

**HAMPSHIRE COUNTY COUNCIL**  
**Decision Report**

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	21 October 2020
<b>Title:</b>	Variation of Condition 14 of Planning Permission Number 17/00172/CMAN to allow a temporary increase in annual throughput at The A303 IBA Recycling Facility, Drayton Road, Barton Stacey SO21 3QS (No. 20/01480/CMAN) (Site Ref: TV231)
<b>Report From:</b>	Head of Strategic Planning

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### **Recommendation**

1. That planning permission be granted subject to conditions.

### **Executive Summary**

2. The planning application is for variation of Condition 14 of Planning Permission 17/00172/CMAN to allow a temporary increase in annual throughput at The A303 IBA Recycling Facility, Drayton Road, Barton Stacey SO21 3QS.
3. This application is being considered by the Regulatory Committee at the request of the Local Member, Councillor Gibson.
4. Key issues raised are highways, impact on local amenity and intensification of development on the site.
5. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
6. It is considered that the proposal would be in accordance with the relevant policies of the adopted [Hampshire Minerals & Waste Plan \(2013\)](#) (HMWP) and [Test Valley Borough Revised Local Plan \(2011 - 2029\) \(2016\) \(TVBLP \(2016\)\)](#) as the proposal is a time limited extension of operations at an existing and permanent waste site that will not have a significant adverse effect on the landscape and amenity. The proposal is acceptable in terms of highway capacity and safety and cumulative impacts and is not considered to be likely to cause unacceptable adverse amenity or other cumulative impacts.

7. That planning permission be granted subject to the conditions listed in Appendix A.

## **The Site**

8. The application site (approximately seven hectares in area) lies to the south east of Andover, approximately 1.8 kilometres (km) north of Barton Stacey and approximately 1.9km south of Longparish. Immediately to the south is the existing A303 Materials Recycling Facility (MRF). The site is accessed through the adjoining MRF by private haul road which subsequently joins the Barton Stacey to Longparish road. Fifty metres to the south of the junction are the two slip roads on and off the A303 strategic highway route. The operational area of the site measures two hectares, with the remaining application area accounted for by landscaped perimeter bunds.
9. The existing operation involves the importation of Incinerator Bottom Ash (IBA) from Energy from Waste plants across Hampshire and Jersey via Southampton Docks. The IBA is processed to remove a significant proportion of the metal content. Metals are forwarded from the site for refining elsewhere before being reused.
10. The remaining material, Incinerator Bottom Ash Aggregate (IBAA) is sold from site as an aggregate substitute and is used as a direct replacement for primary aggregates in road construction.
11. The facility benefits from permanent planning permission for waste management (see Planning History section of this report).
12. The land immediately to the north has been developed as a solar farm. Lines of photovoltaic solar panels have been erected in the adjacent field and produce renewable energy. To the east is a gas pipeline service station that provides access to the main southwest gas pipeline to machinery for cleaning and inspection. There is also a Go-Kart track mainly used at weekends. These use the same access as the A303 Site.
13. The nearest residential properties lie at Drayton Park, approximately 300 metres south-west of the haul road access and over 600 metres from the IBA facility. Lodge Farm lies approximately 450 metres to the east of the site. The site is screened from public view by existing bunds to the north, south and west.

14. The site lies within a Groundwater Vulnerability Zone and overlies a chalk aquifer.
15. Whilst there are no landscape or ecological designations overlying the site, Drayton Down (Drayton Down Area 1) a Site of Importance for Nature Conservation (SINC), lies approximately 130 metres to the south east. The site also lies approximately 900 metres from the River Test Site of Special Scientific Interest (SSSI) at its closest point.
16. The current permission states that no Heavy Goods Vehicles (HGVs) shall enter or leave the site except between the following hours: 0700 – 2000 Monday to Friday and 0700 – 1400 Saturday. No Incinerator Bottom Ash plant or machinery shall be operated except between the following hours: 0600 – 2000 Monday to Friday and 0600 – 1400 Saturday. There shall be no working on Sundays or recognised Public Holidays.
17. There is no restriction on HGV movements, the permission instead relying on the condition restricting throughput to 180,000 tonnes per year to control HGV numbers.
18. The development consists of a large concreted pad with contained drainage system and water storage lagoon surrounded by the landscaped bunds. The processing plant sits on the southern half of the pad, with the site office and welfare cabin, whilst the stockpiles of processed and unprocessed materials sit on the northern half. The permission restricts the height of stockpiles to 8 metres.
19. The site has an active Liaison Panel. The last panel sat on 9 September 2020.

### Planning History

20. The planning history of the site is as follows:

<b>Application No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date Issued</b>
NMA/2018/0770	Erection of minor additional fixed plant to PP 17/02024/CMAN	Granted	28/09/2018
16/01417/CMAN	Variation to condition 5 of Planning Permission 12/02445/CMAN (hours	Granted	22/07/2016

	of working)		
14/00071/CMAN	Variation of condition 5 of planning permission 12/02445/CMAN (hours of working)	Granted	18/03/2014
13/01755/CMAN	Minor alteration of site boundary to accommodate improved drainage and operational changes, including new weighbridge and office/welfare unit	Granted	01/10/2013
12/02445/CMAN	Variation of condition 5 of planning permission 10/02691/CMAN to allow extended working hours only within the MRF building to increase the capacity for site to process waste and recover commodities for recycling	Granted	31/01/2013
10/02691/CMAN	Application for variation of conditions for PP:09/01292/HCC3N and 10/00030/CMAN dealing with site layout (condition 3) extension of operating hours (condition 4) variation to bund (condition 5) and carrying permitted waste to include commercial and industrial waste (condition 19)	Granted	30/03/2011
10/00030/CMAN	Variation of conditions 3, 14 and 15 of Planning Permission 09/01292/HCC3N (to	Granted	23/04/2010

	relocate the waste recycling picking station, increase length of building and provide an additional portacabin office)		
09/01292/HCC3N	Permanent facility for recycling construction and demolition waste and extension of existing site including construction of screening bund, erection of recycling building and waste recycling plant, importation of aggregates for re-sale including erection of storage bays	Granted	09/10/2009
06/02870/CMAN	To develop a waste recycling facility for farm, construction and demolition waste, including soil screening, concrete crushing, material and container storage	Granted	18/05/2007

21. The site is identified in the adopted Hampshire Minerals and Waste Plan (2013) as a safeguarded site for other material recovery (MRF) and Foamix plant for manufacturing road making materials from recycled asphalt planings under Policy 26 (Safeguarding – waste infrastructure).
22. The worldwide coronavirus pandemic has led to a number of recommendations from Government including the need for Local Planning Authorities to use their discretion on the enforcement of planning conditions which hinder the effective response to COVID-19. The Government stated that the waste sector is safeguarded to continue to provide waste removal services from domestic and other protected sectors, which has required changes to the way existing minerals and waste sites operate.
23. Recognising this, a Protocol was agreed in March 2020 by Assistant Director of Waste Planning Environment (WPE) in the Economy, Transport and Economy (ETE) department setting out arrangements to agree temporary

relaxation of some conditions or other planning controls where a request has been made by a waste or minerals site operator and where this can be clearly demonstrated to be required as a result of the response to Covid-19. It also covers where operations may take place which are without the benefit of planning control currently.

24. The A303 IBA Facility, Longparish has made several requests for temporary relaxation of conditions under this process. Initially the operator requested a variation to conditions 2 (Working Hours) and 4 (Height of Stockpiles) of permission 17/00172/CMAN to deal with the increased quantity of IBA being imported whilst the amount of IBAA required for construction projects reduced as lockdown took effect.

25. There was then a subsequent request for temporary emergency use of adjacent land (formerly subject of the 'Wheelabrator EfW' proposal) for storage of excess IBAA. Due to the existing site being almost filled to the increased levels as agreed above, the operator discussed the use of the adjacent site for a temporary period with both the County Council and the Environment Agency. Following submission of detailed information, the EA agreed that the land could be used, subject to 12 conditions (relating to operations) and the use ceasing on the 30 September 2020. Subsequent to this approval, the County agreed the temporary use of this land subject to a further 6 conditions, including setting a maximum stockpile height of 5m and a meeting to review the situation by the end of July. The operator was also required to inform the local Liaison Panel. The applicant has had further discussions with the EA to continue using this land whilst the backlog of IBAA is used. The EA have agreed an extension until end of March 2021. The County Council have considered the request for an extension to the period for the emergency storage of the IBAA and have decided that the need for the temporary dispensation is still valid. Consequently, the County Council has agreed for a further temporary period in line with the EA's enforcement position, subject to the conditions already imposed. The applicant has been told, however, that no further temporary dispensation will be considered and any further request would have to be subject to a full planning application.

### **The Proposal**

26. The proposal is for Variation of Condition 14 of Planning Permission 17/00172/CMAN to allow a temporary increase in annual throughput at The A303 IBA Recycling Facility.

27. The facility currently has permission to import 180,000 tonnes of IBA, predominantly from the Energy from Waste plants in Hampshire, per year. This

is screened and recycled to produce Incinerator Bottom Ash Aggregate (IBAA) which is used as a secondary aggregate in road construction.

28. The facility is currently operating at about 60% of capacity with approx. 100,000 tonnes being imported per year. This involves around 60 HGV movements per day.
29. The IBA is transported from the EfW plants in articulated lorries, whereas the IBAA is removed off site in 8 wheeled 'tipper' lorries.
30. The Operator is asking to vary the amount that can be imported until the end of 2021, increasing the tonnage by 25, 000 tonnes from 180, 000 to 205, 000 tonnes per year for the remainder of this year and the next year.
31. The Operator has secured the contract for handling IBA from a new EfW plant in Kent and is in the process of finalising the planning permission and Environmental Permit (from the EA) for a new facility nearby. However, the process has been delayed during the current pandemic and the facility is behind schedule and not now expected to be completed until July 2021. In the interim, the Operator wishes to bring up to 105,000 tonnes of IBA this year and next from Kent for recycling with the same amount of IBAA going the other way. Because the HGVs that import the IBA from Kent will also be exporting IBAA back to Kent, it is expected to increase the HGV movements by around 40 per day.
32. Under the current permission, the Facility could import up to 180, 000 tonnes and using their current transport model (with different lorries used to import the IBA and export the IBAA) this would equate to about 105 movements per day. Under the proposal the Facility could import up to 205, 000 tonnes this year and next year, but due to the different transport model (with the same lorry used to import the IBA from Kent and return IBAA back to Kent) this will equate to a total of around 101 movements per day. This is made up of the 60 per day servicing the Hampshire EfW facilities plus the 40 to and from Kent.
33. There is no actual condition covering lorry numbers for the site, the tonnage level is used to limit numbers, but the new temporary proposal indicates that there will be no increase over the level that is currently allowed. The backloading of lorries to handle both imports and exports is also considered more sustainable.
34. It should be noted that the Environment Agency have issued a Permit Variation for the A303 IBA Facility to increase throughput to 205ktpa.

35. Kent County Council are currently considering the application for the Facility in Kent and are awaiting agreement on lorry routing. It is understood that issues have been resolved with their Highways Authority and a Decision is to be made shortly.

36. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017.](#); Schedule 2; 11(b) Installations for the disposal of waste (unless included in Schedule 1) and 13(b) changes to or extension of development, where that development is already authorised, executed or in the process of being executed and does not require an Environmental Impact Assessment.

### **Development Plan and Guidance**

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

#### **National Planning Policy Framework (2019) (NPPF)**

38. The following paragraphs are relevant to this proposal:

- Paragraph 11: Presumption in favour of sustainable development;
- Paragraph 80: Support of sustainable economic growth; and
- Paragraph 102-103: Sustainable transport;

#### **National Planning Policy for Waste (2014) (NPPW)**

39. The following paragraphs are relevant to the proposal:

- Paragraph 1: Delivery of sustainable development and resource efficiency; and
- Paragraph 7: Determining planning applications.

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

40. The following paragraphs are relevant to the proposal:

- Paragraph 007 (Self sufficient and proximity principle);
- Paragraph 0046 (Need); and
- Paragraph 0050: (Planning and regulation).

#### **Hampshire Minerals & Waste Plan (2013) (HMWP)**



41. The following policies are relevant to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 2 (Climate change – mitigation and adaptation);
- Policy 5 (Protection of the countryside);
- Policy 10 (Protecting public health, safety and amenity);
- Policy 11 (Flood risk and prevention);
- Policy 12 (Managing traffic);
- Policy 13 (High-quality design of minerals and waste development);
- Policy 17 (Aggregate supply – capacity and source);
- Policy 18 (Recycled and secondary aggregates development);
- Policy 25 (Sustainable waste management);
- Policy 26 (Safeguarding - waste infrastructure);
- Policy 27 (Capacity for waste management development);
- Policy 28 (Energy recovery development);
- Policy 29 (Locations and sites for waste management);and
- Policy 30 (Construction, demolition and excavation waste development).

**[Test Valley Borough Revised Local Plan \(2011 - 2029\) \(2016\) \(TVBLP \(2016\)\)](#)**

42. The following policies are relevant to the proposal:

- Policy SD1: Presumption in Favour of Sustainable Development;
- Policy LE17: Employment Sites in the Countryside; and
- Policy T1: Managing Movement

**Consultations**

43. **County Councillor Gibson:** Was notified.

44. **Test Valley Borough Council:** Has no objection.

45. **Test Valley Borough Council Environmental Health Officer (EHO):** Has no objection.

46. **Barton Stacey Parish Council:** Has objection due to general planning creep.

47. **Longparish Parish Council:** Has no objection but did comment on general planning creep on the site.

48. **Environment Agency:** Was notified.

49. **Local Highway Authority:** Has no objection.

50. **Planning Policy (HCC):** Has no objection.

51. **Highways England:** Has no objection.

52. **Defence Infrastructure Organization:** Has no objection

### **Representations**

53. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.

54. In complying with the requirements of the SCI, HCC:

- Published a notice of the application in the [Hampshire Independent](#);
- Placed notices of the application at the application site and local area;
- Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
- There are no residential properties within 100 metres of the boundary of the site.

55. As of 2nd October 2020, no representations on the application have been received.

### **Habitats Regulation Assessment [HRA]**

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

57. 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.

58. 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.

59. The HRA screening hereby carried out by the Waste Planning Authority considers the proposed development to have **no likely significant effect** on the identified European designated sites due to:

- It is not located at a distance to be considered to have proximity to directly impact on the European designated sites;
- The site is not considered to have any functional impact pathways connecting the proposed works with any European designated sites; and
- The proposal does not have any significant increase on any adverse impacts the wider site may have.

## **Climate Change**

60. Hampshire County Council declared a climate change emergency on 17 June 2019. This proposed development has been subject to consideration of Policy 2 (Climate change – mitigation and adoption) of the HMWP (2013) and Paragraph 148 of the NPPF (2019). The HMWP lists the opportunities minerals and waste developments can provide in terms of mitigating and adapting to the effects of climate change. One of the items references the opportunity to “reduce emissions from or created by transport.” Backhauling material as proposed would be compliant with this opportunity as well as meeting point ‘a’ of Policy 2 (reducing greenhouse gas emissions). As a short term, temporary change to the throughput of an existing facility there is little scope for wider climate change mitigation and, as such, the proposal complies with Policy 2 (Climate change – mitigation and adoption) of the HMWP (2013) and Paragraph 148 of the NPPF (2019).

## **Commentary**

### Development Plan/Policy context/Principle of the development

61. The NPPF (2019) includes an overarching ‘presumption in favour of sustainable development’ which means ‘approving development proposals that accord with the development plan without delay’. The presumption allows for only refusing permission where adverse impacts clearly outweigh the benefits, or NPPF policies indicate developments should be restricted. This is translated into the adopted HMWP (2013) through Policy 1 (Sustainable minerals and waste development) which states that the Hampshire Authorities will take a positive approach to minerals and waste development that reflects the presumption in favour of sustainable development contained in the NPPF.

62. The proposed (temporary) increase in throughput would be supported by Policies 17 (Aggregate supply – capacity and source) and 18 (Recycled and secondary aggregates development) of the HMWP (2013) since the development offers an alternative to marine-won and land-won aggregate and maximises recycled and secondary aggregate. Policy 18 (Recycled and secondary aggregates development) is clear that recycled and secondary

aggregate production will be supported by encouraging investment and further infrastructure to maximise the availability of alternatives to marine-won and local land-won sand and gravel extraction. Furthermore, the most recent Annual Monitoring Report (AMR, 2018) identifies Policy 18 did not meet its monitoring indicator target as “there was a small decrease in production from 2017”, so this proposal could work to positively influence this indicator target in the future.

63. In addition, paragraphs 6.215 and 6.216 which support Policy 30 (Construction, demolition and excavation waste development) of the HMWP (2013) recognise the importance of IBA from Hampshire’s municipal energy recovery facilities to produce an aggregate and encourage the use of IBAA for beneficial uses such as in road construction. The Plan also acknowledges that it would be necessary to make permanent provision for the treatment of IBAA within the Plan period. Policy 30 clearly states that ‘development to maximise the recovery of construction, demolition and excavation waste to produce at least 1mtpa of high quality recycled/secondary aggregates will be supported’. The proposal contributes towards capacity. The proposal is considered to be in accordance with Policy 30 of the HMWP (2013).

64. Policy 25 (Sustainable waste management) of the HMWP (2013) works to drive waste up the Waste Hierarchy and ultimately away from disposal (landfill). The existing A303 recycling site works in accordance with this initiative by ensuring IBA is processed to form an aggregate. However, the application proposes to (temporarily) increase the annual throughput of waste by 25,000 tonnes for 2020 and 25,000 tonnes for 2021. Policy 25 identifies intensification of a site must not “cause unacceptable harm to the environment or communities...”. The Environment Agency, Environmental Health Officer and the Highways Authority have all been consulted on the proposal and raised no concerns about the impact from the temporary increase in throughput. The proposal is therefore considered to be in accordance with Policy 25 of the HMWP (2013).

#### Development in the countryside

65. The existing A303 facility benefits from permanent planning permission through planning permission 13/01643/CMAN, as amended. The facility is visually well screened from external viewpoints, benefitting from existing perimeter landscape screening bunds and intervening vegetation. The site is located within the countryside. There are no changes to any aspect of the operations within the facility as a result of this proposal. On the basis of the permanent consent, the proposal has already been considered to be in

accordance with Policies 5 (Protection of the countryside) and 13 (High-quality design of minerals and waste development) of the HMWP (2013).

#### Impact on amenity and health

66. 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. The wider impacts of the facility have already been considered by the grant of the permanent permission and meet Policy 10 (Protecting public health, safety and amenity). The issue for consideration here is whether the increase in throughput from 180,000 tonnes per year to 205,000 tonnes per year would cause any undue adverse public health and safety impacts, and unacceptable adverse amenity impacts. The Environmental Health Officer has been consulted and raises no objection to the temporary extension. Consequently, the proposal is considered to be in accordance with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013).

#### Potential pollution associated with the development

67. 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)

68. 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.

69. The site already operates under an Environmental Permit from the Environment Agency. The EA have been consulted and have made no comment.

#### Highways impact

70. Policy 12 (Managing traffic) of the HMWP (2013) requires minerals and waste development to have a safe and suitable access to the highway network and where possible minimise the impact of its generated traffic through the use of alternative methods of transportation. It also requires highway improvements

to mitigate any significant adverse effects on highway safety, pedestrian safety, highway capacity and environment and amenity.

71. The Highways Authority recognises that the current permission does not restrict the number of HGVs / vehicles entering the site, control being achieved via the annual throughput condition.
72. The current throughput of the site is around 100,000 tonnes per annum which gives rise to an estimated average daily total of 60 vehicle (HGV) movements. If the site were operating at its maximum throughput of 180,000 tonnes per annum this would give rise to approximately an additional 46 HGV movements per day giving a total of 106.
73. The applicant outlines that the number of additional HGVs likely to be associated with receiving and processing the additional IBA from Kent is likely to be around 40. It is therefore argued that this, added to the currently reduced throughput, would result in approximately the same number of HGV movements as if the site were running at full capacity.
74. As the site benefits from a direct link to the A303, the Highways Authority comments that an additional 40 HGV movements per day for the next 18 months will not have a significant impact on the safety or operation of the highway. As the A303 is part of the Strategic Network, Highways England were also consulted and raised no objection.
75. Consequently, the proposal is considered to be in accordance with Policy 12 (Managing traffic) of the HMWP (2013).

### Community liaison

76. 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. There is an existing liaison panel for this site with the last meeting taking place on 9 September 2020. An informative note to applicant is recommended on the continuation of a liaison panel in the interests of promoting communication between the site operator and local community.

### Conclusions

77. It is considered that the proposal would:

- be a time limited extension of operations at an existing and permanent waste site;
- not have a significant adverse effect on the landscape and amenity;
- be acceptable in terms of highway capacity and safety and cumulative impacts; and
- not cause unacceptable adverse amenity or other cumulative impacts.

78. It is considered that the proposal would be in accordance with relevant policies of the development plan.

**Recommendation** That planning permission be granted subject to conditions.

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Site Plan

Other documents relating to this application:

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy and independent lives:</b>	No
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	No
<b>OR</b>	
<b>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:</b>	
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

20/01480/CMAN  
TV231

Hampshire County Council

The A303 IBA Recycling Facility, Drayton Road, Barton Stacey SO21 3QS  
(Variation of Condition 14 of Planning Permission Number 17/00172/CMAN to allow a temporary increase in annual throughput



## **EQUALITIES IMPACT ASSESSMENTS:**

### **1. Equality Duty**

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

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

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

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

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

## CONDITIONS

### Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(as amended) of the Town and Country Planning Act 1990.

### Hours of Working

2. No heavy goods vehicles shall enter or leave the site except between the following hours: 0700 – 2000 Monday to Friday and 0700 – 1400 Saturday. No Incinerator Bottom Ash plant or machinery shall be operated except between the following hours: 0600 – 2000 Monday to Friday and 0600 – 1400 Saturday. There shall be no working on Sundays or recognised public holidays.

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

### Landscape

3. The landscaping for the perimeter of the site shall remain as approved under permission 13/01643/CMAN (Landscape specification and Planting Plan approved on 03/07/14), for the duration of the development. 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.

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

4. Stockpiles of waste or materials shall be no higher than eight metres in height.

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

5. The roofs and walls of the plant housing and ancillary buildings shall be colour coated RAL 6003 (Olive Green) or similar and maintained for the duration of the development.

Reason: In the interests of visual amenity and to secure a satisfactory development to ensure the development complies with Policies 5 (Protection of the countryside), 10 (Protecting health, safety and amenity) and 13 (High-quality design) of the Hampshire Minerals and Waste Plan (2013).

### **Protection of Water Environment**

6. No solid matter shall be deposited so that it passes or is likely to pass into any watercourse.

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

7. All areas where waste is stored, handled or transferred shall be underlain by impervious hard-standing with dedicated drainage to foul sewer or sealed tank.

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

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

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

9. No sewage or trade effluent (including vehicle wash or vehicle steam cleaning effluent) shall be discharged to any surface water drainage system.

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

10. The treatment of surface and foul water shall remain as approved under permission 13/01643/CMAN (Hydrological and Flood Risk Assessment approved on 03/07/14), for the duration of the development.

Reason: To ensure the protection of the groundwater vulnerability zone in to ensure the development complies with Policy 10 (Protecting health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

### **Dust and Odour**

11. The development shall be operated in accordance with the Dust & Odour Management and Control Scheme Version 6 (dated April 2014). The Scheme shall be implemented for the duration of the development unless otherwise amended/approved by the Waste Planning Authority in writing.

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

### **Lighting**

12. The outdoor lighting scheme shall remain as approved under permission 13/01643/CMAN (Lighting layout approved 03/07/14), for the duration of the development.

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

### **Highways**

13. The Traffic Management Plan shall remain as approved under permission 13/01643/CMAN (approved on 03/07/14), for the duration of the development.

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

14. No more than 180,000 tonnes of Incinerator Bottom Ash waste shall be delivered to the site per year except during 2020 and 2021 when no more than 205,000 tonnes of Incinerator Bottom Ash shall be delivered to the site. A written record of tonnage entering the site associated with the permission hereby granted shall be kept onsite and shall be made available to the Waste Planning Authority for inspection upon request.

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

### **Restriction of Permitted Development Rights**

15. Notwithstanding the provisions of Parts 4, 8 and 25 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order):

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

Reason: To protect the amenities of the area in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design) of the Hampshire Minerals and Waste Plan (2013).

16. At such time as the development is no longer used for the purpose hereby approved the recycling facility including the buildings and associated plant, infrastructure, associated machinery and waste shall be removed from the site and the land restored back to agricultural use. The restoration details for the site shall be submitted within three months of the cessation of use for written approval by the Waste Planning Authority. The restoration shall be completed in accordance with the approved restoration details within six months of approval.

Reason: To prevent the retention of a development in the countryside that is no longer providing a benefit in sustainability terms and contributing to reducing the reliance on primary aggregates in accordance National Planning Policy Framework and with Policy 5 (Protection of the countryside) of the Hampshire Minerals and Waste Plan (2013).

### **Plans**

17. The development hereby permitted shall be carried out in accordance with the following approved plans: A1/RB/2/11, A2/RB/2/12, A2/RB/7/10, A2/RB/7/08RevB, A2/RB/7/11, A2/RB/2/13, A2/RB/2/14, A2/RB/2/15, A2/RB/2/16, A2/RB/2/20, A2/RB/2/21, A2/RB/2/22, A2/RB/6/04, A13430-P1

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

### **Note to Applicants**

1. In determining this planning application, the Minerals and Waste Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2019), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.
3. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 3.5 tonnes un-laden.
4. The County Council supports the continuation of the existing Liaison Panel between the site operator, Waste Planning Authority and community representatives at a suitable frequency to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community. Guidance on liaison panels is available: <http://documents.hants.gov.uk/planningstrategic/LiaisonPanelProtocolforHCCsites-November2016.pdf>
5. All other conditions attached to planning permission 17/ 00172/CMAN remain in force. The throughput of the site would revert back to the throughput set out in condition 14 of 17/ 00172/CMAN at the end of the temporary period covered by this permission.