

HAMPSHIRE COUNTY COUNCIL
Decision Report

Decision Maker:	Regulatory Committee
Date:	16 December 2020
Title:	Variation of condition 2, 9 and 10 of Appeal decision reference APP/Q1770/A/11/2161324 (Planning Application Reference: 10/02712/CMA) to reshape and improve the existing peripheral north eastern landscape bund to facilitate enhanced screening from wider views into the site and improve biodiversity on the site's periphery and to accommodate a temporary wash plant operation in the southern section of the site for a period of twelve months only at Salvidge Farm, Bunny Lane, Timsbury SO51 0PG (No. 20/01753/CMAS) (Site Ref: TV066)
Report From:	Head of Strategic Planning

Contact name: Sam Dumbrell

Tel: 0370 779 7412

Email: sam.dumbrell@hants.gov.uk

Recommendation

1. That planning permission be GRANTED subject to the conditions listed in **Appendix A.**

Executive Summary

2. The planning application seeks approval for the variation of 3 conditions (No. s 2, 9 and 10) on Appeal decision reference APP/Q1770/A/11/2161324) at the existing Bunny Lane site waste processing site at Salvidge Farm, Bunny Lane, Timsbury SO51 0PG.
3. The rationale of the proposed changes to the site is to allow improvements and enhancements to the existing peripheral bund along the site's north-eastern boundary and to temporarily install a wash plant within the site's southern margin to help manage and screen the excess amounts of imported material that presently occupy the site.
4. It is considered that the proposal would be in accordance with the relevant policies of the adopted [Hampshire Minerals & Waste Plan \(HMWP\) 2013](#) and the [Test Valley Borough Revised Local Plan \(2016\)](#) .
5. This application is being considered by the Regulatory Committee after being called in by the local County Councillor.

7. The only statutory consultees to object are Michelmersh & Timsbury and Braishfield Parish Councils. 1 representation was received from a member of the public.
8. The Regulatory Committee was unable to visit the site due to Covid-19 imposed restrictions.
9. The key issues raised are:
 - Visual impact;
 - Air quality impacts;
 - Noise impacts;
 - Impacts on the water environment; and
 - The part retrospective nature of the application.
10. The site is an existing waste management facility which is safeguarded by Policy 26 (Safeguarding - waste infrastructure) and contributes towards an adequate and steady supply of aggregates for Hampshire and surrounding areas. It is considered that the proposal would be in accordance with the relevant policies of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) and that the proposal would:
 - be acceptable in principle;
 - contribute in providing a steady and adequate supply of recycled and secondary aggregates for Hampshire by allowing an additional means of screening imported materials at an existing permitted waste management facility that is safeguarded for such purposes within the Hampshire Minerals and Waste Plan (2013);
 - not cause unacceptable adverse visual impacts;
 - not cause unacceptable adverse effect on ecology and biodiversity;
 - not cause unacceptable adverse effects on the water environment; and
 - not cause unacceptable adverse public health and safety or unacceptable adverse amenity impacts.
11. Therefore, it is recommended that permission be GRANTED subject to the conditions in **Appendix A**.

The Site

12. The entire site occupies an area of approximately 6.2 hectares of land. The Location Plan (see **Appendix B**) shows that the site lies approximately 4 kilometres to the north of the town of Romsey, with the villages of Timsbury and Braishfield situated approximately 0.5 kilometres due west and 2 kilometres due east respectively.
13. The site can be subdivided into three distinct areas (see **Appendix C**). The northern third comprises large stockpiles of imported materials/waste and

an area for concrete crushing, the central third houses the materials recycling facility (MRF) and associated materials and waste storage areas, site buildings (offices and welfare facilities), vehicle/plant storage and parking areas plus the weighbridge and the southern third contains the a further operational area associated with the production of recycled and secondary aggregates. This area is less intensively used. Wood shredding and soil blending is also undertaken within this area of the site. The storage of materials (as required when demand higher), containers, skips and other equipment is also undertaken here as an overflow area.

14. Access to the site is achieved from Bunny Lane at the site's south-eastern corner. Access to the wider highway network and Romsey and Southampton is gained via the A3057 due west of the site, where Bunny Lane joins it.
15. The site lies within the countryside and is bounded by hedgerows and trees along its northern and western boundaries. Beyond these are restored former mineral workings (north) and undeveloped grassland and agricultural land (west). The sites eastern boundary is bordered by a shared informal access track and restored former mineral workings characterised by water features, planting and grassland areas. The south-western and southern boundaries are bordered by less mature and significant planting and Bunny Lane.
16. Public footpath 'Route Number 4' runs along the route of Bunny Lane alongside the site's southern boundary and adjoins the site's north-eastern corner.
17. 'Hill Top' and 'Little Herons' are the nearest residential properties to the site situated approximately 0.1 and 0.2 kilometres north-west and west of the northern/north-western boundary. The next nearest residential properties are located approximately 0.3 kilometres to the north of the site on Redland Drive and within the village of Michelmersh further north. Bunny Lane House is situated approximately 0.4 kilometres west of the site at the entrance to Bunny Lane. Other residential properties within the village of Timsbury on Manor Lane and St Andrews Close lie approximately 0.6 kilometres to the west.
18. Timsbury Lake, occupied by Warash Maritime Academy, is situated on land south of Bunny Lane approximately 0.4 kilometres south of the site. The Casbrook Household Waste Recycling Centre is situated approximately 0.4 kilometres to the north-east of the site. A number of industrial units forming 'Hunts Farm' are located approximately 0.6 kilometres on Rudd Lane to the north (beyond Redland Drive).
19. The site is not located in a sensitive surface water area (in Flood Zone 1, the lowest risk zone) but is situated in a sensitive groundwater area being

situated on the boundary between Zones 2 and 3 of the Environment Agency's Groundwater Source Protection Zones (SPZs).

20. The site is not situated within any designated sensitive heritage, ecological or landscape sites.

Planning History

21. The relevant planning history of the site is as follows.

Applicati on no.	Proposal	Decision	Date
16/00902/ CMAS	Variation of condition 12 (Hours of operation for HCVs) of Appeal Decision APP/Q1770/A/11/2161324	Withdrawn	09/06/2016
15/03107/ CMAS	Variation of conditions 12 (Hours of operation for HCVs) and 22 (HCV movements) of Appeal Decision APP/Q1770/A/11/2161324	Withdrawn	25/01/2016
15/00006/ CMAS	Removal of an existing lean to building and replacement with a picking station including associated conveyors and containers, replacing an existing picking station with a larger unit, provision of concrete surfacing for aggregate storage, minor extension and relocation of the existing offices/mess rooms and revision of vehicle manoeuvring/car parking area with associated changes to approve Layout Drawing 396C/SL/2 (March 2011 as referenced in Condition 2 of Appeal Decision APP/Q1770/A/11/2161324	Granted	22/04/2015
10/02712/ CMAS	Change of use to retain permanently and extend recycling facility with ancillary development and activities	Refused Allowed on Appeal APP/Q177 0/A/11/216 1324	04/08/2011 12/07/2012
10/00745/ CMAS	Variation of Condition 5 (Remove boundary bund) on Planning Permission 09/00540/CMAS	Withdrawn	22/06/2010

22. The facility operates under Appeal Decision APP/Q1770/A/11/2161324, granted in 2012 by the Planning Inspectorate following a successful appeal against the County Council's refusal to grant planning permission under 10/02712/CMAS in 2011.
23. Appeal Decision APP/Q1770/A/11/2161324 allowed the facility to become permanent in nature, to extend its operational area (to today's current site area) and incorporate additional operations ancillary to the main use, including designated working and storage areas, peripheral bunding and environmental mitigation and enhancements (implemented through conditions and legal agreements).
24. The facility has been operating under Appeal Decision APP/Q1770/A/11/2161324 since 2012. No changes have been made to permitted operations in the interim.

The Proposal

25. Planning permission is sought for the variation of conditions 2, 9 and 10 on Appeal decision reference APP/Q1770/A/11/2161324).
26. Condition 2 presently reads:

The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 369C/10 – Location Plan – October 2010
Drawing no. 396C/AP1 – Application Plan – May 2010
Drawing no. 396C/SL/2 – Site Layout – March 2011
Drawing no. BL002Rev.a – Revised Landscape Mitigation Scheme – Apr 2011
Drawing no. BL003 – Cross Section Through Proposed Peripheral Bund – October 2010
Drawing no. BL005 – Indicative Cross-Sections A-A' to C-C' – April 2011
Drawing no. BL006 – Indicative Cross-Sections D-D' to F-F' – April 2011
Drawing no. BL007 – Proposed Landscape Planting Scheme – April 2011
Drawing no. Figure 1 – Site Context, Landscape Character and Viewpoint Locations – October 2010
Drawing no. Figure 2 – Viewpoints 1 & 2 – October 2010
Drawing no. Figure 3 – Viewpoints 3 & 4 – October 2010
Drawing no. Figure 4 – Viewpoints 5 & 6 – October 2010
Drawing no. DBLC001 – Viewpoint 5: Existing and indicative proposed view – January 2011
Drawing no. Figure 5 – Viewpoints 7 & 8 – October 2010
Drawing no. Figure 6 – Viewpoints 9 & 10 – October 2010
Drawing no. Figure 7 – Viewpoints 11 & 12 – October 2010

Drawing no. Figure 8 – Viewpoints 13 & 14 – October 2010
Drawing no. Figure 9 – Viewpoints 15 & 16 – October 2010
Drawing no. Figure 10 – Viewpoints 17 & 18 – October 2010
Drawing no. Figure 11 – Viewpoints 19 & 20 – October 2010
Drawing no. Figure 12 – Viewpoints 21 & 22 – October 2010
Drawing no. Figure 13 – Tranquillity Map – October 2010
Drawing no. Figure 14 – Viewpoint 15: Existing and Indicative Proposed View – October 2010
Hampshire County Council Rights of Way Office – Proposed diversion of part of Michelmersh Footpath No.4 – Amended April 2011.

27. Condition 9 presently reads:

No plant on the site shall exceed 4m in height above the existing ground level. All machinery loading material/waste onto or off stockpiles, plant and vehicles, shall operate in a manner that ensures it is entirely below the level of the bunds and associated screening vegetation in that part of the site. When not being operated all plant and machinery shall be in a location where it is entirely below the level of the bunds in that part of the site.

28. Condition 10 presently reads:

The “campaign” foam mix and wood shredding shall only take place in the bunded south west corner of the site as shown on approved drawing no. 396C/SL/2 (March 2011). No more than one campaign activity (concrete crushing, wood shredding or foam mix) shall take place on the site at the same time.

29. The applicant advises that through varying these three conditions, the site’s permitted operations would be improved without adversely affecting the local environment and its residents.

30. The first change sought seeks to improve and enhance the existing peripheral bunding at and along the north-eastern boundary of the site. On the northern boundary the bund would be extended laterally eastward by 10 metres matching the existing bund height of 5 metres.

31. Alongside the site’s north-eastern boundary bunding would be built up to a height of 4 metres and increased to 9 metres in width over its length of approximately 150 metres. The changes would be undertaken using inert waste/materials already on site.

32. These works would be completed with planting using native trees and shrubs in keeping with that used on the western boundary. Other existing peripheral site bunding - on the western and southern boundaries - would have minor improvement works involving new and additional planting to strengthen current levels of screening (see **Appendix F**).

33. These works to site bunding (see **Appendix D**) would improve both screening of the site from external views and help to reduce emissions through site derived noise throughout the locality.
34. The second change sought seeks to install and use a wash plant for a trial period of a 12 months to process imported materials on site that the applicant has been unable to sell and as a consequence export. Materials produced would include gravels, sharp sand and building sand.
35. The proposed wash plant would comprise a number of component parts and be installed within the south-western corner of the site (see **Appendix D**).
36. The wash plant would occupy an area of 72 metres in length (north to south) by 27 metres in width (east to west) with the tallest part of the plant standing to a height 9.2 metres (see **Appendix E**). The peripheral bunding adjoining this plant stands to a height of 5 metres (4 metre high bund with approximate 1 metre high planting).
37. The wash plant would require the applicant to install a groundwater supply borehole to secure the volumes of water (approximately 50,000 litres per day) required to run it. This would need to be approved and regulated by the Environment Agency not by the County Council. All water used would be recycled and reused at all times.
38. In advance of the determination of this planning application, the applicant decided to install the proposed wash plant. Following the receipt of complaints from the Parish Council and local residents the County Council investigated.
39. Council officers were advised that the plant had been installed due to the supplier's delivery timescales being only possible in Autumn 2020. This left the applicant no choice officers were advised.
40. Whilst the plant has not been brought into use, Council officers advised the applicant that this should not have been undertaken as without planning permission, this element of the proposal was unauthorised development
41. Council officers explained that whilst this wash plant was unauthorised whilst it was not being used and with the application being determined in during late 2020, the plant would not be required to be removed. The applicant is aware that the risk of installing it before the planning application is considered by Regulatory Committee, is entirely theirs.
42. Additionally, the applicant has proposed the construction of a further bund to be situated on the eastern side of the proposed wash plant to help with screening (visual and noise). This bund, if required, would also be constructed from on-site materials.

43. As a result of the above changes sought, Condition 2 is proposed to be varied (in *italics* and/or ~~struck through~~) to read:

The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 369C/10 – Location Plan – October 2010

Drawing no. 396C/AP1 – Application Plan – May 2010

~~Drawing no. 396C/SL/2 – Site Layout – March 2011~~

Drawing No. 001 – Site Location Plan – July 2020

~~Drawing no. BL002Rev.a – Revised Landscape Mitigation Scheme – Apr 2011~~

Drawing No. 002 – Revised Landscape Mitigation Scheme and Site Layout – July 2020

Drawing No. 003 – Existing and Proposed Bunds (Northern Section) – July 2020

Drawing No. 004 – Cross Section of Wash Plant (Southern Section) – July 2020

Drawing no. BL003 – Cross Section Through Proposed Peripheral Bund – October 2010

Drawing no. BL005 – Indicative Cross-Sections A-A' to C-C' – April 2011

Drawing no. BL006 – Indicative Cross-Sections D-D' to F-F' – April 2011

Drawing no. BL007 – Proposed Landscape Planting Scheme – April 2011

Drawing no. Figure 1 – Site Context, Landscape Character and Viewpoint Locations – October 2010

Drawing no. Figure 2 – Viewpoints 1 & 2 – October 2010

Drawing no. Figure 3 – Viewpoints 3 & 4 – October 2010

Drawing no. Figure 4 – Viewpoints 5 & 6 – October 2010

Drawing no. DBLC001 – Viewpoint 5: Existing and indicative proposed view – January 2011

Drawing no. Figure 5 – Viewpoints 7 & 8 – October 2010

Drawing no. Figure 6 – Viewpoints 9 & 10 – October 2010

Drawing no. Figure 7 – Viewpoints 11 & 12 – October 2010

Drawing no. Figure 8 – Viewpoints 13 & 14 – October 2010

Drawing no. Figure 9 – Viewpoints 15 & 16 – October 2010

Drawing no. Figure 10 – Viewpoints 17 & 18 – October 2010

Drawing no. Figure 11 – Viewpoints 19 & 20 – October 2010

Drawing no. Figure 12 – Viewpoints 21 & 22 – October 2010

Drawing no. Figure 13 – Tranquillity Map – October 2010

Drawing no. Figure 14 – Viewpoint 15: Existing and Indicative Proposed View – October 2010

Hampshire County Council Rights of Way Office – Proposed diversion of part of Michelmersh Footpath No.4 – Amended April 2011.

44. As a result of the above changes sought, Condition 9 is proposed to be varied (*in italics*) to read:

No plant on the site shall exceed 4m in height above the existing ground level (*except for the temporary washing plant (McCloskey operations)*). All *other* machinery loading material/waste onto or off stockpiles, plant and vehicles, shall operate in a manner that ensures it is entirely below the level of the bunds and associated screening vegetation in that part of the site. When not being operated all plant and machinery shall be in a location where it is entirely below the level of the bunds in that part of the site.

45. As a result of the above changes sought, Condition 10 is proposed to be varied (*in italics and/or struck through*) to read:

The “campaign” foam mix and wood shredding shall only take place in the bunded south west corner of the site as shown on approved ~~*drawing no. 396C/SL/2 (March 2011)*~~ *Drawing No. 002 – Revised Landscape Mitigation Scheme and Site Layout – July 2020*. No more than one campaign activity (*washing plant, concrete crushing, wood shredding or foam mix*) shall take place on the site at the same time.

46. No changes to the approved hours of use, including the entry to and exit from the site by HCVs, are sought and would remain at 07:30 - 17:30 Monday to Friday and 07:30 -12:30 on Saturdays only.
47. No changes to the approved maximum number of HCV two-way movements generated by the site on any one day would be 208 (104 in and 104 out) are proposed.
48. No changes to the annual permitted amount of waste materials imported to the site, which is 150,000 tonnes, are proposed.
49. Many of the extant conditioned mitigation schemes, controlling impacts from dust, noise, vehicle cleaning amongst others would also be retained. These conditions can also be reviewed and amended should there be material reasons for doing so.
50. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). A Screening Opinion confirming this was issued by the County Council on 09 September 2020.

Development Plan & Guidance

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

[**National Planning Policy for Waste \(2014\) \(NPPW\)**](#)

52. 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)

53. The following paragraphs are relevant to the proposal:

- Paragraph 045 (Counties and other Planning Authorities working on waste planning matters);
- Paragraph 047 (Expanding/extending waste management facilities); and
- Paragraphs 050 - 051: (Planning and environmental regulation).

Hampshire Minerals & Waste Plan (HMWP) 2013

54. The following key policies are relevant to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 2 (Climate change);
- Policy 3 (Protection of habitats and species);
- 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 14 (Community Benefits);
- Policy 17 (Aggregate supply - capacity and source);
- Policy 18 (Recycled and secondary aggregates development); and
- Policy 26 (Safeguarding - waste infrastructure).

Test Valley Borough Revised Local Plan (2011 - 2029) (2016) (TVBLP)

56. The following policies are relevant to the proposal:

- Policy E1 (High quality development in the borough);
- Policy E3 (Protect, conserve and enhance landscape character);
- Policy E5 (Biodiversity);
- Policy E7 (Water management);
- Policy E8 (Pollution); and
- Policy LHW4 (Amenity).

Michelmersh & Timsbury Village Design Statement (2001)

57. This Supplementary Planning Document (SPD) was adopted by Test Valley Borough Council (TVBC) in 2001 for use in the consideration of and to influence development proposals within the Parish.

58. The Village Design Statement seeks to protect the history and character of this historic agricultural settlement, noting that the area does include land uses such as industrial, commercial and mineral extraction amongst more traditional agricultural and residential ones.

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

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

[National Planning Practice Guidance](#)

60. Elements of National Planning Practice Guidance NPPG (Live) are also relevant, those being:
- Air quality (1 November 2019);
 - Climate change (15 March 2019);
 - Flood risk and coastal change (6 March 2014);
 - Noise (22 July 2019);
 - Planning obligations (1 September 2019);
 - Use of planning conditions (23 July 2019); and
 - Water supply, wastewater and water quality (22 July 2019).

Consultations

61. **County Councillor Perry:** Shares the concerns raised by the Parish Councils' and local residents. The benefits of the work the applicant undertakes is acknowledged.
62. **Test Valley Borough Council - Planning:** Concern raised over height of wash plant and visual impact it will have on the local area, particularly to the south and west. Lack of visual impact assessment undertaken even for a temporary development. Detailed planting plan will be required with

landscape management to ensure successful establishment. Concerns raised by Environmental Health Officer over a lack of noise, dust and drinking water impacts.

63. **Test Valley Borough Council - Environmental Health Officer (EHO):** No objection or comments to make.
64. **Michelmersh & Timsbury Parish Council:** Objection on the grounds of unacceptable visual impacts on the local landscape from the proposed wash plant, no noise evidence to justify the bunding improvement works, no dust mitigation included for the proposed wash plant, some proposed plans and bunding dimensions appear conflict with each other and concerns that these changes to the site would impact unacceptably on the local community. The Parish Council are also critical of the applicant who has installed the wash plant on site in advance of the application being determined, and without planning permission.
65. **Braishfield Parish Council:** Support the views of Michelmersh & Timsbury Parish Council.
66. **Environment Agency:** Confirmation that the proposed wash plant will need to incorporate appropriate drainage mitigation measures and that an abstraction licence will need to be secured from the Agency to abstract groundwater.
67. **Southampton Airport:** No objection.
68. **County Ecologist:** Advises that proposed underplanting works will require careful consideration and implementation to ensure the protection of any protected species' and their habitats.
69. **Highway Authority:** No objection.
70. **County Landscape:** Advises that suitable and specific planting proposals, to help with screening of the proposed wash plant, in terms of timing and seasons must be used throughout.
71. **Lead Local Flood Authority:** No objection.
72. **County Planning Policy:** Subject to satisfying other relevant policies in the HMWP (2013), the proposed development would contribute to achieving Hampshire's targets for producing recycled and secondary aggregates.
73. **County Rights of Way:** No direct impacts for Footpath 505 to the south and east of the site should be created. Consideration should be given to impacts through noise and appropriate mitigation on users of this right of way from the wash plant.

Representations

74. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted procedure and publicity requirements associated with determining planning applications.
75. In complying with the requirements of the SCI, HCC:
- Published a notice of the application in the [Hampshire Independent](#);
 - Placed notices of the application at the application site;
 - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
 - Notified by letter all residential properties within 100 metres of the boundary of the site as set out in the SCI).
76. When further information was submitted by the applicant in response to comments received, all consultees and the local population originally notified of the proposal, plus those who submitted comments independently, were all informed and invited to comment further.
77. As of the 30 November 2020, 1 [representation](#) in opposition the proposal had been received from a local resident. The main areas of concern raised in the objection relate to the following areas:
- Ongoing failure to manage existing boundaries and stop materials and waste leaving the site and polluting adjoining land and watercourses;
 - Bunding and stockpiles' dimensions breach existing conditions, specifically quality of planting and maximum heights;
 - No noise reduction need demonstrated for the bunding;
 - The bunding changes would create visually intrusive features;
 - Use of site derived waste to form bunds is just a waste disposal ruse;
 - Materials on site are not all uncontaminated and inert as required by condition and the EA;
 - The wash plant has been installed already without planning approval; and
 - The proposed development should be EIA development.
78. The above issues will be addressed within the following commentary.

Commentary

Principle of the development

79. The principle of the site as the location of waste management and specifically the production of recycled and secondary aggregate from imported waste materials has already been determined through the historical permissions granted, in particular appeal decision APP/Q1770/A/11/2161324 and planning permission 15/00006/CMAS granted in 2012 and 2015

respectively. Both of these allow waste management and ancillary operations to be undertaken on a permanent basis.

80. The application relates to a well-established and authorised waste management facility that contributes to the supply of recycled and secondary aggregates in Hampshire, which accords with the relevant policies of the Hampshire Minerals and Waste Plan (HMWP) (2013).
81. The wider established waste management facility is safeguarded through Policy 26 (Safeguarding – waste infrastructure) of the HMWP (2013), which helps protect strategically important waste management infrastructure against redevelopment and inappropriate encroachment unless the site is no longer required and the merits of any such redevelopment outweigh the safeguarding need.
82. Policy 1 (Sustainable minerals and waste development) of the adopted HMWP (2013) 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 (2019). The development of the site will be supporting economic growth by maintaining a supply of recycled and secondary aggregates required for use in the building industry and in the construction and/or repair of roads and transport infrastructure. Avoiding the need for the extraction of primary aggregates (i.e. virgin sand and gravels) is a significant step in safeguarding natural resources and as such a highly sustainable form of both minerals and waste development.
83. In support of Policy 1 above, Policy 25 (Sustainable waste management) seeks to divert 100% of waste generated from landfill and to maximise the use of existing infrastructure at existing waste sites to co-locate operations that seek to reduce the disposal of waste and increase the use of waste materials as a resource.
84. Policy 17 (Aggregate supply – capacity and source) of the HMWP (2013) states that an adequate and steady supply of aggregates until 2030 will be provided for a variety of sources including land-won, marine won and 1mtpa of recycled and secondary aggregates. This is expected to be augmented through the safeguarding and developing of infrastructure at sites such as the Bunny Lane facility.
85. Hampshire's most recent [Local Aggregates Assessment \(LAA\) 2019](#) indicates that the supply of local sand and gravel is currently at a rate of 1.18 million tonnes per annum (mtpa). This is substantially below the requirement of Policy 17 of 1.56 mtpa. In terms of the landbank, this accounts for 5.81 years (Table 3 of the LAA). For sharp sand and gravel specifically, the local requirement is 6.59 years. This means that currently Hampshire is below the requirement of a minimum seven-year landbank overall for sharp sand and gravel as required by the NPPF (2019) and as a result is not meeting the policy requirements of Policy 17 (Aggregate supply – capacity and source) of

the HMWP (2013). The landbank of sand and gravel resources in Hampshire is therefore below the national required minimum level. The proposed development at the Bunny Lane site helps to contribute towards this requirement, and current shortfall for sand and gravel.

86. Policy 18 (Recycled and secondary aggregates development) of the HMWP (2013) is supportive of the development of sites like that being considered at Bunny Lane to help meet Policy 17's requirement of 1mtpa of recycled and secondary aggregates through the proposed wash plant whilst avoiding the extraction of additional primary aggregates (i.e. virgin sand and gravels).
87. Therefore, the proposal to develop the wash plant and existing infrastructure at Bunny Lane will help to contribute to Hampshire's supply of aggregates by enabling the production of additional volumes of recycled and secondary aggregates at a quicker rate than is currently being undertaken. The proposals would be in accordance with Paragraphs 80 and 83 - 84 of the National Planning Policy Framework (NPPF) (2019) all of which encourage the importance of local business needs, the rural economy and the diversification of this economy.
88. The proposed development is considered to be in accordance with Policies 1 (Sustainable minerals and waste development), 17 (Aggregate supply – capacity and source), 18 (Recycled and secondary aggregates development), 25 (Sustainable waste management) and 26 (Safeguarding – waste infrastructure) of the HMWP (2013) as by installing the wash plant at the site, sands and gravels can be cleaned and separated from the imported waste materials at a quicker rate, thereby contributing to an adequate and steady supply of sand and gravel, and complying with Paragraphs 11 & 12 (Presumption in favour of sustainable development) and 203 - 208 (Facilitating the sustainable use and supply of minerals) of the NPPF (2019).

Visual impact and landscape

89. Policy 5 (Protection of the countryside) of the HMWP (2013) identifies minerals and waste-related development as a development which will be permitted in the countryside 'if it related to the existing land use', 'meets local needs' and/or involves 'the suitable use of previously developed land...and their curtilages or hard standings'. It also indicates that development will be expected to meet highest standards of design, operation and restoration. In addition, Policy 13 (High-quality design of minerals and waste development) of the HMWP (2013) states that minerals and waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and townscape. It also states that the design of appropriate built facilities for minerals and waste development should be of a high-quality and contribute to achieving sustainable development. Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013) protects residents from significant adverse visual impact.

90. Policies E3 (Protect, conserve and enhance landscape character) and E1 (High quality development in the borough) of the TVBLP (2016) both require that development proposals must respect and wherever possible enhance the special characteristics, value or visual amenity of the District's landscapes and that all developments should seek to achieve a high-quality design and positively contribute to the overall appearance of the local area.
91. A proportionate assessment of the impact of the development - the changes to the peripheral bunding and the installation of the wash plant, the latter for a temporary period of 12 months, within the extant operational waste management facility - upon the landscape and visual amenity was undertaken by the applicant. This acknowledged that the ongoing operations as approved in 2012 on a permanent basis through appeal decision APP/Q1770/A/11/2161324 would continue to mitigate any adverse or negligible effect on the local visual and residential amenity.
92. The application's assessment of its impact upon the landscape and visual amenity concluded that: "The changes to the extant activities will not have any substantial adverse effects on either landscape character, or visual receptors." Whilst the County Council's Landscape Officer notes that there will be some visual impacts caused, it is agreed that subject to proposed improvement and enhancement works to site bunding (see **Appendix D**), incorporating appropriate planting and the ongoing management of this planting, would provide acceptable screening of the site from external views. This is particularly important to the west/south-west of the site (as raised by the Parish Council and local residents) as that will be where the wash plant, which in one section stands to a height of 9.2m which is 5-4.m higher than the peripheral bunding, would be situated and used for a 12 month period.
93. As already acknowledged the principle of the location of the site in the countryside has already been determined. The focus here should be on the changes to the peripheral bunding and the installation and use of the proposed wash plant for a period of 12 months.
94. The changes to the peripheral bunding would be undertaken using inert waste/materials already on site, and therefore no new transitory visual impacts created by vehicular movements to and from the site would be created as existing consented vehicular movements would remain unchanged and continue to be controlled by condition.
95. These works would be completed with planting using native trees and shrubs in keeping with that used on the western boundary. Other existing peripheral site bunding - on the western and southern boundaries - would have minor improvement works involving new and additional planting to strengthen current levels of screening. Again, these works would be controlled by conditions, including the replacement of any mitigatory planting should any fail or be harmed following planting and for a period of 5 years thereafter.

96. The stockpiles of imported waste and materials in the northern third of the site do exceed maximum permitted levels as controlled by Condition 11 on appeal decision APP/Q1770/A/11/2161324, which have a 'maximum of 4m above ground level'. In places this exceedance is easily double, and in places slightly higher. In response, the applicant has advised that during the first half of 2020 importation of permitted materials continued but following the impacts of Covid-19 on the building industry demand dropped significantly for recycled products leaving an abnormal amount of material on site requiring storage.
97. This breach of Condition 11 has been raised by objectors as a breach of planning controls. Whilst this is correct, the applicant's proposals to use these materials to undertake both the bund improvement works and be washed within the proposed wash plant and then exported for use as recycled and secondary aggregates within other forms of development works would contribute significantly to removing these abnormal amounts of material. The reduction in stockpile height and improvement works to existing peripheral bunding would alleviate these problems and ensure compliance with Condition 11.
98. Although objections in terms of visual impact primarily from the proposed wash plant have been raised by the Parish Councils and local residents, the combination of distance to the nearest sensitive receptor approximately 450m west from the site's south-western boundary (see **Appendix E**), improvement and enhancement works to the existing peripheral bunding and that the proposed wash plant is a temporary development for a period of 12 months, the proposal's impacts on the local landscape, including users of nearby rights of way, and to visual amenity is considered to be acceptable. **Appendix F** sets out the Landscape Mitigation Scheme and Site Layout.
99. Therefore, the proposed development is in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the adopted HMWP (2013) as well as with Policies E3 (Protect, conserve and enhance landscape character) and E1 (High quality development in the borough) of the TVBLP (2016) as it is a partially time limited permission (for the wash plant element) at an existing and safeguarded permitted waste management facility.

Ecology

100. Policy 3 (Protection of habitats and species) in the adopted HMWP (2013) 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.
101. 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.

102. The County Council's Ecologist initially raised concerns over the applicant's lack of ecological assessment relative to the improvement and enhancement works to the site's peripheral bunding, and the potential for impacts on existing habitats and any protected species' within the vicinity of the proposed works, and to improve the planting within the local landscape.
103. In response to these concerns, the applicant submitted additional information containing proposed seeding that was more 'species-rich' in terms of its quality. Whilst this information did not address all of the County Ecologist's concerns in full, an Ecological Mitigation Strategy to inform the proposed works to the bunding, specifically the underplanting works, would be required by condition and being satisfied and approved in advance of any physical works commencing.
104. Based on the provision and implementation of the ecological mitigation strategy, the proposed development is considered to be in accordance with Policy 3 (Protection of habitats and species) of the adopted HMWP (2013) as well the relevant paragraphs of the NPPF (2019).

Water environment

105. Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the HMWP (2013) both seek to ensure that minerals and waste development protect the water environment ensuring that neither water quality nor quantity (i.e. surface water drainage and flood risk) are impacted unacceptably.
106. The site is situated in Flood Zone 1, which is the lowest risk flood zone with a less than 0.1% chance of flooding in any year. The site is also situated within a groundwater sensitive area being situated within a Groundwater Source Protection Zone 2 and 3, responsible for protecting groundwater used for potable usage.
107. In terms of developmental impacts on surface water, the Lead Local Flood Authority (LLFA) raise no objection to the proposal, noting that the bunds and their location are already approved and despite the proposed changes to them, surface water flows would not be impacted. No concerns were raised by the LLFA in terms of local surface water drainage problems or flooding events. The wider established waste management facility has both approved drainage measures and an approved surface water management scheme (as controlled by Conditions 14 and 16 on appeal decision APP/Q1770/A/11/2161324), which would be retained, and modified if necessary, should planning permission be granted.

108. In terms of developmental impacts on groundwater and its quality, the Environment Agency (EA) advise that further drainage details for the wash plant should be provided in terms of the protection of groundwater quality. The proposed plant seeks to reuse and recycle water within its process, which the EA note will be bunded and situated on an impermeable base. They also note that the wider waste management facility has an EA regulated Environmental Permit, which legally prohibits adverse impacts on groundwater.
109. The wash plant would require the applicant to install a groundwater supply borehole to secure the volumes of water (approximately 50,000 litres per day) required to run it. This would need to be approved and regulated by the Environment Agency not by the County Council. All water used would be recycled and reused at all times. The location of the proposed borehole is dependent on the decision of the EA.
110. Impacts on 2 local private groundwater supply boreholes that abstract from the same aquifer as the proposed wash plant would do would not be unacceptable and adverse in terms of groundwater quality and consumption at those private residences, as confirmed by the Environmental Health Department at Test Valley Borough Council who monitor quality at these private potable supply boreholes.
111. Based on the development's low risk to the water environment and that other regimes are responsible for monitoring and protecting groundwater quality at this site both from its existing and proposed operations, the proposed development is considered to be in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the adopted HMWP (2013), Policies E7 (Water management) and E8 (Pollution) of the of the TVBLP (2016) as well the relevant paragraphs of the NPPF (2019).

Impact on public health, safety and amenity

113. 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.
114. With the exception of complaints concerning the heights of stockpiles exceeding their 4m maximum heights, no substantiated complaints concerning operational impacts from noise, on air quality or through vibration on the locality and local properties have been made.
115. As previously stated, the extant waste management facility is also regulated by the EA and their Environmental Permit that the operator has to adhere to

in terms of permitted waste types, emission control/s and the protection of the water environment to name but a few controls.

116. There are a significant number of conditions on the extant planning approval (appeal decision APP/Q1770/A/11/2161324) that would remain in force, and modified if necessary, should planning approval be granted for these variations to conditions. Conditions include noise level controls, dust management, hours of use, maximum vehicle numbers and maximum annual waste volumes.
117. Whilst noise from on-site emissions has not been substantiated as causing adverse impacts by either the local Environmental Health officer or local residents/users of nearby footpaths, the proposals to increase the height and extent of peripheral bunding on the wider site's northern and north-eastern boundaries is welcomed for what is a permanent waste management facility in a rural setting, and which has bunding and/or mature planting along all of its remaining peripheral bunding.
118. 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](#)) 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.
119. Based on the development's low risk from noise, on air quality or through vibration and that other regimes are also responsible for monitoring and controlling emissions at this site both, from its existing and proposed operations, the proposed development is considered to be in accordance with Policy 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the adopted HMWP (2013), Policy E8 (Pollution) of the of the TVBLP (2016) as well the relevant paragraphs of the NPPF (2019).

Retrospective nature of the wash plant

120. As previously stated, the proposed wash plant was recently installed within the established facility. As it has been undertaken without planning approval, it is classified as unauthorised development. To date, the plant has not been brought into use.
121. Depending on the outcome of all material planning considerations being considered throughout the **Commentary** section of this report, the wash plant could either have planning permission approved, and therefore become authorised development within the wider management facility, or be refused planning permission, and would continue to be unauthorised development.

122. In the event that planning permission is refused, the County Council would then commence discussions with the applicant over the implementation of enforcement action to ensure that the unauthorised wash plant was removed from the waste management facility as promptly as possible.

Community benefits

123. A frequent concern of communities that host waste development is that there are no immediate benefits to 'compensate' for the inconvenience that occurs. In Hampshire there is already a precedent for minerals or waste operators to contribute to local communities' funds. However, this process lies outside of the planning system.
124. Policy 14 (Community Benefits) of the HMWP (2013) encourages negotiated agreements between relevant minerals and waste developers/operators and a community as a source of funding for local benefits. Agreements can be between operators and local bodies such as Parish Councils or resident's associations. Whilst the Waste Planning Authority encourages these agreements, it cannot be party to such agreements and the agreements cannot be considered in decision making.
125. The Waste Planning Authority encourages the applicant to engage with the local community on this issue. This would be encouraged following determination of this planning application, whether positive or negative, as could be linked to the wider, established waste management facility that has permanent planning permission and will continue to operate.

Conclusions

126. The applicant seeks proposed changes to the site is to allow improvements and enhancements to the existing peripheral bund along the site's north-eastern boundary and to temporarily install a wash plant within the site's southern margin to help manage and screen the excess amounts of imported material that presently occupy the site through variations of conditions 2, 9 and 10 of appeal decision APP/Q1770/A/11/2161324.
127. The ability to produce recycled and secondary aggregates at a quicker rate than has happened in 2020 would allow the site to continue to contribute to the Hampshire's mineral landbank, in a sustainable manner. Other work will still be undertaken in conjunction with the site's permitted operations under appeal decision APP/Q1770/A/11/2161324.
128. In addition, the breaches in condition 11 'maximum stockpile heights of 4m' that are currently taking place would also be alleviated through the use of material within the stockpiles to improve and enhance the site's peripheral bunding and the wash plant cleaning waste materials at a quicker rate than has been the case in 2020 to date.

129. The site will continue to operate in accordance with all other planning conditions pursuant to appeal decision APP/Q1770/A/11/2161324.

Recommendation

130. Therefore, it is recommended that permission be GRANTED subject to the conditions in **Appendix A**.

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Layout Plan

Appendix D – Bunding Plans and Sections

Appendix E – Wash Plant Specifications

Appendix F – Drawing 002 'Revised Landscape Mitigation Scheme / Site Layout'

Other documents relating to this application:

<https://planning.hants.gov.uk/SearchResults.aspx?Criteria=bunny%20lane>

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

20/01753/CMAS
TV066

Hampshire County Council

Salvidge Farm, Bunny Lane, Timsbury
SO51 0PG
(Variation of condition 2, 9 and 10 of
Appeal decision reference
APP/Q1770/A/11/2161324 (Planning
Application Reference: 10/02712/CMA) to
reshape and improve the existing
peripheral north eastern landscape bund to
facilitate enhanced screening from wider
views into the site and improve biodiversity
on the site's periphery and to
accommodate a temporary wash plant
operation in the southern section of the
site for a period of twelve months only

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 369C/10 – Location Plan – October 2010
Drawing no. 396C/AP1 – Application Plan – May 2010
Drawing No. 001 – Site Location Plan – July 2020
Drawing No. 002 – Revised Landscape Mitigation Scheme and Site Layout – July 2020
Drawing No. 003 Rev. 1 – Existing and Proposed Bunds (Northern Section) – July 2020
Drawing No. 004 – Cross Section of Wash Plant (Southern Section) – July 2020
Drawing No. 01 Rev 1 – Surface Water Management Plan – December 2020
Drawing no. BL003 – Cross Section Through Proposed Peripheral Bund – October 2010
Drawing no. BL005 – Indicative Cross-Sections A-A' to C-C' – April 2011
Drawing no. BL006 – Indicative Cross-Sections D-D' to F-F' – April 2011
Drawing no. BL007 – Proposed Landscape Planting Scheme – April 2011
Drawing no. Figure 1 – Site Context, Landscape Character and Viewpoint Locations – October 2010
Drawing no. Figure 2 – Viewpoints 1 & 2 – October 2010
Drawing no. Figure 3 – Viewpoints 3 & 4 – October 2010
Drawing no. Figure 4 – Viewpoints 5 & 6 – October 2010
Drawing no. DBLC001 – Viewpoint 5: Existing and indicative proposed view – January 2011
Drawing no. Figure 5 – Viewpoints 7 & 8 – October 2010
Drawing no. Figure 6 – Viewpoints 9 & 10 – October 2010
Drawing no. Figure 7 – Viewpoints 11 & 12 – October 2010
Drawing no. Figure 8 – Viewpoints 13 & 14 – October 2010
Drawing no. Figure 9 – Viewpoints 15 & 16 – October 2010
Drawing no. Figure 10 – Viewpoints 17 & 18 – October 2010
Drawing no. Figure 11 – Viewpoints 19 & 20 – October 2010
Drawing no. Figure 12 – Viewpoints 21 & 22 – October 2010
Drawing no. Figure 13 – Tranquillity Map – October 2010
Drawing no. Figure 14 – Viewpoint 15: Existing and Indicative Proposed View – October 2010
Hampshire County Council Rights of Way Office – Proposed diversion of part of Michelmersh Footpath No.4 – Amended April 2011.

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

2. No works to the existing perimeter bunding hereby permitted shall physically encroach on to the route of the Michelmersh and Timsbury Footpath No.4 as shown on the drawing entitled Hampshire County Council Rights of Way Office – Proposed diversion of part of Michelmersh Footpath No.4 – Amended April 2011.

Reason: To ensure that the routes as well as the use of and the enjoyment of nearby legally public rights of way are protected at all times in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

3. All works hereby permitted to the existing perimeter screening bunds, including lateral extension works to the northern bund at its eastern corner, increases in height and width to the eastern bunding and the installation of the proposed screen adjoining the proposed wash plant, as shown on Drawing No. 002 – Revised Landscape Mitigation Scheme and Site Layout – July 2020 and Drawing No. 003 Rev. 1 – Existing and Proposed Bunds (Northern Section) – July 2020 shall be constructed with uncontaminated and inert material only.

These works must be commenced and undertaken in accordance with the requirements of Conditions 4, 22 and 23 below.

Reason: To prevent harm being caused through unacceptable visual impacts on the locality and those living, visiting and working there in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

4. Not later than one month following the grant of planning permission, the planting scheme approved and implemented under Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012) as depicted on Drawing No. BL002Rev.a – Revised Landscape Mitigation Scheme – Apr 2011 shall be updated and supplemented by Drawing No. 002 – Revised Landscape Mitigation Scheme and Site Layout – July 2020 in Condition 1 above. The updated scheme shall include:

- Native species mix of trees and shrubs that integrate into existing;
- Species that are suitable for winter and immediate planting (November 2020 to February 2021);
- Soils, ground preparation and planting specifications for the proposed species mix; and
- The establishment of a long-term maintenance and management plan.

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 a similar size and species, as approved in advance and in writing by the Waste Planning Authority. The updated planting scheme shall be implemented in full as approved.

Reason: To ensure the protection of the local landscape in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety

and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

5. Notwithstanding the changes approved to the perimeter bunding hereby permitted (under Condition 3 above) all positions, design, materials and types of erected security fencing, gates and modifications to the site's vehicular entrance approved under Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012) shall be retained in full within the development hereby permitted in accordance with the approved scheme (dated 24 June 2013; ref: LL /v1.6).

Reason: To ensure the protection of the local landscape in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

6. Reversing alarms attached to vehicles and mobile plant and machinery operating on the site that are under the control of the operator shall be low-level and non tonal 'white noise' type alarms at all times. Measures shall be taken by the operator to discourage the use on the site by others of vehicles that have 'non-white noise' alarms.

Reason: To ensure the protection of local residents, visitors and those working within the locality in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

7. The development hereby permitted shall continue to be undertaken in accordance with the approved Cole Jarman Noise Compliance Strategy (dated 28 March 2013; ref: 2011/4841/L2-04) requiring that the rating level of noise emitted from the site as determined in accordance with BS4142:1997 shall not exceed 40dB(A) at any existing dwelling on the Casbrook Fields Development and Cranford Farm at any time during permitted site operations as approved in Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012). The approved strategy shall be implemented in full.

Reason: To ensure the protection of local residents, visitors and those working within the locality in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

8. With the exception of the wash plant facility hereby permitted, no plant on the site shall exceed 4m in height above the existing ground level. All machinery loading material/waste onto or off stockpiles, plant and vehicles, shall operate in a manner that ensures it is entirely below the level of the bunds and associated screening vegetation in that part of the site. When not being operated all plant and machinery shall be in a location where it is entirely below the level of the bunds in that part of the site.

Reason: To ensure the protection of the local landscape in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

9. The campaign foam mix and wood shredding shall only take place in the bunded south west corner of the site as shown on approved Drawing No. 002 – Revised Landscape Mitigation Scheme and Site Layout – July 2020. No more than one campaign activity (washing plant, concrete crushing, wood shredding or foam mix) shall take place on the site at the same time.

Reason: To ensure the protection of the local landscape in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

10. Stockpiles of processed and unprocessed materials and waste on the site shall not exceed 4m above existing ground level.

Reason: To ensure the protection of the local landscape in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

11. No heavy commercial vehicles (HCVs) shall enter or leave the site and no plant or machinery shall be operated on the site outside the following times: 07:30-17:30hrs Monday to Friday and 07:30-12:30hrs Saturday, and not at any time on Sundays, recognised Public or Bank Holidays.

Reason: To ensure the protection of local residents, visitors and those working within the locality in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).

12. Any above ground oil/chemical storage tank/container and associated pipe work shall be bunded in a manner so as to retain at least 110% volume of the tank capacity.

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

13. The development hereby permitted shall continue to be undertaken in accordance with the approved operational drainage systems at all times during permitted site operations as approved in Appeal Decision APP/Q1770/A/11/2161324 comprising:

- Drainage Statement (dated 10 April 2014, ref: LL/v1.3;

- Drainage, Hardstanding & Bay Construction Plan (dated July 2006; ref: 396/DRAIN/1; and
- Surface Water Management Plan (dated December 2020; Drawing No. 01 Rev 1).

The approved operational drainage systems shall be implemented in full.

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

14. All site operations within the development hereby permitted shall continue to be managed in accordance with the RFSF Recycling Environmental Management Plan ref: LL/v1.2 dated 15.10.10 pages 1-4 (as amended) and attached Appendix A (pages 5-7) the *Dust Management Scheme* contained within the Environmental Statement as approved in Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012).

Reason: To ensure the protection of local air quality and surrounding land uses in accordance with Policy 10 (Protecting public health, safety and amenity) in the Hampshire Minerals and Waste Plan (2013).

15. All site operations within the development hereby permitted shall continue to be managed in accordance with the RFSF Recycling Environmental Management Plan ref: LL/v1.2 dated 15.10.10 pages 1-4 (as amended) and Appendix B the *Surface Water Management Scheme* contained within the Environmental Statement as approved in Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012).

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

16. The development hereby permitted shall continue to be undertaken in accordance with the approved site lighting scheme (dated 03 April 2013; ref: LL /v1.3) at all times during permitted site operations as approved in Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012). The approved strategy shall be implemented in full.

Reason: To ensure the protection of local residents and the local landscape from unacceptable lighting impacts in accordance with Policies 5 (Protection of the countryside) and 10 (Protecting public health, safety and amenity) in the Hampshire Minerals and Waste Plan (2013).

17. The development hereby permitted shall continue to be undertaken in accordance with the findings of the existing land contamination report (dated April 2013 by Apple Environmental) at all times during permitted site operations as approved in Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012).

In the event that any unsuspected and previously unidentified contamination is found at any time, work shall cease, and it must be reported in writing immediately to the Waste Planning Authority. An investigation and risk assessment must be undertaken to identify what remediation is necessary with a remediation scheme prepared and submitted to the Waste Planning Authority for their written approval. Once the remediation works have been completed, a verification report conforming this shall be provided to the Waste Planning Authority for written approval. Once approved, the scheme shall be implemented in full.

Reason: To protect the health of site workers and local residents and maintain the quality of local ground conditions and the water environment from the effects of contamination in accordance with Policy 10 (Protecting public health, safety and amenity) in the Hampshire Minerals and Waste Plan (2013).

18. All Heavy Commercial Vehicles (HCVs) accessing and egressing the site when loaded with waste or recycled materials shall be fully sheeted to prevent spillage of materials onto the public highway.

Reason: To ensure the protection of local residents and the locality from unacceptable road safety impacts in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) in the Hampshire Minerals and Waste Plan (2013).

19. No vehicle shall exit the site onto the public highway until the vehicle is sufficiently clean to prevent mud or detritus being carried onto and/or deposited on the highway.

Reason: To ensure the protection of local residents and the locality from unacceptable road safety impacts in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) in the Hampshire Minerals and Waste Plan (2013).

20. No more than 150,000 tonnes of waste shall be imported to the site per annum.

Reason: To ensure the protection of local residents and the locality from unacceptable road safety impacts in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) in the Hampshire Minerals and Waste Plan (2013).

21. There shall be no more than 208 (104 in and 104 out) Heavy Commercial Vehicle (HCV) movements per day to and from the site. Records of vehicle movements to and from the site shall be kept and made available for inspection at the request of the Waste Planning Authority. An HCV is defined for the purposes of this permission as a commercial vehicle over 7.5 tonnes unladen weight.

Reason: To ensure the protection of local residents and the locality from unacceptable road safety impacts in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) in the Hampshire Minerals and Waste Plan (2013).

22. Not later than one month following the grant of planning permission but prior to the commencement of works required in accordance with Condition 4 above, all approved herpetological, amphibian (newt), butterfly and bat mitigation approved and implemented under Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012) shall continue to be implemented and maintained throughout the duration of the development in accordance with ecological mitigation proposed within the approved Environmental Statement, including the ECIA report by Jonathon Adey dated June 2010 and the report by Jonathan Cox dated 18 May 2011 but updated to include:
- A strategy to ensure ongoing protection of protected species, including nesting, foraging and roosting habitats;
 - Appropriate planting and ground disturbance works; and
 - The establishment of a long-term protection and management plan.

The updated ecological mitigation scheme shall be implemented in full as approved.

Reason: To ensure the protection of local ecology and biodiversity from unacceptable impacts in accordance with Policies 3 (Protection of habitats and species) and 5 (Protection of the countryside) in the Hampshire Minerals and Waste Plan (2013).

23. No tree or planting works hereby approved shall be undertaken within the bird nesting season which runs from March to September inclusive. If it becomes necessary for work to commence in the nesting season, then a pre-commencement inspection of the vegetation for active bird nests should be carried out by an experienced ecologist. Only if there are no active nests should work be allowed to commence.

Reason: To protect breeding birds and their habitats from unacceptable impacts in accordance with Policies 3 (Protection of habitats and species) and 5 (Protection of the countryside) in the Hampshire Minerals and Waste Plan (2013).

24. The wash plant hereby permitted shall cease operations within 12 months of its first use. Confirmation of the date of this first use shall be provided in writing to the Waste Planning Authority not later than seven working days afterward. The wash plant shall be removed from site not later than 2 months following cessation of operations and the land restored to its former condition or to a condition as agreed to in writing by the Waste Planning Authority.

Reason: To ensure that a time-limited development maintains the protection of local residents and the locality from unacceptable amenity impacts in accordance with Policies 5 (Protection of the countryside) and 10 (Protecting public health, safety and amenity)) in the Hampshire Minerals and Waste Plan (2013).

Note to Applicants

1. In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (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.