

**HAMPSHIRE COUNTY COUNCIL
Decision Report**

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| Decision Maker: | Regulatory Committee |
| Date: | 24 July 2019 |
| Title: | Temporary extension to Pennington Recycling Facility for associated parking and storage use at Land to the west of Pennington Recycling Facility, Milford Road, Pennington SO41 8DF (No. 19/10523) (Site Ref: NF042) |
| Report From: | Head of Strategic Planning |

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Recommendation

1. That planning permission be REFUSED for the following reasons:
 - (1) The development is within the South West Hampshire Green Belt and no very special circumstances exist that would support the proposal. It is therefore considered inappropriate and harmful to the openness and permanence of the Green Belt and as such is contrary to Policies 5 (Protection of the countryside) and 6 (South West Hampshire Green Belt) of the Hampshire Minerals and Waste Plan (2013), Policy CS10 (Spatial Strategy), point (o), of the New Forest District Council Core Strategy (2009) and Paragraphs 133, 134, 143, 144, 145 and 146 of the National Planning Policy Framework (2019).
 - (2) The proposed development does not maintain and enhance the distinctive character of the surrounding landscape. It is not considered high-quality design and does not contribute to achieving sustainable development. Therefore, the proposed development is not in accordance with Policy 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013).

Executive Summary

2. The planning application is for a temporary extension to Pennington Recycling Facility for associated parking and storage use at Land to the west of Pennington Recycling Facility, Milford Road, Pennington.
3. This application is being considered by the Regulatory Committee at the applicant's request.

4. Key issues raised are:
 - Development within the South West Hampshire Green Belt;
 - Ecological impact and enhancement;
 - Landscape and visual impact;
 - Amenity impact;
 - Need for temporary permission;
 - Restoration;
 - Loss of renewable energy generation;
 - Sustainable future operation of the Pennington Waste Recycling site;
 - Support for safeguarded waste facilities in Hampshire;
 - Compatibility with the nearby strategic sites for housing allocation in the NFDC Local Plan 2016-2036; and
 - Highway/Transport impacts and Heavy Goods Vehicle [HGV] movements on Milford Road.
5. A committee site visit by Members took place on 8 July 2019 in advance of the proposal being considered by the Regulatory Committee.
6. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
7. It is considered that the proposed development would not be in accordance with the relevant policies of the adopted Hampshire Minerals and Waste Plan (2013), the New Forest District Council Core Strategy (2009) and the National Planning Policy Framework (2019) for the following reasons:
 - The development is within the South West Hampshire Green Belt and no very special circumstances have been demonstrated in the application; and
 - The proposed development does not maintain and enhance the distinctive character of the surrounding landscape. It is not considered high-quality design and does not contribute to achieving sustainable development.

The Site

8. Pennington Waste Recycling Facility [WRF] is a 4.5 hectare site located 400 metres (m) south-west of Pennington. The recycling facility is permitted by Planning Permission 14/10255 and is identified in the adopted Hampshire Minerals and Waste Plan (2013) as a safeguarded site for aggregates recycling (with other uses related to commercial and industrial materials recycling and composting) comprising the following:
 - Numerous, large scale, steel framed, grey finished profile steel sheet clad industrial buildings;

- Access via the shared private haul road that runs north to access the A337;
 - The transfer, storage and processing of Construction, Demolition and Excavation [CDE], soil, skip and commercial waste; including sorting, separating, crushing and screening;
 - The site imports approximately 120,000 tonnes of waste per annum;
 - The site is screened by a significant bund to the north and east, approximately 5m high; and
 - The site has operating conditions, such as timings and stock pile height limits, set out in the Planning Permission 14/10255. This permission is included in the appendices of this report.
9. The existing site has no conditioned limit on the number of vehicle movements.
10. The 1.63 hectare site of the proposed development is an agricultural field located to the west of the Pennington Recycling Facility, 450m south of Pennington. It has a perimeter hedgerow and existing, gated entrances onto the shared haul road. Historically, the site once formed part of the Manor Farm quarry and landfill. The site is now restored to agricultural use and is therefore considered a greenfield site in the countryside. The site forms part of a wider site that has planning permission for a solar farm (granted by New Forest District Council under planning permission 15/11012), that has been implemented and partially developed. Milford Road HWRC is 450m south of the site.
11. The site has the following constraints:
- The site is located within the South West Hampshire Green Belt;
 - New Forest National Park 450m north;
 - The site is in Flood Zone 1 (lowest risk);
 - Avon Water controlled water 85m west;
 - New Bridge Copse Ancient Woodland and SINC 25m west;
 - Water Works Lake and Bank Ancient Woodland and SINC 40m south-west;
 - Hurst Castle and Lymington River Estuary SSSI 360m south-west & 500m south;
 - Solent and Southampton Water SPA, RAMSAR and SAC 360m south-west;
 - The western edge of the site is located within a Biodiversity Opportunity area;
 - PROW footpath 84b runs along the east boundary of the site, to the western side of the haul road; and
 - The nearest residential properties are 300m north, one dwelling along the shared haul road and those along the A337, Milford Road; and
 - Two strategic sites for allocation of residential development in the emerging NFDC Local Plan 2016-2036 are located north of the site, the nearest proposed dwellings being 200m north;

Planning History

12. The relevant planning history of the site is as follows. The site historically formed part of a large-scale sand and gravel quarry. This was used for landfill and restored back to agriculture during the 1990s and early 2000s.

| Application | Description | Decision | Decision Date |
|--|--|----------|---------------|
| 14/10255 | Variation of condition 10 of planning permission 84776 (noise) Manor Farm Recycling Facility, | Granted | 20.03.14 |
| 13/11273 | High quality recycled aggregate washing facility and a clad extension to the existing recycling plant Manor Farm Recycling Facility | Granted | 15.01.16 |
| 15/11012 (New Forest District Council) | Solar farm; associated equipment; boundary fence; temporary Construction compound; CCTV on 4m pole, at Pennington Recycling Centre, Milford Road, Pennington, Lymington SO41 8QZ | Granted | 29.09.15 |
| 84776 | The retention & development of an existing waste recycling management and composting facility Manor Farm Recycling Facility | Granted | 02.11.05 |
| 74405 | Extension of mineral extraction infilling with waste and restoration to agriculture Lower Farm | Granted | 22.10.03 |
| 00064813M | Extension to existing waste handling and recycling compound and relocation of recycling facilities Manor Farm | Granted | 17.11.98 |
| 95/NFDC/57895/MIN | Amendment to PP 54025M (extrn/layout changes/landscaping) at Manor Farm, off Iley Lane, Lymington | Granted | 31.01.96 |
| 94/NFDC/54025/MIN (New Forest District Council) | New wastewater treatment works at Manor Farm, off Iley Lane, Lymington | Granted | 06.02.95 |

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|---------------------------|--|---------|----------|
| 00054713M | Provision of a waste transfer station and variation of planning condition relation to location of waste facility Manor farm | Granted | 13.10.94 |
| 00054330M | To construct and operate a waste transfer station Manor farm | Granted | 08.06.94 |

13. The adjacent aggregate recycling facility site is identified in the adopted Hampshire Minerals and Waste Plan (2013) as a safeguarded site for the transfer, processing and storage of CDE, soil, skip and commercial waste.

The Proposal

14. This proposal seeks permission for the use of the land as an extension to the Pennington Recycling Facility for associated parking and storage for a period of ten years.
15. The application proposes working hours of 0700-1800 Monday to Friday, and 0700-1300 Saturdays, with no working on Sundays or public holidays. There are no additional Heavy Goods Vehicle [HGV] movements planned and a negligible increase in commuting car movements along Milford Road is anticipated.
16. The development would comprise of:
- Stripping of the existing top soil, stored on-site in bunds;
 - A crushed and compacted concrete and hardcore surface;
 - A new access onto the shared haul road;
 - A car park to the north of the site for approximately 25-30 vehicles;
 - A storage area for approximately 75-100 skips;
 - A lorry parking area to the south of the site for approximately 30 Heavy Goods Vehicles [HGVs];
 - Continued use for storage of plant and machinery associated with the applicant's agricultural land holding;
 - Perimeter soil screening bunds, 2m high by 9m wide, landscaping and planting to the north and east boundaries;
 - Creation of containment ditches to the west and south boundaries, feeding into the proposed attenuation pond;
 - A flood attenuation pond to the south-west, incorporating a silt trap before discharging into the Avon Water;
 - Additional tree planting and screening to the south boundary;
 - A fuel storage tank to refuel trucks, including a concrete pad and bunding to capture spills, 3.1m high by 9.2m long; and
 - Restoration of the site following cessation of the use in accordance with a Proposed Restoration Plan.

17. The following documents have been included in the application:
 - Flood Risk Assessment;
 - Ecological Appraisal;
 - Noise Assessment;
 - Transport Statement;
 - Landscape and Visual Impact Assessment;
 - Site Layout Plan, Drawing number LP-M7 (attached as appendix);
 - Proposed Restoration Plan; and
 - Fuel Tank Details Drawing.

18. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). The proposed development is classified as a [Schedule 2](#) development as it falls within Category 13. (b), as it is an extension to a development identified in category 11. (b) of Schedule 2 for installations for the disposal of waste (unless included in Schedule 1), in that the site area (2.02 hectares; 1.63 hectare site and 0.39 hectares of existing haulage road access to the public highway, A337, Milford Road) exceeds threshold (ii) in having an area of development greater than 0.5 hectares and that the site is located within 100m of controlled waters (River Avon).

19. In accordance with the Environmental Impact Assessment [EIA] Regulations (2017), the WPA therefore takes a view upon whether a development is EIA development. [Schedule 3](#) of EIA Regulations 2017 sets out the selection criteria for screening Schedule 2 development. The proposal does have environmental impacts cumulative with the adjacent existing waste developments, consumes natural land resources in a location that has a degree of sensitivity to development, particularly with respect to adjacent environmentally designated Avon Water and woodland, and being within open countryside within the South West Hampshire Green Belt. However, the significance of pollution and the risk of major accidents or to human health are considered low relative to EIA levels. Therefore, it is considered that the proposed development is not likely to have significant adverse effects on the environment to a level that would require an EIA. Therefore, whilst being identified under the Regulations, it is not deemed an EIA development requiring an Environmental Statement.

Development Plan and Guidance

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

[National Planning Policy Framework \(2019\)](#) (NPPF)

21. The following paragraphs are relevant to this proposal:
 - Paragraph 8 (The three overarching objectives of planning);
 - Paragraph 11 (Presumption in favour of sustainable development);

- Paragraphs 38-40 (Positive and creative decisions and pre-application)
- Paragraph 80 (Need to support economic growth);
- Paragraph 83 (Supporting a prosperous rural economy);
- Paragraph 102-103 (Sustainable transport);
- Paragraphs 108-111 (Sustainable transport);
- Paragraph 127 (ensure developments function well and add to the overall quality of the area, are visually attractive and maintain a strong sense of place);
- Paragraph 130 (Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area);
- Paragraphs 133-134 (Protecting Green Belt land);
- Paragraphs 143-146 (Proposals affecting the Green Belt);
- Paragraph 148-154 (Meeting the challenge of climate change, flooding and coastal change - supporting the transition to a low carbon future, contribute to radical reduction in greenhouse gas emissions, and support renewable energy); and
- Paragraph 170-177 (Conserving the natural environment and biodiversity).

National Planning Policy for Waste (2014) (NPPW)

22. The following paragraphs are relevant to the proposal:
- Paragraph 1: Delivery of sustainable development and resource efficiency;
 - Paragraph 5: Criteria for WPA assessment of site suitability; and
 - Paragraph 7: Determining planning applications.

National Waste Planning Practice Guidance (NWPPG) (last updated 15/04/2015)

23. The following paragraphs are relevant to the proposal:
- What matters come within the scope of 'waste development'? (Paragraph: 002 Reference ID: 28-002-20141016 - Revision date: 06 03 2014);
 - What is the obligation on waste planning authorities towards implementing the proximity principle? (Paragraph: 006 Reference ID: 28-006-20141016 - Revision date: 16 10 2014);
 - How is the Waste Hierarchy delivered through Local Plans and in planning decisions? (Paragraph: 009 Reference ID: 28-009-20141016- Revision date: 16 10 2014);
 - When can conditions be used to grant planning permission for a use for a temporary period only?

(Paragraph: 014 Reference ID: 21a-014-20140306- Revision date: 16 03 2014);

- Should existing waste facilities be expanded/extended? (Paragraph: 047 Reference ID: 28-047-20141016- Revision date: 16 10 2014); and
- What is the relationship between planning and other regulatory regimes? (Paragraph: 050 Reference ID: 28-050-20141016 Revision date: 16 10 2014).

Hampshire Minerals & Waste Plan (2013) (HMWP)

24. 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 4 (Protection of the designated landscape);
 - Policy 5 (Protection of the countryside);
 - Policy 6 (South West Hampshire Green Belt);
 - Policy 8 (Protection of soils);
 - Policy 9 (Restoration of quarries and waste developments);
 - Policy 10 (Protecting public health, safety and amenity);
 - Policy 11 (Flood risk and prevention);
 - Policy 12 (Managing traffic);
 - Policy 13 (High-quality design of minerals and waste development);
 - Policy 25 (Sustainable waste management);
 - Policy 26 (Safeguarding - waste infrastructure);
 - Policy 27 (Capacity for waste management development);
 - Policy 29 (Locations and sites for waste management);

New Forest Core Strategy (2009) (part 1) (NFCS (2009))

25. The relevant policies are as follows:
Local Plan Part 1: Core strategy (adopted 2009)
- Policy CS4 (Energy and resource use); and
 - Policy CS10 (Spatial Strategy).

New Forest Sites and Development Management (Part 2) (2014) (NFSDM Pt 2 (2014))

26. Local Plan Part 2: Sites and Development Management (adopted 2014)
- Policy DM4: Renewable and low carbon energy generation

NFDC Local Plan 2016-2036

27. The emerging New Forest District Council Local Plan 2016-2036 is currently being examined by the Inspector and does carry weight in planning decisions. It includes two strategic sites for allocation of residential

development located north of the application site, the nearest proposed dwellings being 200m from the site.

Neighbourhood Plan

28. The site is located within the [Lymington and Pennington Neighbourhood Plan](#) Area. Lymington and Pennington are currently in the process of developing the Neighbourhood Plan. It is identified that a key draft objective of the Plan is to '*Minimise effects of development on the Green Belt.*' There is no date for the emergence of this Plan.

Consultations

29. **County Councillor White**, was notified.
30. **New Forest District Council** has an objection on the basis that the proposal is harmful to the Green Belt and does not demonstrate accordance with paragraphs 143, 145 and 146 of the NPPF (2019).
31. **New Forest District Council Environmental Health Officer (EHO)** has no objection subject to a condition to limit operating times.
32. **Lymington & Pennington Town Council** was notified.
33. **Hordle Parish Council** has no objection.
34. **Milford on Sea Parish Council** has no objection.
35. **Natural England** has no objection subject to appropriate mitigation being secured.
36. **Environment Agency** was notified.
37. **New Forest National Park Authority** was notified.
38. **Local Highway Authority** has no objection.
39. **Lead Local Flood Authority (LLFA)** has no objection following additional information submitted by the applicant.
40. **County Ecologist (HCC)** has no objection subject to a prior commencement condition to ensure a detailed scheme of biodiversity enhancements.
41. **County Arboriculture (HCC)** has no objection, recommending conditions to robustly protect retained woodland and trees and the restoration of the site.
42. **Rights of Way Manager (HCC)** was notified.

43. **Landscape Planning and Heritage (Landscape) (HCC)** has an objection due to 10 years being considered an over-long time for a temporary development and no justification for this time period has been provided. The scheme would further harm the experiential qualities of the landscape and result in the loss of Green Belt.
44. **Landscape Planning and Heritage (Archaeology) (HCC)** has no objection.
45. **Planning Policy (HCC)** has provided a view on the proposal against the HMWP (2013).

Representations

46. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
47. In complying with the requirements of the SCI, Hampshire County Council:
 - Published a notice of the application in the [Hampshire Independent](#);
 - Placed a notice 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 a reasonable distance of the site, greater than the minimum 100m for the rural location, that may be affected by the proposal including along the private access road and the A337.
48. As of 11 July 2019, one representation to the proposal had been received. This is an objection to the proposed development with the main areas of concern raised being:
 - An objection to the expansion of the Penning Recycling Centre due to cumulative impacts. The local resident on the A337 states that they are unable to open their dwelling's windows and cars are covered in dust when the wind is in the direction from the site.
49. The case officer has responded to the representation and advised them of how to complain about the site to the Minerals and Waste Planning Authority [MWPA] or the New Forest District Council EHO should they need to. The above issue will be addressed within the following commentary.

Habitats Regulation Assessment [HRA]

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

51. 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.
52. 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.
53. It is acknowledged that the proposed development includes environmental mitigation essential for the delivery of the proposed development regardless of any effect they may have on impacts on European designated sites.
54. The HRA screening hereby carried out by the MWPA considers the proposed development to have **no likely significant effect** on the identified European designated sites due to the site not being considered to have any functional impact pathways connecting the proposed works with any European designated sites.

Commentary

Principle of the development in the countryside and in the Green Belt

55. Policy 5 (Protection of the countryside) of the HMWP (2013) states that minerals and waste development in the open countryside, outside the National Parks and Areas of Outstanding Natural Beauty, will not be permitted unless one (or more) of the criteria set out in the policy are met. In this case, the proposal would need to demonstrate accordance with criteria b); that the nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location.
56. Policy 5 (Protection of the countryside) also requires, where appropriate and applicable, development in the countryside to meet highest standards of design, operation and restoration, and should be subject to restoration in the event it is no longer needed for minerals and waste uses. This suggests that any permission that may be granted for a development of this nature would include a condition that the site is restored should it no longer be required for that waste use. Alternatively, any application could propose the development for a temporary period and include for the restoration of the site.
57. Policy 6 (South West Hampshire Green Belt) of the HMWP (2013) states minerals and waste developments within the Green Belt will be approved

provided that they are not inappropriate or that very special circumstances exist and, as far as possible, minerals and waste developments should enhance the beneficial use of the Green Belt. It also states that the highest standards of development, operation and restoration of minerals or waste development will be required.

58. Policy 13 (High-quality design of minerals and waste development) of the HMWP (2013) requires minerals and waste development to not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and townscape. All minerals and waste developments design should be of a high-quality and contribute to achieving sustainable development.
59. Point (o) of Policy CS10 (Spatial Strategy) of the NFDC Core Strategy (2009) states the provision of sustainable development by retaining and supporting the Green Belt in order to:
 - Check the sprawl of the built-up areas of Lymington, Hordle, Everton, Milford, New Milton, Bransgore and Ringwood and prevent these settlements from merging;
 - Safeguard the countryside and coast from encroachment by built development; and
 - Preserve the setting of towns and villages, in particular the historic towns of Ringwood and Lymington.
60. Chapter 13 of the NPPF (2019) sets out the national policy for protecting Green Belt land:
 - Paragraph 133 states the Government attaches great importance to Green Belts and that their fundamental aim is prevent urban sprawl with the essential Green Belt characteristics being their openness and permanence;
 - Paragraph 134 sets out the 5 purposes of Green Belt;
 - Paragraph 143 states that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*;
 - Paragraph 144 states that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*;
 - Paragraph 145 states that planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, with a number of exceptions. None of the exceptions are relevant to the proposal hereby considered; and
 - Paragraph 146 lists certain other forms of development that are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of the Green Belt. None of these are relevant to the proposal hereby considered.

61. The planning application sets out the following need for and benefits of the development:
- The application states that the proposed development '*will improve the efficiency of the existing waste recycling operation by freeing up space so as to improve day to day operations and enhance site safety in support of sustainable waste management in Hampshire.*'; and
 - A reduction in daily HGV movements along Milford Road as the HGVs operating out of the Pennington Waste Recycling site will no longer need to park up overnight at Caird Avenue (6km west), saving 2 movements per day per HGV. This is approximately 60 movements per day.
62. The supporting statement also includes in paragraph 2.4 an extract from the Regulatory Committee Report for the original Planning Application 84776 in 2005 for the Waste Recycling Facility [WRF] adjacent to the site. This sets out the MWPA view on what the 'very special circumstances' are that formed the support for that development in the Green Belt at that time. The 2005 Case Officer's report stated that those circumstances where the then pressing need to maintain and increase recycling capacity to meet the County's targets counter-balanced against departure from policy. This application states that those very special circumstances extend to the proposed development. No new Green Belt assessment has been submitted for the application hereby considered.
63. The New Forest District Council [NFDC] emerging Local Plan 2016-2036 includes Strategic Sites [SS] for residential development proposed for allocation in the vicinity of the site. The emerging [NFDC Local Plan 2016-2036](#) is currently being examined by the Inspector and does carry weight in planning decisions.
64. Appendix D shows the two parcels of land that make up the residential site referred to as SS5 and its location relative to the site. The southern and larger parcel of land is bounded by the A337 to the north, the haul road to the Pennington WRF to the west, Pennington settlement to the east and the southern boundary is approximately 100m from the north edge of the WRF. These are described in evidence document [Council Response to Inspectors' Questions of 21 January 2019 Strategic Site Allocation Profiles - South Coastal Towns](#), reference EXAM01E.
65. This strategic housing site, SS5, is located within the open countryside and the South Hampshire Green Belt. The NFDC produced a supporting document for the NFDC Local Plan examination to assess the Green Belt; the [Green Belt Study – Lymington Area](#). This reviews land parcels LY05 (page 273), LY06 (page 276) and the wider LY14 (page 292) for their value to Green Belt. Parcel LY14 is the more extensive area between Pennington to the east and the Avon Water River to the west and includes the WRF, the site of the application hereby considered, the water works and solar farms. The study considers the LY14 area around the site to have a relatively strong contribution to the purposes of Green Belt (see paragraph 51 of this

report); assisting in safeguarding the countryside from encroachment and preserving the special character of historic towns. Figure 1 below shows the Green Belt Study areas:

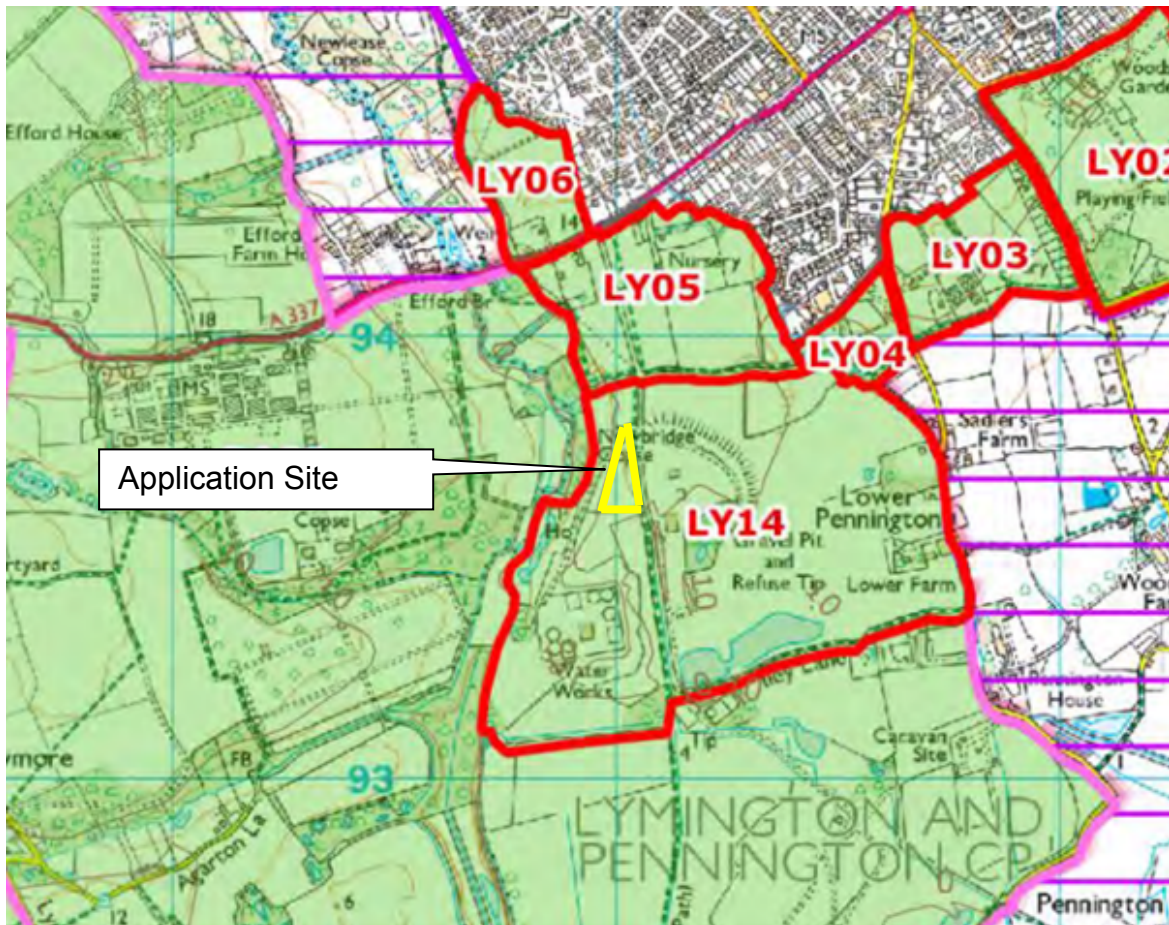


Figure 1: Plan taken from the NFDC [a Green Belt Study – Lymington Area](#) showing land parcels LY05, LY06 and LY14.

66. The allocation of these residential sites is a material consideration to this proposed development, with consideration for the safety, health and amenity impacts that the proposal may cause to future housing on these sites, such as from noise, dust air quality, flooding, traffic and visual impact. It is noted that the submitted Noise Assessment, Transport Assessment and Landscape and Visual Impact Assessment do not include consideration of the strategic sites for housing allocation. These future developments, should they occur, have not yet been applied for, and those applications will need to provide adequate mitigation and design adaption to prevent their sensitive development from having unacceptable impacts from existing developments, such as the Pennington WRF.
67. The NPPF (2019) clearly sets out the essential characteristics of Green Belt as openness and permanence and gives significant emphasis on the retention of Green Belt. In Paragraph 134 this is expanded to the 5 purposes of Green Belt. These are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

68. To apply these to the area of Green Belt the site is located within, the key purposes are c), to assist in safeguarding the countryside from encroachment, and d), to preserve the setting and special character of historic towns, such as Lymington and Pennington. The setting of and encroachment on the New Forest National Park are also factors. The NFDC Green Belt Study - Lymington discusses the enclosed nature of the visual landscape of the LY05 and LY06 areas of Green Belt north of the site and as such have less value than that of area LY14. However, it should be recognised that there is a distinction between visual openness and openness in a Green Belt sense. Visual enclosure by landscape or vegetation does not reduce Green Belt openness – i.e. the latter relates to the extent of built development.
69. It is considered that the very special circumstances given for the WRF application in 2005 cannot be extended to this proposal. While the applicant has strong operational reasons for the development and can point to the potential for greater business efficiency and reduced HGV movements as a result of the development, it is not considered that these constitute ‘very special circumstances’ that would support development in the Green Belt. On balance, it is considered inappropriate and so harmful to the Green Belt. The reasons for this are as follows:
- The proposed development is for an ancillary HGV and car park, with skip and plant storage. It is not in itself a waste recycling facility, nor a waste activity, and the very special circumstances cited in 2005 were for the retention of a waste recycling facility. This proposal must be considered on its own merits;
 - No assessment has been provided for alternative sites or solutions to the space constraints of the existing WRF;
 - Replacing a green field with a car park is not an exceptional proposal for land use within the Green Belt, nor in the open countryside;
 - This development includes bunding, a refuelling structure/tank and the storage of significantly sized vehicles, which would have a direct negative impact on the essential Green Belt characteristics of openness and permanence; and
 - The buildings and structures of the existing, permitted WRF clearly cause some harm to the objectives of the Green Belt. Its appearance is particularly industrial and significantly impacts upon the openness and permanence of the South West Hampshire Green Belt, as well as countryside encroachment. Contribution to the cumulative impact of this would further the detrimental impact to this protected landscape.

70. Therefore, the proposed development is not caught by the exceptions in Paragraph 145 or 146 of the NPPF (2019) and constitutes inappropriate development in the Green Belt that should not be approved except where the potential harm to the Green Belt and any other harm from the proposal is clearly outweighed by other considerations (there exist very special circumstances).

71. The consultation response from New Forest District Council is an objection which states:

‘The site is situated outside the development site boundary and the land is within countryside designated as Green Belt. In accordance with the NPPF (Paragraphs 143 and 144) and Policy CS10 of the Council’s adopted Core Strategy, this places a presumption against development. This proposal has the potential to reduce the openness of the Green Belt (adversely affecting the character of the area) and introduce inappropriate development. As set out in paragraph 143 of the NPPF (2019) inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The submission does not satisfactorily demonstrate that the proposal should be considered an exception in accordance with Paragraphs 145 and 146 of the NPPF. Furthermore, officers are not satisfied that the very special circumstances which justified planning permission for the Pennington recycling facility itself can be equally applied to this proposal which aim is to support and improve the functioning of this already existing facility. In light of the above, it is considered that no very special circumstances exist to support this development.’

72. NFDC do not raise objection on the grounds of the impact to the strategic sites for residential allocation.

73. The consultation response from the County Council Landscape Officer raises objection, stating that this proposed development is intrusive in the Green Belt and permission to reduce the openness of the landscape further than that from existing development should not be considered. Their view is that ten years is a long time for a temporary permission, no justification has been given as to why the site would not be needed for this use after ten years, that the scheme would further harm the experiential qualities of the landscape and it is located within the South West Hampshire Green Belt. The site is located within the South Hampshire Coastal Plain landscape character area. The open nature of this landscape is very important to the character of the area. The Landscape and Visual Assessment submitted as part of the application does not address the impact of the proposal on the experiential qualities of the landscape, most important in this open, flat landscape. This view implies that the proposal is in conflict with Policy 13 (High-quality design of minerals and waste development) of the HMWP (2013) in that it does not maintain and enhance the distinctive character of the landscape.

74. Therefore, the proposed development is not considered to be in accordance with Policies 5 (Protection of the countryside), 6 (South West Hampshire Green Belt) and 13 (High-quality design of minerals and waste development) of the HMWP (2013), Policy CS10 (Spatial Strategy), point (o), of the NFDC Core Strategy (2009) and Paragraphs 133, 134, 143,144,145 and 146 of the NPPF (2019).

Waste Management

75. Policy 25 (Sustainable waste management) of the HMWP (2013) states that the co-location of activities with existing operations will be supported, where appropriate, if commensurate with the operational life of the site, and where it would not result in intensification of uses that would cause unacceptable harm to the environment or communities.
76. The proposed development is a compatible co-location with the existing Pennington WRF. The timescale of the WRF is permanent, and so based upon the justification that the proposed development is to *'improve the efficiency of the existing waste recycling operation by freeing up space so as to improve day to day operations and enhance site safety in support of sustainable waste management in Hampshire'*, then the temporary timescale sought by the application is not commensurate with the operational life of the WRF site. Any improvements to the efficiency and site safety at the WRF site gained by the proposed development would require the retention of the proposed development beyond the 10-year period applied for. Otherwise, these benefits would be undone upon the cessation of the proposed use unless an alternative site was secured. In these circumstances, it is debatable as to whether the proposal can be considered to be in accordance with Policy 25 (Sustainable waste management) of the HMWP (2013).
77. Policy 26 (Safeguarding - waste infrastructure) states that waste management infrastructure is safeguarded against redevelopment and inappropriate encroachment unless the proposed development is part of a wider programme of reinvestment in the delivery of enhanced waste management facilities. There are two issues to be balanced when considering this policy. By virtue of providing improvements for the daily operations of the WRF, the proposed development is considered to enhance the existing WRF with respect to operational management and site safety. However, the loss of the site for the potential solar farm ancillary to the WRF is a negative outcome that reduces the potential to provide renewable energy as part of waste management infrastructure. It is feasible to re-locate the renewable energy provision, although this has not been proposed in this application. On balance, notwithstanding the loss of a potential site for energy generation, it is considered that the proposed development does not constitute 'inappropriate encroachment' on the safeguarded facility as it wouldn't undermine or threaten the future operation of the existing WRF. It is not therefore in conflict with Policy 26 (Safeguarding - waste infrastructure) of the HMWP (2013).

78. Policy 27 (Capacity for waste management development) states that proposals will be supported where they maintain and provide additional capacity for non-hazardous recycling and recovery through extensions to suitable sites that are ancillary to the operation of the existing site and improve current operating standards. It is considered that the proposed development is in accordance with Policy 27 (Capacity for waste management development) of the HMWP (2013), subject to a view on the suitability of the site.
79. Policy 29 (Locations and sites for waste management) of the HMWP (2013) is used to assess proposals for all types of waste development and sets the general approach to considering the location and sites for waste management facilities. The policy is split into 3 parts. The site does not lie within any of the areas set out in Part 1 and therefore Parts 1 and 2 of the policy are not relevant. Therefore, the proposal will be required to meet Part 3 of the Policy. To be considered to meet Part 3 of Policy 29, applicants will be required to demonstrate that a site will have good transport connections to the sources of and/or markets for the type of waste being managed and a special need for the particular location with the suitability of the site being clearly justified.
80. The site's location, adjacent to the existing WRF that it aims to support, allows the proposal to be considered to have good connections to sources of waste being managed. The special need for this particular location parallels the requirement of Policy 6 (South West Hampshire Green Belt) to demonstrate the proposed development is not inappropriate or that there are very special circumstances. It is acknowledged that site proximity to the Pennington WRF is needed to make the proposal feasible. The application does include information to demonstrate the need for the development, as set out in paragraph 44 of this report, and the suitability of the site from the perspective of the business. While a case can be made for demonstrating a special need for the location under policy 29, it is considered that this does not constitute 'very special circumstances' that would justify a location in the Green Belt.

Existing planning status of the site

81. The site is within the boundary of the historic landfill site worked for sand and gravel to the south of the A337 (Milford Road) in Pennington. It is located adjacent to the Pennington Recycling Facility to the east and the Pennington Waste Water Treatment Plant to the south.
82. The site is currently a field with agricultural use, having been restored to such as part of the restoration of the historic landfill and quarry. Therefore, it is considered a green field site. Planning Permission [PP] 15/11012 was granted by New Forest District Council [NFDC] in 2015 for two fields to be developed as a solar farm, the justification being to provide renewable energy to Pennington WRF. The site hereby considered is the northern field

of the two. This permission has been implemented as a result of the development being carried out on the southern field. Therefore, the developer is still entitled to build out any aspect of that planning permission that is outstanding on the site.

83. However, this does not mean that the site should currently be considered to have been developed and to constitute previously developed land for the purposes of assessing the viability of further planning applications (simply by virtue of it lying within the 'red line' site boundary of an implemented planning permission).
84. In terms of assessing whether land is previously developed the NPPF provides a definition in [Annex 2: Glossary](#), '*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.*'
85. In this case, the site (the northern field) is not physically connected to the land that has been developed, and whilst in its current state, it would not appear to have any ancillary function to the developed land. On this basis it would not be considered curtilage, and since it does not have any permanent structures of its own, it is the view that the site is not considered previously developed land.
86. The existing permission on the site for a solar farm has limited weight in the positive consideration of the development of the site as vehicle, plant and skip parking. A number of policies from the NFDC Local Plan (2009) and the NPPF (2012) that were key in the determination of solar farm application (PP 15/11012) are not relevant to the current proposal. Solar farms and renewable energy schemes have their own policies which support the principle of those uses.
87. The granting of PP 15/11012 only sets the principle that it was considered that there was no over-riding adverse local impact and no unacceptable impacts in accordance to NFDC Local Plan Policies CS4 (Energy and resource use) and DM3 (Renewable and low carbon energy generation) for a development of the nature of that proposed; an ancillary solar farm to generate renewable energy for the Waste Recycling Facility. This decision considered the balance of a renewable energy proposal to its associated impacts on the site. Therefore, as the scheme proposed for this application is a significantly different development, with significantly different impacts, it needs to be considered on its own merits against policy that is relevant in this case.

Carbon Cost and Sustainability

88. Policy 2 (Climate change - mitigation and adaptation) of the HMWP (2013) states that minerals and waste developments should minimise their impact on the causes of climate change and where applicable, reduce vulnerability

and provide resilience to impacts of climate change by being located and designed to help reduce greenhouse gas emissions and to make more sustainable use of resources. Development should also seek to avoid areas of vulnerability to climate change and flood risk or otherwise incorporate adaptation measures.

89. Chapter 14 (Meeting the challenge of climate Change, flooding and coastal change) of the NPPF (2019) sets out national policy on climate change and renewable and low carbon energy. Chapter 14 states that the planning system should support renewable and low carbon energy and associated infrastructure (Paragraph 148); that new development should be planned to help reduce greenhouse gas emissions (Paragraph 150) and help increase the use and supply of renewable and low carbon energy with a positive strategy for energy from these sources that maximises potential for suitable development (Paragraph 151). Paragraph 154 states that local planning authorities should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
90. The proposed development has an interesting issue in that its implementation would result in preventing the site being developed to complete the solar farm permitted by PP 15/11012. The Solar farm application 15/11012 and the Local Planning Authority's decision report states that the reason for the solar farm is to provide renewable energy to Pennington WRF, i.e. the solar farm is ancillary to the WRF. This would mean that the benefits of that development to provide the Waste Recycling Facility with renewable energy would only be partially fulfilled, and it could be considered that the proposal being considered for this report has an adverse impact on climate change and sustainability aims as a result of this.
91. The proposal, however, does put forward the benefit of reduced HGV movements by enabling vehicles to be stored overnight at this site rather than needing to travel to other sites run by the operator (saving 60 HGV movements per day). This alone would make a positive contribution towards reducing the operation's impacts on the causes of climate change.
92. The applicant has not provided any information to explain why the solar farm development has not been completed or a carbon calculation to demonstrate a net gain of carbon emission reduction from HGV movements verses the loss of renewable energy generation. However, taking into account the proposed co-location of activities and reduced HGV movements, and having regard to the fact that the applicant can't be compelled to complete the solar farm development, it is considered that the proposal on balance is not contrary to Policy 2 (Climate change - mitigation and adaptation) of the HMWP (2013) and the aims of Paragraphs 148-154 of the NPPF (2013).

Temporary development

93. The National Planning Policy Guidance sets out in Paragraph 14 when conditions can be used to grant planning permission for a use for a

temporary period. There are only limited circumstances when a planning authority may grant planning permission for a specified temporary period. The Guidance states:

94. *‘Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.’*
95. *‘It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently.’*
96. The proposed application is for a 10-year temporary period with restoration of the site back to agricultural use. The temporary nature of the proposal is material, particularly in the consideration of its impacts on public amenity, and the open countryside. The application does not include any justification for the length of the temporary period, stating neither why the 10-year period is required nor what the permanent solution is for the operational and site safety issues at the WRF.
97. At the present time there is nothing to indicate that there could be a change in the planning circumstances relating to the site or its surroundings in the future (e.g. a change to support developments of this nature within the Green Belt or the removal of this area from the Green Belt) and the applicant has not indicated that they expect their business circumstances and land requirements to be different in ten years’ time.
98. As it stands, the applicant has not given reasons for seeking a temporary permission or suggested any plans for seeking a permanent solution beyond the 10-year period and as such there is doubt as to whether the granting of a temporary permission would be appropriate.

Visual impact and landscape

99. Policy 13 (High-quality design of minerals and waste development) of the HMWP (2013) requires that waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and Policy 10 (Protecting public health, safety and amenity) protects residents from significant adverse visual impact.
100. The County Landscape Officer has raised objection on the basis that insufficient information has been provided to demonstrate that the proposal is acceptable in landscape terms. It is considered that the open nature of the South Hampshire Coastal Plain landscape character area will be significantly impacted and that this application will not enhance the beneficial use of the Green Belt or result in a high standard. *‘It is for a storage yard which by its*

very nature is unsightly, untidy and full of unattractive items, such as skips, storage containers and lorries. There is no landscape justification for this application on this site.'

101. The most significant visual and amenity impact is to the users of Public Right of Way [PROW] Footpath 84B, that runs along the eastern boundary of the site. The proposed development would see a new vehicular access for the PROW to cross, with the assistance of an island. It would also result in the loss of the open countryside views from the PROW for the length of the development, the post and wire fence being replaced with a screening bund (2m high) and planting that would see the footpath enclosed to both sides. The cumulative effect of this in addition to the industrial appearance and amenity of the existing WRF is considered to result in a significant detrimental impact to the PROW that is not in keeping with maintaining the openness and permanence of the Green Belt. The submitted Landscape and Visual Impact Assessment also does not consider the impact to the Strategic Site for housing allocation in the emerging NFDC Local Plan 2016-2036.
102. Therefore, the proposal is not in accordance with Policies 13 (High-quality design of minerals and waste development) and 10 (Protecting public health, safety and amenity) of the HMWP (2013).

Cumulative impacts to pollution, health and amenity

103. Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013) requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development.
104. The public representation objecting to the proposal is on the grounds of the cumulative impact extending the Pennington Waste Recycling Facility [WRF] would have on health and amenity impacts on local residents, with particular reference to dust.
105. The New Forest District Council Environmental Health Officer's [EHO] consultation response considered noise impact and raised no objection subject to a condition to limit the hours of use of the operations on the site to correlate with those on which the application's Noise Impact Assessment were based.
106. The proposal includes for a 2m high bund and vegetation screen around its perimeter to help mitigate against health, safety and amenity impacts such as noise and visual impacts. The application includes a noise and visual impact assessment to consider these issues.
107. Considering other impacts, the proposal could have lighting and air quality impacts. The proposal in itself is not likely to generate a significant amount of

dust or odour due to its nature. The surface material of the storage area could have an adverse effect from dust though this could be mitigated. This proposal seeks to free up space in the existing WRF from the storage of skips. This combined with the improved efficiencies gained from this proposed extension could result in a cumulative increase in environmental and amenity pollution, such as from noise, dust, lighting and odour. The planning application does not consider the impact on public health and safety impacts to the strategic sites for housing allocation in the NFDC emerging Local Plan 2016-2036. Note that future applications for these developments would, in any event, be required to be designed to adapt and mitigate impacts from existing developments. However, the proposal hereby considered also need to consider the presence of the existing allocated sites.

108. Planning Permission 14/10255 is the current permission for the existing Pennington WRF. It contains conditions that seek to mitigate the potential impacts of that development. Therefore, as an ancillary development to the existing WRF, it would be logical to make the proposed development subject to the same conditions, where appropriate, to ensure no increase in the impact of the overall waste operations at the location. This would include operating times, dust suppression measures, noise limits, accordance with the Noise Management Plan, sheeting of HGVs and prevention of mud and spoil on the highway.
109. Therefore, any permission granted for this proposal should include conditions to ensure that the proposed development does not cause any cumulative detrimental impacts to public health, amenity or safety and so be considered in accordance with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013).

Potential pollution associated with the development

110. National Planning Practice Guidance states that Planning Authorities should assume that other regulatory regimes will operate effectively rather than seek to control any processes, health and safety issues or emissions themselves where these are subject to approval under other regimes ([Paragraph 050 Reference ID: 28-050-20141016](#))
111. Planning and permitting decisions are separate but closely linked. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.

Soil Protection

112. Policy 8 (Protection of soils) of the HMWP (2013) states that waste developments should protect and, wherever possible, enhance soils and should not result in the net loss of best and most versatile agricultural land

and ensure the protection of soils during construction and, when appropriate, recover and enhance soil resources.

113. The site is identified as not being best and most versatile agricultural land. The proposal will see the soil removed from the site used to form bunds to its perimeter and no removal from the site. The proposed restoration scheme will relocate this soil back onto the site to return it to agricultural use but does not propose any enhancement to that soil resource.
114. On balance, the site is not considered best and most versatile land and, although the restoration scheme proposes no enhancement of soil resources in the restoration of the site, the proposed development is considered in accordance with Policy 8 (Protection of soils) of the HMWP (2013).

Ecology

115. Policy 3 (Protection of habitats and species) sets out a requirement for minerals and waste development to not have a significant adverse effect on, and where possible, should enhance, restore or create designated or important habitats and species. The policy sets out a list of sites, habitats and species which will be protected in accordance with the level of their relative importance. The policy states that development which is likely to have a significant adverse impact upon the identified sites, habitats and species will only be permitted where it is judged that the merits of the development outweigh any likely environmental damage. The policy also sets out a requirement for appropriate mitigation and compensation measures where development would cause harm to biodiversity interests.
116. Natural England and the County Ecologist raise no objection, subject to a condition requiring the submission and approval of a biodiversity enhancement scheme. Therefore, the proposed development is considered in accordance with Policy 3 (Protection of habitats and species) of the HMWP (2013).

Flooding

117. Policy 11 (Flood risk and prevention) relates to minerals and waste development in flood risk areas and sets criteria which developments should be consistent with relating to flood risk offsite, flood protection, flood resilience and resistance measures, design of drainage, net surface water run-off and Sustainable Drainage Systems.
118. The final consultation response from the Lead Local Flood Authority raises no objection.

Highways impact

119. Policy 12 (Managing traffic) 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.

120. The submitted Transport Assessment does not include consideration of the strategic sites for housing allocation in the NFDC emerging Local Plan. However, the Local Highway Authority is aware of the possible allocations and raise no objection.

Conclusion

121. The site is within the South West Hampshire Green Belt and the application does not demonstrate very special circumstances that would allow the proposal to be considered acceptable and not cause harm to the fundamental aims of the Green Belt, namely openness and permanence. The temporary nature of the proposal does not remove the detrimental impact to the permanence of the open Green Belt. The proposal is therefore considered inappropriate and harmful to the Green Belt.
122. The application does not include any reason justifying the length of the temporary period, and the 10-year period for which the benefits of the proposal could be achieved is not commensurate with the operational life of the wider waste site the proposal seeks to support.
123. It is considered that the open nature of the South Hampshire Coastal Plain landscape character area will be significantly impacted and that this application will not enhance the beneficial use of the Green Belt. It is not considered high-quality design and does not contribute to achieving sustainable development. It is considered to have significant detrimental impact on the amenity of the adjacent Public Right of Way.
124. In brief, the change of use of a green, agricultural field within the open countryside and Green Belt to a HGV and car park with additional industrial storage is not considered appropriate development and the applicant has failed to demonstrate that there are very special circumstances which would make the development acceptable.

Recommendation

125. That planning permission be REFUSED for the following reasons:
- (1) The development is within the South West Hampshire Green Belt and no very special circumstances exist that would support the proposal. It is therefore considered inappropriate and harmful to the openness and permanence of the Green Belt and as such is contrary to Policies 5 (Protection of the countryside) and 6 (South West Hampshire Green Belt) of the Hampshire Minerals and Waste Plan (2013), Policy CS10

(Spatial Strategy), point (o), of the New Forest District Council Core Strategy (2009) and Paragraphs 133, 134, 143,144,145 and 146 of the National Planning Policy Framework (2019).

- (2) The proposed development does not maintain and enhance the distinctive character of the surrounding landscape. It is not considered high-quality design and does not contribute to achieving sustainable development. Therefore, the proposed development is not in accordance with Policy 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013).

Appendices:

Appendix A - Committee Plan

Appendix B – Layout Plan

Appendix C – 14/10255 Decision Notice Certificate for the Pennington Waste Recycling Facility [WRF]

Appendix D – Plan showing the Strategic Sites for residential allocation form the emerging NFDC Local Plan 2016-2036.

Other documents relating to this application:

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

OR

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

Section 100 D - Local Government Act 1972 - background documents

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

Document

Location

19/10523

Hampshire County Council

NF042

Land to the west of Pennington Recycling Facility, Milford Road, Pennington SO41 8DF (Temporary extension to Pennington Recycling Facility for associated parking and storage use

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

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

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

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

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

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.