to remain in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) and the relevant development considerations set out in with the site allocation in the adopted [HMWP \(2013\)](#).

Restoration

- 8.29 The site allocation in the HWMP (2013) includes a requirement for restoration of the site to original levels, using inert fill and a combination of grazing and nature conservation interests and informal recreation.
- 8.30 Policy 9 (Restoration of quarries and waste developments) of the HWMP (2013) requires temporary minerals and waste development to be restored to beneficial after-uses consistent with the development plan. Furthermore, restoration should be in keeping with the character and setting of the local area and contribute to the delivery of local objectives for habitats, biodiversity or community use where these are consistent with the development plan. Policy 9 also requires restoration of mineral extraction and landfill sites to be phased throughout the life of the development.
- 8.31 Previously approved schemes under 16/10650 to secure the restoration of the site, reinstating it in a progressive manner to a mixture of agriculture, nature conservation and informal recreational use with a five-year period of aftercare, would be retained by condition. This is set out in the approved Working Phasing Plan (see **Integral Appendix E**) and approved Restoration Scheme (see **Integral Appendix F**), which would remain unchanged.
- 8.32 The proposed restoration topography would include a gently domed plateau at approximately 37 metres AOD within the western and centre of the site which would slope away in all directions over gradients of between 1:30 to 1:50.

8.33 The proposal is therefore considered to be in accordance with Policy 9 (Restoration of quarries and waste developments) of the HWMP (2013) and the restoration specification set out in the sites site allocation.

Access and Recreation

8.34 The Solent Way public right of way (Footpath no. 3a) runs north-south parallel to the eastern boundary of the site. The HMWP (2013) includes a development consideration relating to the safeguarding of the footpath and a specific restoration specification which states that the site should be restored to a combination of grazing, nature conservation interests and informal recreation.

8.35 A footpath connecting Footpath no. 3a to Fawley Road would still be included within the site's restoration to agriculture. This would require the dedication of a path from the western side of the site to the east as a public right of way following the completion of restoration of the site. This path would create a new link within the local public access network allowing circular routes between the Solent Way and nearby residential areas.

8.36 In order to secure the delivery of informal recreation as part of the restoration of the site the previously signed Section 106 legal agreement would be varied, mirroring and making acceptable the variation of conditions 19 and 20.

8.37 In summary the proposal is still considered to be in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) and the relevant development considerations set out in with the site allocation in the adopted [HMWP \(2013\)](#).

Community Benefits

8.38 Policy 14 (Community Benefits) of the HWMP (2013) encourages negotiated agreements between relevant minerals and waste developers/operators and a community as a source of funding for local benefits. These benefit packages can comprise bilateral arrangements between the main parties. Agreements can be between operators and local bodies such as Parish Councils or resident's associations. Whilst the Minerals and Waste Planning Authority encourages these agreements, it cannot be party to such agreements and the agreements cannot be taken into account in decision making.

8.39 As previously discussed, the applicant agreed to enter into a Section 106 legal agreement to dedicate a path across the site as a public right of way following the completion of restoration of the site. This will provide a long-term benefit by creating a new link within the local public access network

allowing circular routes between the Solent Way and nearby residential areas.

8.40 In addition to the above, paragraph 5.59 of the [HMWP \(2013\)](#) states that there is an expectation that all 'major' minerals and waste development will be accompanied by a site Liaison Panel. The applicant has already established the Panel and this is scheduled to continue irrespective of the outcome of this application.

9. Conclusions

9.1 The development is considered to be in accordance with relevant policies and associated development considerations included in the HMWP (2013) and would:

- continue to contribute to maintaining an adequate and steady supply of soft sand, sharp sand and gravel for Hampshire through the development of a site allocated for new mineral extraction in the development plan;
- continue to be a time-limited mineral extraction subject to a requirement for restoration;
- not cause unacceptable adverse public health and safety or unacceptable adverse amenity impacts;
- not cause an unacceptable adverse visual impact; and
- be acceptable in terms of highway capacity and safety.

9.2 Therefore, it is recommended that permission be granted subject to the conditions in integral Appendix B and the completion of a Deed of Variation to the Section 106 agreement (signed 14 March 2017) between all parties and the County Council to secure and dedicate a public right of way from west to east across the application site connecting with Footpath no. 3a (Solent Way).

10 Recommendations

10.1 That the Head of Law and Governance be authorised to draw up Deed of Variation to the Section 106 Agreement (ref: 107848, signed 14 March 2017) to secure the dedication of a public right of way from west to east across the site connecting with Footpath no. 3a (Solent Way) following completion of restoration of the site.

10.2 Provided that by no later than 20 June 2019 all parties enter into the Deed of Variation to the Section 106 Agreement (ref: 107848, signed 14 March 2017) with the County Council, that authority be delegated to the Director of Economy, Transport and Environment to GRANT permission subject to the conditions listed in Integral Appendix B.

10.3 In event that the Section 106 Agreement is not completed by 20 June 2019, the Director of Economy, Transport and Environment be authorised to refuse planning permission for that reason.

Appendices:

Integral Appendix A - Corporate or Legal Information

Integral Appendix B - Conditions

Appendix C - Location Plan

Appendix D - Additional Noise Information

Appendix E - Approved Phased Working Plan

Appendix F - Approved Restoration Plan

Other documents relating to this application:

<https://planning.hants.gov.uk/SearchResults.aspx?Criteria=18/11586>

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	No
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	No
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	No
Corporate Improvement plan link number (if appropriate):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:	
The proposal does not link to the Corporate Strategy 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 planning authority.	

Section 100 D - Local Government Act 1972 - background documents

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

Document

18/11586 - Variation of Conditions 19 and 20 of planning permission 16/10450 to allow screening operations to take place at Forest Lodge Home Farm, Fawley Road, Hythe, SO45 3NJ.

Location

Strategic Planning
Hampshire County Council
Elizabeth II Court West
Sussex Street
Winchester
SO23 8UD

CONDITIONS

Duration of Permission

1. Approved mineral extraction and restoration works shall cease by 11 July 2027.

Reason: To secure the satisfactory restoration of the site in accordance with Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

Schemes approved under 16/10450

2. The offsite highways works approved in writing by the Mineral & Waste Planning Authority on 30 October 2017 shall be retained as constructed throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

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

3. The site-specific Dust Management Scheme approved writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

Reason: To ensure that the development does not have an unacceptable impact on human health and safety and is in accordance with Policy 10 (Protecting public health, safety and amenity).

4. The Soil Management Scheme approved writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above. There shall be no export of topsoil or subsoil from the site.

Reason: To ensure the protection of the soil resource in accordance with Policy 8 (Protection of soils) of the HMWP (2013).

5. The Surface Water Management Scheme approved writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full

throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

Reason: To ensure adequate measures for the management of surface water from the site and to ensure the development is in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013).

6. The Lighting Scheme approved in writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

Reason: In the interests of visual and landscape impact 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).

7. The Arboricultural Method Statement (AMS) approved writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

Reason: To prevent damage to T3 both structurally and physiologically and to ensure the development is in accordance with Policy 3 (Protection of habitats and species) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013).

8. Details of enhancement landscaping works approved in writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

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

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

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

9. The Ecological Mitigation Strategy approved in writing by the Mineral & Waste Planning Authority on 19 June 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration and aftercare works in accordance with Conditions 1, 13 and 36 of this permission.

Reason: In order to avoid ecological impacts and to ensure the development is in accordance with Policy 3 (Protection of habitats and species) of the Hampshire Minerals and Waste Plan (2013).

10. The conclusions of the Written Scheme of Investigation for Watching Archaeological Brief approved in writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

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

11. The buildings and structures on site as shown on plan 003 REV D approved in writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

Not later than six months following the completion of the approved restoration works (under Condition 1 above) any buildings and structures not required for the purposes of the five year aftercare period shall be removed from the site and the land restored and integrated into the wider restoration scheme as approved in writing by the Mineral & Waste Planning Authority.

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

Ongoing Operational Conditions

12. No Heavy Goods Vehicles (HGV) shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0700-1800 Monday to Friday and 0700-1300 Saturday. There shall be no working on Sundays or recognised Public Holidays.

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

13. The working of the site shall be carried out in a progressive manner in accordance with paragraphs 3.6-3.8 inclusive of the Environmental Statement approved under planning permission 16/10450 (except where modified by condition herein) and the following programme and drawing numbers:

- Development Timescales and Programme Chart
- 003 REV D
- 004 REV D
- 005 REV D; and
- 006 REV D

Topsoil shall not be stripped from Phase 3 until the restoration of Phase 1 has been completed in accordance with the scheme approved herein.

Reason: To enable the Mineral & Waste Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area, in accordance with Policies 5 (Protection of the countryside), 9 (Restoration of minerals and waste developments) and 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

14. Throughout the duration of the permission, contact information for the operator of the site in relation to operational impacts and in the event of an emergency at the site, shall be displayed at the entrance to the site.

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

15. The eastern and western perimeter bunds shown on plan 003 REV D shall measure 2.0 metres in height from base to top except for the southern part of the western boundary where they shall taper up from north to south to 3.0 metres in height.

Reason: To ensure the development is implemented in accordance with the details assessed within the Environmental Statement and that the development is in accordance with Policy 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

16. On-site plant and machinery shall comprise only 1 x Screener (to screen the quarry's extracted clay-rich sand only), 1 x Excavator, 1 x Loading shovel and 1 x Tractor and bowser.

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

17. No crushing or washing of mineral, waste or materials shall take place on site.

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

18. Excavation of mineral shall be by 360 excavator only.

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

19. Prior to the tipping of waste in each phase (1, 2 and 3) a topographical survey of the most recently excavated phase shall be submitted to the Mineral & Waste Planning Authority for review. Tipping shall commence following notification in writing from the Mineral & Waste Planning Authority.

Reason: For the purposes of monitoring to ensure that development is implemented in accordance with the approved plans.

20. The maximum depth of excavation shall be no lower/deeper than 1.5 metres above the inferred groundwater level of 24th February 2016 as shown on drawings 009 Rev A and 010 Rev, and in any event no lower than 26 metres AOD.

Reason: To protect the water environment in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013) and for the avoidance of doubt to ensure the development is implemented in accordance with the approved details

21. In the event groundwater is encountered within the mineral extraction void, no further excavation of mineral shall take place. An assessment of the impact on the water environment as a result of continued working, and any recommended mitigation measures associated with this shall be submitted to and approved in writing by the Mineral & Waste Planning Authority. Once approved, the mitigation shall be implemented in full throughout the duration of mineral extraction operations.

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

22. The development shall be implemented in accordance with the Arboricultural Impact Assessment (dated 13 June 2016) and Tree Protection Plan (dated July 2016) approved under planning permission 16/10450. The tree protection barriers shall be retained as approved throughout the duration of development.

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

23. Heavy Goods Vehicle (HGV) movements to and from the site shall be restricted to no more than 96 per day. A daily record of HGVs entering and leaving the site shall be kept at the site and made available to the Mineral & Waste Planning Authority on request.

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

24. Access to the site shall only be from the access shown on plan HT/001 Rev 2 from Fawley Road. Heavy Goods Vehicles (HGVs) shall turn right into the site and left out of the site only. A sign stating that all HGVs shall turn left out of the site shall be displayed throughout the duration of the development in a location visible to drivers within the site and near to the highway access.

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

25. The Site Management Area and access haul road specifications approved in writing by the Mineral & Waste Planning Authority on 14 November 2017 shall be retained and maintained free of potholes in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

Reason: To limit the potential for the generation of dust and to mitigate against mud and debris from being tracked onto the public highway in accordance with Policies 10 (Protecting public health, safety and amenity) and Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

26. All Heavy Goods Vehicles entering or leaving the site loaded with waste or materials shall be securely sheeted.

Reason: In the interests of highway safety to prevent the deposition of material on the public highway or the generation of wind blown dust in accordance with Policies 10 (Protecting public health, safety and amenity) and Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

27. No vehicle shall leave the site unless it has been cleaned sufficiently to prevent mud and spoil being carried on to the public highway. In the event that mud and spoil from vehicles leaving the site is deposited on the public highway, measures shall be taken to clean the highway. In any event at the end of each working day the highway shall be cleaned to the satisfaction of the Mineral & Waste Planning Authority.

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

Noise

28. The total noise from operations at the hereby approved site shall not exceed 55dB LAeq 1 hour (free field) at the boundary of the nearest noise sensitive properties (as identified within chapter 8 of the Environmental Statement approved under planning permission 16/10450).

Reason: To prevent noise disturbance to the residents of the nearest houses in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

29. The noise level from work to facilitate essential site preparation, restoration and construction of baffle mounds shall not exceed 70 dB LAeq 1 hour (free field) at the boundary of noise sensitive premises for a period of up to eight weeks in one calendar year. Written records of the duration of such works shall be kept on site and made available for inspection by the Mineral & Waste Planning Authority upon request.

Reason: To prevent noise disturbance to the residents of the nearest houses in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

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

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

Protection of Water Environment

31. Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the

occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle washdowns and detergents shall not be passed through the interceptor.

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

32. All cleaning and washing of vehicles, plant, equipment and machinery should be carried out in areas isolated from any surface water system and only draining to the foul drainage system or sealed system. The area should be clearly marked and a kerb surround provided.

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

33. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata or sewer. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

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

Permitted Waste Type and Storage

34. Only inert waste/materials for the purposes of the approved restoration operations (approved under planning permission 16/10450) shall be imported to the site.

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

35. Stockpiles of waste or materials stored or deposited on site shall not exceed 39 metres AOD (2 metres above existing ground level as shown on drawing 008 Rev 1) at the highest point.

Reason: In the interests of visual amenity and to ensure the development is in accordance with Policies 10 (Protecting public health, safety and amenity) and Policy 13 (High-quality minerals & waste development) of the Hampshire Minerals & Waste Plan (2013).

Restoration

36. The site shall be progressively restored to agriculture in accordance with drawing no. 007 REV C and Technical Appendices 10.6 Landscape of the Environmental Statement both approved under planning permission 16/10450.

Reason: To ensure satisfactory restoration in accordance with Policies 5 (Protection of the countryside) and 9 (Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

Aftercare

37. The Aftercare scheme approved in writing by the Mineral & Waste Planning Authority on 19 December 2018 (under planning permission 16/10450) shall be implemented in full following written confirmation that the approved restoration has been completed to the satisfaction of the Mineral & Waste Planning Authority in accordance with Condition 36 above.

Reason: To ensure that the land is satisfactorily restored in accordance with Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

Plans & Particulars

38. The development hereby permitted shall be carried out in accordance with the following approved plans: 001Rev1, 002Rev1, 008Rev1, 009RevA, 010RevA, 007RevC, 011RevC, 003RevD, 004RevD, 005RevD, 006RevD and the additional noise information received by the Mineral & Waste Planning Authority on 04 February 2019 in an email from SLR Consulting Limited.

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

Note to Applicants

1. In determining this planning application, the Mineral & Waste Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 3.5 tonne un-laden).
3. The existing Liaison Panel should continue 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.
4. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts