

# HAMPSHIRE COUNTY COUNCIL

## Information Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	17 March 2021
<b>Title:</b>	Monitoring and Enforcement Update
<b>Report From:</b>	Director of Economy, Transport and Environment

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### Purpose of this Report

1. The purpose of this report is to provide information to the Regulatory Committee on the Monitoring and Enforcement work undertaken by Strategic Planning during the period January 2021 – March 2021.

### Recommendation

2. That the contents of this report are noted.

### Executive Summary

3. The Covid-19 pandemic had a major impact on the work of the Monitoring & Enforcement team over the past year, with no routine site visits being possible until August and the re-introduction of further lockdown measures. Although the previous levels of regular monitoring are still not possible, Officers have been able to undertake the highest priority visits and actively investigating any complaints received, as well as working with other Authorities and Agencies.
4. The report details the number of complaints on authorised and unauthorised sites, and the outcome of negotiations, including, when necessary, enforcement action undertaken.
5. The report also details development control work dealing with the relaxation of planning conditions due to recent Covid-19 Government advice, Planning Condition (Article 27) applications and Non-Material Amendments.

### Complaints

6. The majority of the complaints received during the period January 2021 – March 2021 refer to unauthorised development (5 sites) and breaches of operational planning conditions on existing mineral and waste sites (6 sites). The majority of the complaints have related to 2 existing sites that are already the subject of planning applications and have been escalated to the formal complaints procedure to the Chief Executive. These shall be detailed separately. Investigation and negotiation have followed on the remaining sites with 2 planning applications being prepared. Investigations are still ongoing at

3 sites. The remainder have been resolved or were enquiries made about general site operations, fly-tipping, odour and waste related development that were dealt with in-house or referred to either the Environment Agency (EA) or Local Planning Authorities as non-County matters.

### Bunny Lane

7. – Following refusal of the recent application for the installation of the washing plant ([planning application 20/01753/CMAS](#)), a formal complaint was made to the Chief Executive regarding the failure to secure removal of the washing plant or enforce other conditions on stockpile heights, working hours and surface water drainage.
8. The County Council has now fully conducted its investigation in response to the complaint against Economy Transport and Environment under the Corporate Complaints procedure. It found that Officers have been operating in accordance with National Guidance and our own Enforcement Plan to move the operator to compliance with the planning conditions before resorting to formal enforcement action and that the response to the breaches of planning control has been appropriate and proportionate. As a result, the complaint was not upheld.
9. The National Planning Policy Framework (2019) states that the use of enforcement powers is discretionary, and local planning authorities should act proportionately. If the operator is willing to work with us within the planning process or by agreed remedial action/works, then enforcement action should be a last resort. In this particular case, the planning application was refused on 21 December 2020. The applicant has until 21 June 2021 to appeal against this refusal of the permission. However, they have instead decided to re-submit their application to try and address the reasons for the original refusal. This was submitted on 16 February 2021 ([planning application HCC/2021/0101](#)). This new application will be considered on its merits and will be reported to a future meeting of the Council's Regulatory Committee. In the event that this application is refused, the refusal would be accompanied by a recommendation to instigate enforcement action requiring the removal of the plant.
10. The submission of a revised planning application greatly restricts the scope for the County Council to take any enforcement action unless there is serious, demonstrable harm (such as dealing with hazardous waste or tipping in a SSSI). The serving of an Enforcement Notice is an option; however, this can be appealed, and any appeal would be held in abeyance whilst the application was considered so this would not move the matter forward – unfortunately, the wash plant would still be there. In the meantime, the site is being visited, unannounced, on at least a weekly basis and the operator is being challenged on all the issues raised.
11. It is known that they have continued to complete construction and the commissioning of the washing plant despite planning permission being refused. In response to a request for information on the commissioning activities, the operator has explained that the commissioning requires overseas technicians. These technicians are already in the country and COVID travel restrictions make it uncertain when they could return if they left now. The commissioning has involved use of a generator and some limited operation of the plant. This has resulted in relatively small quantities of washed material being produced. The operator has informed us they expect

commissioning to be finished by the end of February, after which point they have been informed they should not operate the plant for any purpose.

12. Officers have been to site to assess the stockpile height and a subsequent survey of the stockpiles has been undertaken to ascertain the exact situation. Once we have the results of the survey, we will consider whether it is expedient to serve a Breach of Condition Notice to require a reduction in the height within a set timescale. Regardless of the enforcement mechanism, we will require a programme of works from the operator to address the situation within a specified number of months.
13. Information was provided highlighting the issue with non compliance with the HGV operating hours as set out in condition 12 of the appeal decision. We had not received any complaints about this matter previously. The operator contends that the condition should not apply to empty vehicles entering or leaving the site. We do not agree and, consequently, they have applied to vary this condition ([planning application 21/00298/CMAS](#)). Again, we will consider this application on its merits and, again, whilst the application is being processed, any enforcement action on this issue will be held in abeyance.
14. Complaints have been received in relation to surface water management at the site. The approved Surface Water Management Schemes for the southern area states the northern area is reliant on infiltration/percolation through the hardcore surface, an approach that has been followed since the 2012 appeal decision. The operator has taken steps to try and address the situation including settlement pools and silt fences to contain surface water debris. They have also been hand picking debris from the areas outside the gate that are accessible from the public footpath. The operator is working with the Environment Agency (EA) regarding surface water issues and have a consultant drawing up new measures to handle surface water drainage. We expect a plan to be submitted for implementation by the summer. When received, we will consider whether the proposed new measures are covered by the existing scheme or whether another application is needed. In terms of the surface water washing waste material off site, this is more a matter for the EA under the Permit. We are liaising with the EA on this matter.

### Calf Lane

15. Following the submission of an application for retrospective variation of planning permission for the use of a picking station in association with the recycling operation allowed by way of a Certificate of Lawful Use ([planning application 20/02979/HCC](#)), a formal complaint was made concerning failure to correctly process the application, to enforce the conditions detailed in the original Certificate of Lawful Use and to inform the Regulatory Committee in the Monitoring and Enforcement Update of the complaints pertaining to Calf Lane Quarry.
16. Again, the County Council has fully investigated and found that Officers have been operating in accordance with National guidance and the relevant policies and guidance in relation to the processing of the planning application and its monitoring and enforcement duties.
17. The County Council has fully complied with the statutory requirements for the handling of this application as set out in the [Town and Country Planning](#)

[\(Development Management Procedure\) \(England\) Order 2015](#) and the adopted [Hampshire Statement of Community Involvement](#) (SCI). Under the regulations an application of this sort must be publicised by either putting up a site notice in at least one place on or near the land to which the application relates for not less than 21 days or by serving the notice on any adjoining owner or occupier. There is no requirement to notify residents who are not adjoining owner or occupiers.

18. However, under the SCI, the Council has committed to being as open and transparent as possible, and, as such, all applications are publicised by site notice, by advertisement in the local press and by notifying residents within 50 metres (m) of the site. In certain circumstances this is increased to all residents within 100m. In this case, the nearest house is approx. 250m away with the remainder about 300 – 350m away.
19. Given that the main issue here is the noise and amenity impact, it was subsequently decided that the nearest residents to the quarry and the access road would be notified by letter. In view of this, it was also agreed to extend the consultation period for residents allowing the normal, full period for making any comment.
20. The County Council therefore followed and, in fact, exceeded the requirements for the dealing with planning applications as set out in national regulations.
21. A Certificate of Lawful Use (CLU) is not the same as a planning permission, where permission is granted subject to the conditions listed in the decision. A CLU is merely a statement of the activity taking place at a site at a particular date and which has been legally shown to have been taking place for at least 10 years. There are no enforceable planning conditions attached to a CLU. Action can only be taken if there is a material change to the use of the site (and case law has decided that an increase in lorry numbers or a change in waste streams is not material). Thus, we were able to require the submission of a planning application for the installation of the picking station (which they now are looking to retrospectively vary). The County Council has therefore done all that the law allows in trying to control activities at the site.
22. A Monitoring & Enforcement Update is taken to Committee every 3 or 4 months, depending on the agenda. The complaints about Calf Lane were included in the figures for the number of complaints received in the previous 3 month period and in the figures for the number of planning applications that were to be submitted to try and resolve these issues. Specific sites are not highlighted until enforcement action is taken or deemed necessary. The complaints history of a site will be included as part of the Committee Report for any application when it goes to Regulatory Committee.

### **Enforcement Actions**

23. In the period to March 2021, there were no notices served, with all matters either addressed through the planning system or remedied through negotiation.
24. The following provides an update on the latest Notice and enforcement activities previously reported to the committee.

*Table 1: Update on enforcement activities*

Site	Update
Waterbrook Industrial Estate, Alton	<p>Following repeated complaints about operations on site and working outside of permitted hours, which were categorically denied by the operator, it was decided to serve a Planning Contravention Notice (PCN) to ascertain the levels of lorry movements and measures to check all lorries are sheeted and the hours of operation, when the gates are opened and by whom and when plant and machinery actually commence work. There were also questions about working hours on the date of a specific complaint. The PCN was served on 19 June 2020 and the Operator responded fully on 30 June 2020. The information provided was not conclusive and suggested that the issues were related to the adjacent Aggregate Batching Plant rather than the site itself.</p> <p>The site was subject to a planning application (<a href="#">51471/007</a>) to allow for restricted night-time activities including importation of road planings with a resolution to approve subject to a Legal Agreement on lorry routing. A Liaison Panel is in the process of being set up for the site to encourage greater interaction between the operator and local residents. The Legal Agreement has now been signed and so the planning permission issued.</p>
Carousel Dairy (Basingstoke AD Plant), Manor Farm, Farleigh Wallop, Basingstoke	<p>Following complaints and further investigation it was determined that there were breaches of the conditions setting out the hours that lorries could access the site. A Breach of Condition Notice (BCN) was served to cease the activity and prevent future breaches. A Planning application was subsequently submitted (<a href="#">16/00322/CMA</a>) to address the issue and clarify the permitted times and vehicle numbers. This was approved by the committee in July 2016 with an increase in vehicle movements permitted for an initial trial period of one year. A further application to make the vehicle increases permanent was considered at the September 2017 meeting of the Committee when it was resolved to grant permission for another 1 year period to allow for further monitoring (<a href="#">17/01876/CMA</a>). Proactive site management and regular Liaison Panel meetings improved the situation and monitoring of the traffic movements continued using the vehicle number plate recognition system. An application to make the vehicle increases permanent, with other negotiated changes to conditions, was approved at the February 2019 Committee meeting (<a href="#">18/03001/CMA</a>).</p> <p>The ANPR cameras have been retained and access to the database for monitoring HGV movements secured so that any issues in the future can be investigated. There have been no subsequent complaints about</p>

	<p>HGVs to and from the site and amendments to the Traffic Management Plan, including some changes to road signage, have been agreed by the company and members of the Liaison Panel.</p> <p>There had been issues of odour nuisance to the nearest properties, which were reported to the Environment Agency with increasing frequency since Summer 2019. A new biofilter was installed, but, as there had been no discernible improvement in the situation, the Environment Agency issued an Enforcement Notice requiring measures to be undertaken to improve the odour control process. This led to a number of changes to processes and installation of new equipment, including an application to amend the location and configuration of a previously approved building to contain the screening equipment. The EA were satisfied that their Notice had been complied with and the works commenced. Works have now been completed, and the latest results appear to indicate that the problem has largely been addressed. The County has not been made aware of any subsequent issues. Monitoring is still ongoing with regular liaison between the Plant's management and local residents through a liaison panel.</p>
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25. Further information on the full suite of enforcement powers available to the County Council as Minerals and Waste Planning Authority (including powers to service PCNs, BCNs and ENs) are included in the County's [Enforcement and Site Monitoring Plan](#).
26. The following table provides information on the joint enforcement activities which have been undertaken with the Environment Agency, the Police and District Planning Authorities.

*Table 2: Update on joint enforcement activities with the Environment Agency, the Police and District Planning Authorities*

<b>Site</b>	<b>Joint working with</b>	<b>Update</b>
Whitehouse Field, Goodworth Clatford	Test Valley Borough Council, Environment Agency, HCC Highways	In late 1990s, planning permission was granted by Test Valley Borough Council (TVBC) for construction of an extension to the existing golf course. This involved the importation and tipping of inert materials as an engineering operation. This work continued for approximately 10 years until the then operator left the site in 2010 and TVBC considered the development completed. Several years later the operator of Homestead Farm bought the land. He claimed that surveys of the site had shown that the development had not been fully

		<p>completed and stated his intention to restart work. His argument was that the levels survey agreed under the permission is so vague and contradictory that there is potentially up to 6 metres of fill required (approx. 450 000 tonnes of material).</p> <p>The authorities did not accept that this is authorised and have liaised closely to ensure that if and when work does start the appropriate enforcement action can be taken. Following legal advice from Counsel, TVBC decided to enforce against any work as a breach of the original permission, with the EA looking to prosecute for tipping without a Permit. HCC Highways were also involved as part of the site access is highway land historically used by locals as a small car park, and the landowner had been fencing and blocking it off. HCC Highways have therefore taken legal action to secure clearance of the fences and blockades and maintain access.</p> <p>TVBC served Enforcement Notices against preparatory works on site and the variation of the restoration plans showing increased levels, which was the subject of an Appeal Inquiry on 26 – 28 November. A Decision was issued on 13 January 2020. The Decision dismissed the Appeal against the change in levels, although it did allow the Appeal against the preparatory works, and costs were awarded to TVBC. The landowner is now seeking a Permit from the EA to allow the completion of the golf course as originally approved and has Appealed to the Planning Inspectorate over the non-determination of the application.</p>
Selborne Brickworks	Natural England and Police's Wildlife Crime Team	<p>Reports of digging holes and burying waste adjacent to settlement ponds on the Brickworks site. Investigation found no evidence of tipping or of removal of clay off site so this was not a County Planning matter. However, this area is a known habitat of Great Crested Newts (GCN), a protected species. The landowner was prosecuted in the past for similar destruction so knows he cannot undertake such works without approval of</p>

		<p>Natural England (NE). The Police and NE started a prosecution, in which the Enforcement Officer was involved as a witness, and the landowner pleaded guilty and was fined £1200 with a further £205 costs.</p> <p>In March 2019, further reports were received of material being imported to the land. A site inspection discovered that the landowner had commenced the infilling of the former settlement ponds associated with the Brickworks. In planning terms this would be acceptable, however, the ponds are now registered as GCN habitat, so Wildlife Protection legislation supersedes Planning legislation. Consequently, the matter has again been reported to the Police and (NE) for further investigation. Subsequent complaints about work on part of the land within South Downs National Park, have been added to the case being brought by the Police as the work is within the wider area covered by potential GCN habitat.</p> <p>The landowner passed away earlier in the year so the case has now been dropped and the former Brickworks and adjacent farm is now up for sale.</p>
Shedfield Equestrian Centre	Winchester City Council, Environment Agency	<p>Shedfield Equestrian Centre has been the subject of numerous complaints and concern from local councillors over the past few months. This site has multiple uses and, as such, involves both the City Council and the County Council, as well as the Environment Agency. The main source of complaints are the number of HGVs, car transporters, etc visiting the site, burning, importation of waste materials, working hours and unauthorised mobile homes/residential uses. The situation is complicated by the fact that many of the uses on site are permitted.</p> <p>The County Council are involved as part of the site has a Certificate of Lawful Use (CLU) for inert waste recycling, which was won on Appeal against an Enforcement Notice served by HCC in 2013. Unfortunately, the nature of CLUs is that they do not impose any</p>



		<p>enforceable conditions on the operation, so we have no control over number of HGVs visiting, the hours of operation or height of stockpiles. The only control is that there is a red lined plan limiting where the activity can take place. However, it turns out that the operator/landowner has been screening material on a piece of land to the rear of the Equestrian Centre (which happens to be the former Raglington Farm landfill site; filled in the early 2000s and bought by the family a few years ago). They have also tipped material along the treeline forming a bank approx. 1 - 2 m. high. In addition, they have allowed another company to start a small waste transfer activity in another (unauthorised) unit at the back of the business park. All of these activities are unauthorised and have been addressed by remedial work and by the submission of planning application to regularise the recapping of the former landfill site. The operation of the small waste transfer station is currently subject of a Permit application to the EA and will require a planning application.</p>
<p>Lowhill Farm, Colden Common</p>	<p>Winchester City Council (WCC), Environment Agency</p>	<p>Development associated with Shedfield Equestrian Centre. Material processed at the Recycling Facility permitted by the Certificate of Lawful Use has been imported to Lowhill Farm and spread on the land. The central questions are whether the development is permitted development and, as such, a matter for WCC and whether the material used is waste. WCC have been asked to provide information as to the work agreed as permitted development and any subsequent measurements taken so that the County can take a view as to the status of the work. The Facility at Shedfield is able to produce a product under the WRAP Protocol that can be designated as 'not waste' by the Environment Agency subject to the proper testing. Information has been provided by the operator to satisfy the EA's requirements and this is being analysed. Should the material not be waste, then the development would have</p>

		to be considered as an engineering operation by WCC.
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## Site Monitoring

### Chargeable sites

27. Under the [Town and Country Planning \(Fees for Applications and deemed applications\) \(Amendment\) \(England\) Regulations 2006](#), as amended, the County Council is able to charge fees for the monitoring of quarries and landfill sites in the County. Fees are charged for a set number of monitoring visits, the number of visits being dependent on the stage of operations at each site; whether operational, in aftercare or inactive. The number of visits is agreed with each operator and is in line with an assessment of each site made by the County Council. The latest charges were set out in [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017](#). Active sites are charged at £397 per visit for between four and eight visits per year. Sites in aftercare are charged at £397 for one visit per year. Inactive sites are charged £132 for one annual visit.
28. There are now 25 active sites, 12 in aftercare and 5 dormant sites liable for chargeable visits.
29. This work has been prioritised despite Covid-19 restrictions, however, all inspections will have been completed for the 4th quarter, bringing in approx. £10,500.

### Non-chargeable sites

30. These include waste processing sites, wastewater and treatment works and metal recyclers. These vary from the large Energy Recovery Facilities (ERF) and Materials Recovery Facilities (MRF) to the smaller scale recycling and transfer facilities and updating existing wastewater treatment works. The larger developments attract much attention in their locality and require regular monitoring to ensure that the local amenity is not impacted, whereas the smaller, built developments require monitoring during construction and implementation, but once up and running need less regular attention and these sites only get further visits should complaints be received. Matrix working arrangements have been made with Waste & Resource Management that their officers undertaking visits to waste sites operating under the County's waste contract also look at planning issues to provide greater coverage. Under the current restrictions, routine monitoring has been limited, concentrating on sites with issues or causing complaints. Monitoring of waste sites covered by the County's waste contract has also resumed, albeit on a reduced basis, as these sites have remained open during the pandemic as one of the essential sectors listed by Government.

## Liaison Panels

31. During the past year Liaison Panel meetings have been held as virtual meetings to keep these avenues of communication open. Virtual Liaison Panel meetings have been held for Forest Lodge Home Farm Quarry, Hythe;

Kingsley Quarry, nr Bordon, Frithend Quarry, nr Bordon, Little Bushywarren Composting Facility, nr Basingstoke and Roke Manor Quarry, Nr Romsey.

32. Discussions are ongoing about setting up the Waterbrook Recycling Facility, but the operator would like the first meeting to be on site to give attendees an appreciation of site activities. This will therefore wait Covid restrictions are lifted.

## **Development Management**

### **Relaxation of Planning Conditions due to Covid-19:**

33. 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.

### *Minerals and Waste Sites*

34. The Government stated that the waste sector is safeguarded to continue to provide waste removal services from domestic and other protected sectors. The Government's response to the pandemic may consequently require changes to the way existing minerals and waste sites operate. Often such sites have planning permissions which include conditions which restrict and/or control working. These may include hours of working and height of stockpiles for example. In some instances, sites may need more flexibility to manage their activities during this unprecedented period.
35. 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.
36. Strategic Planning have had numerous enquiries as to our view to relaxing planning conditions during this period, but to this point have received 4 formal requests for such relaxations, which have been addressed through the procedures put in place by the Protocol. A Report is produced in response to each request made. This outlines the history of the site, the conditions effected and the reasons for the request, as well as consideration of the impacts of any change and the provisions for any relaxation. This report is signed off by the Head of Strategic Planning under delegated powers. Local Members are informed on the relaxation.
  1. A303 IBA Facility – temporary emergency use of adjacent land (formerly subject of the 'Wheelabrator EfW' proposal) for storage of excess IBA. 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 ourselves 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.

Although only about a half of the capacity for storage was utilised, the market for IBAA in construction projects has still not recovered and the need for the emergency storage remains. A further temporary extension was therefore agreed until 31 March 2021 by the Council and the EA. This agreement was subject to the previous conditions and also on the recognition that there would be no future temporary extension of time. Should any further extension be necessary then a full planning application would be required so that the issue can be formally considered.

The operator has now submitted a planning application for permission to construct the needed concrete surfacing and drainage systems to allow the longer-term use of the land for storage of IBAA.

2. Warren Heath Secondary Aggregate Recycling Facility, Eversley - relaxation of conditions 15 (Restriction of number of lorry movements) of planning permission (13/00755/CMA) which restricts the number of lorry movements to the site to 42 per day until the public bridleway (Eversley 11) has been permanently diverted. After this, the number of movements can increase to 136 per day. Despite agreeing the alignment, design and construction of the Bridleway diversion with the County Council, the formal process for registering the diversion has been referred to the Planning Inspectorate. This has been further delayed due to a request for a Public Inquiry by an interested third party and delays due to Covid-19. The request, which would not have been necessary had the formal diversion process been able to have been finalised, is partly due to the increase in activity since the onset of the Covid-19 pandemic whereby local independents and self-employed building contractors are using the facility for building materials within Hampshire. Additionally, a substantial quantity of material is required to complete construction of the bunds around the perimeter of the site. The operator anticipates that these movements and tonnage levels will only increase as time progresses as they have been one of the few recycling and aggregates suppliers to remain open during the pandemic. The operator has also suggested submission of an application to vary the condition if the bridleway diversion has not been sorted out by the end of the year. The relaxation was therefore agreed until 31 December 2020 subject to notification of the Parish Council. The current position is under review in line of the continuing bridleway diversion Appeal.
3. Downton Manor Farm, Milford on Sea – relaxation of condition 5 (number of HGV movements) of planning permission 17/11392. Due to business demand after lockdown the operator is struggling to get material in and out of Downton due to the restrictions on lorry movements. They have requested to increase the number of allowed movements on a temporary basis to 75 movements in & out

for 12 months. The current condition limit is 50 movements in and out. In line with the other arrangements, and subject to provisions on notifying the Parish Council and a 4 month review, a relaxation has been agreed for 6 months.

4. A303 IBA Facility, Longparish - variation to conditions 2 (Working Hours). The request was that the site be allowed to operate 24 hours a day Monday to Friday and up to 14.00 hours on Saturdays until the end of March 2021. This request was made at the beginning of the year to provide contingency should the rapidly spreading new Covid variant result in staffing problems for the site. The increased hours would allow for the processing of as much IBA as possible at an early stage to increase storage capacity should staffing issues affect capacity in the upcoming months. No change to the hours for HGV movements was requested. Subject to the operator informing the local Liaison Panel about the relaxation and to review of any relaxation should complaints be received, it was agreed that condition 2 (Working Hours) be varied as requested.

37. The relaxation of conditions, if agreed, does not impact the authority's ability to use its enforcement powers.

#### *Regulation 3 Site*

38. The Governments published Our Plan to Rebuild: the UK Government's COVID-19 recovery strategy on 11 May 2020 which made it clear that construction work could be re-established across England providing sites are able to operate safely in line with the new COVID-19 Secure guidelines. In doing so, the Government recognised that the construction industry needs to be able to adapt its normal practices. As part of this, temporary extensions to working hours may be required on some sites to facilitate safe working and allow tasks to be completed where social distancing can be challenging. It acknowledged that longer working hours may be needed on construction sites. A subsequent Written Ministerial Statement on construction (dated 13 May 2020) made it clear that, with immediate effect, Local Planning Authorities should take a swift and positive approach to requests from developers and site operators for greater flexibility around construction site working hours. This is to ensure that, where appropriate, planning conditions are not a barrier to allowing developers the flexibility necessary to facilitate the safe operation of construction sites during the response to the COVID-19 pandemic and to proceed at pace with work otherwise delayed as a result of COVID-19. The statement sets out the following:

- Where only a short term or modest increase to working hours is required, local planning authorities should, having regard to the reason for the condition and to their legal obligations, not seek to undertake enforcement action;
- Where developers require longer term or more significant changes to working hours, they should apply to the local planning authority to temporarily amend a condition or a construction management plan in the usual way;
- Any temporary relaxation of working hours should be proportionate and should not involve working on Sundays or recognised Public Holidays;

- Local Authorities should not refuse requests to extend working hours until 9pm, Monday to Saturday without very compelling reasons for rejection;
  - In all cases, sympathetic site management should be demonstrated to mitigate local impacts and local authorities should show best endeavours to facilitate such requests;
  - Applications should only be refused by the Local Authority where there are very compelling reasons such as significant impact on neighbouring businesses or uses which are particularly sensitive to noise, dust or vibration, which cannot be overcome through other mitigation, or where impacts on densely populated areas would be unreasonable; and
  - Any temporary changes to construction working hours conditions granted by local planning authorities should not extend beyond 13 May 2021.
39. In response to this, a Protocol was prepared setting out arrangements to agree temporary relaxation conditions relating to hours of working for Regulation 3 sites.
40. To date, one request has been received for the relaxation of hours of working conditions at Chineham Park Primary School, Shakespeare Road, Basingstoke RG24 9BP (Austen Academy) and this work has already been completed.

#### **Planning Condition (Article 27) applications:**

41. Where conditions of new permissions require details to be submitted and approved for the proper implementation and control of the development, Article 27 applications are required. Under the [Town and Country Planning \(Fees for Applications and Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012](#), a fee per submission is required for the discharge of any details submitted. This is now £116 per submission.
42. During the period, Article 27 applications were received and approved or are being determined for 6 sites, totalling £696.
43. As detailed previously, following adoption of the Protocol for Dealing with Breaches in Planning Control relating to Development Undertaken by the County Council under Regulation 3 of the [Town and Country Planning General Regulations 1992](#), enforcement updates now also include information on Article 27 applications for County Council developments and any breaches of planning control.

#### **Non-Material Amendments (NMAs):**

44. Non-Material Amendments (NMAs) are minor changes to the operation of authorised sites that can be agreed by an application for non-material amendment if the change has no substantial impact on the local amenity. Such an application requires a fee but does not involve general consultation and determination by Committee.
45. Over the period two NMA applications were determined: -
- (a) Grange County Junior School, Franklin Road, Gosport - The proposed changes are as follows:

1. The main entrance lobby has been reduced in area.

See Drawing - P11364-HCC-00-DR-A-2005-P1 Proposed Floor Plan

2. The canopy proposal length on the Eastern elevation has been reduced.

See Drawings - P11364-HCC-00-DR-A-3005-P1 Existing and Proposed East Elevations

- (b) Little Bushywarren Compost Site, Bushywarren Lane, Ellisfield RG25 2NS  
- Amendment of an approved plan to show the relocation of a fire tank, tool shed and oil store from Phase 1 to Phase 2 on site.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	Yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	Yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	Yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	Yes

**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

None