

HAMPSHIRE COUNTY COUNCIL
Decision Report

Decision Maker:	Regulatory Committee
Date:	16 June 2021
Title:	Variation of condition 12 (hours of operations and staff working hours) of appeal decision reference APP/Q1770/A/11/2161324 (Planning Application Reference: 10/02712/CMA) (retrospective) at Salvidge Farm, Bunny Lane, Timsbury SO51 0PG (No. 21/00298/CMAS) (Site Ref: TV066)
Report From:	Head of Strategic Planning

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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 condition 12 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 behind the proposed retrospective change to the site's permitted hours are to regularise the applicant's non-compliance with condition 12 of Appeal decision reference [APP/Q1770/A/11/2161324](#)).
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.
6. A separate planning application ([21/00588/CMAS](#)) is currently being considered by the Waste Planning Authority for the 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. This is a revised

application following the Regulatory Committee's refusal of planning application [20/01753/CMAS](#) in December 2020. This will be considered by the Regulatory Committee in due course.

7. The site is an existing waste management facility which is safeguarded by Policy 26 (Safeguarding - waste infrastructure) of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#). It contributes towards an adequate and steady supply of aggregates for Hampshire and surrounding areas.
8. The only statutory consultees to object to this proposal are Michelmersh & Timsbury and Braishfield Parish Councils. 4 representations were received from members of the public.
9. The Regulatory Committee did not visit the site but a separate visit/virtual visit will be arranged for planning application [21/00588/CMAS](#) as officers consider that the nature of this other proposal requires a visit. This will take place in due course.
10. The key issues raised are:
 - lack of justification;
 - noise impacts;
 - impacts on road safety;
 - the retrospective nature of the application; and
 - the part retrospective nature of the application.
11. 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;
 - not cause unacceptable adverse public health and safety or unacceptable adverse amenity impacts; and
 - not cause unacceptable impacts to existing local road safety.
12. Therefore, it is recommended that permission be GRANTED subject to the conditions in **Appendix A**.

The Site

13. The entire site occupies an area of approximately 6.2 hectares of land. The Location Plan (see **Appendix B – Committee Plan**) 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.
14. The site can be subdivided into three distinct areas (see **Appendix C – Approved Layout Plan**). 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 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.

15. 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.
16. 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 site's 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.
17. 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.
18. '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.
19. Timsbury Lake, occupied by Warsash 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).
20. 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).

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

Planning History

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

Application no.	Proposal	Decision	Date
21/00588/CMAS	Revised Application - 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	Under consideration	N/A
20/01753/CMAS	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	Refused	21/12/2020
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/Q1770/A/11/2161324	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

23. 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.
24. 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).

25. 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.
26. Planning application [20/01753/CMAS](#) was refused planning permission by Regulatory Committee in December 2020. It sought to vary three conditions (Nos 2, 9 and 10) on Appeal Decision [APP/Q1770/A/11/2161324](#).
27. A revised application ([21/00588/CMAS](#)) is currently under consideration and will be reported to Regulatory Committee in due course.

The Proposal

28. Planning permission is sought for the variation of condition 12 on Appeal decision reference [APP/Q1770/A/11/2161324](#).
29. Condition 12 presently reads:

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).

30. In early 2021, the Waste Planning Authority began receiving allegations that the applicant was not complying with Condition 12's approved hours of HCV movements, specifically HCVs were entering and exiting the site prior to 07:30 on weekdays, between 06:30 and 07:30am.
31. Following investigations by the Waste Planning Authority, that supported those allegations, the applicant was invited to either cease these unauthorised HCV movements or submit a planning application to regularise them. An application was duly submitted and was registered valid in late January 2021.
32. The applicant advises that the earlier and later arrivals and departures of HCVs have been operating for some considerable time and always in full accordance with the permitted daily numbers of HCVs (104 HCVs or 208 two way movements per day) as controlled under Condition 22 on Appeal Decision [APP/Q1770/A/11/2161324](#).

33. According to the applicant, the justification behind the requirement for the earlier and later arrivals and departures of HCVs is that restrictions to these movements were not imposed on an older permission at the site, ref: 09/00450/CMAS, which only sought to control on-site operations to 07:30-17:30 hrs Monday to Friday and 07:30-12:30 hrs Saturday. This time-limited permission has now lapsed. It predates Appeal Decision [APP/Q1770/A/11/2161324](#) and Condition 12.
34. Furthermore, the applicant advises that these HCV movements have been taking place for fifteen years and until recently without any complaints from third parties or from either the Environmental Health Department at Test Valley Borough Council or the Local Highway Authority.
35. As a result of the above changes sought, the applicant proposed that Condition 12 be varied (in *italics*) upon submission of the application to read:

Unless otherwise agreed in writing by the Waste Planning Authority or required by the emergency services, no vehicles shall enter or leave the site other than between the hours of 06:30 and 19:00 Mondays to Fridays, and 07:00 and 14:00 Saturdays, and no on-site waste operational movements shall take place except between the hours of 07:30 and 17:30 Monday to Friday and 07:30 - 12:30 on Saturdays. There shall be no working on Sundays and Bank Holidays.

36. In proposing the above condition, the applicant advises that this is a draft condition and that they are willing to discuss alternatives and amendments with the Waste Planning Authority and other interested parties. Further discussions on the wording of this proposed condition are discussed in the commentary section of this report.
37. Whilst changes to the approved hours of entry to and exit from the site by HCVs are sought, the hours of use for all waste management-related operations, including the use of plant, vehicles, machinery and equipment, would remain at 07:30 - 17:30 Monday to Friday and 07:30 -12:30 on Saturdays only.
38. No changes to the approved maximum number of HCV two-way movements generated by the site on any one day (208 - 104 in and 104 out) are proposed.
39. No changes to the annual permitted amount of waste materials imported to the site, which is 150,000 tonnes, are proposed.
40. 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.

41. 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 02 March 2021.

Development Plan & Guidance

42. Paragraph 47 of the [National Planning Policy Framework \(2019\)](#) (NPPF) requires that 'applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'. Therefore, consideration of the relevant plans and policies and whether the proposal is in accordance with these is of relevance to decision making.
43. The following plans and associated policies are considered to be relevant to the proposal:

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

44. 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](#)

45. Elements of National Planning Practice Guidance NPPG (Live) are also relevant, those being:
- air quality (1 November 2019);
 - climate change (15 March 2019);
 - noise (22 July 2019);
 - planning obligations (1 September 2019); and
 - use of planning conditions (23 July 2019).

National Planning Policy for Waste (2014) (NPPW)

46. 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)

47. 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

48. The following key policies are relevant to the proposal:
- Policy 1 (Sustainable minerals and waste development);
 - Policy 2 (Climate change);
 - Policy 5 (Protection of the countryside);
 - Policy 10 (Protecting public health, safety and amenity);
 - Policy 12 (Managing traffic);
 - Policy 13 (High-quality design of minerals and waste development);
 - Policy 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)

49. 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);
 - Policy LHW4 (Amenity), and
 - Policy T1: (Managing Movement).

Michelmersh & Timsbury Village Design Statement (2001)

50. 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.
51. 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.

Consultations

52. **County Councillor Perry (prior to 07 May 2021):** Concerns raised over the impact from wider HCV movements on local residents.
53. **County Councillor Adams-King (after 07 May 2021):** Echoes the concerns raised to Councillor Perry above.
54. **Test Valley Borough Council - Planning:** Was notified.
55. **Test Valley Borough Council - Environmental Health Officer (EHO):** Opposed to the proposed relaxation of HCV movements, particularly those sought before 07:00 on weekdays and on Saturday afternoons, as these all have the potential to disturb local residents by virtue of noise.
56. **Michelmersh & Timsbury Parish Council:** Objection. The retrospective widening of the hours of vehicular movements has not been justified and does not appear needed either. If allowed, it would potentially subject residents living close to Bunny Lane, the A3057 and on the through-traffic routes through residential areas to further traffic noise and pollution from heavy goods vehicles. The Council also commented that the applicant admission that they've been breaching Condition 12 for many years, without complaint, does not justify this current proposal.
57. **Braishfield Parish Council:** Objection. Any retrospective widening of the hours of vehicular movements would potentially subject residents living close to Bunny Lane, the A3057 and on the through-traffic routes through residential areas to further traffic noise and pollution from heavy goods vehicles.
58. **Romsey Extra Parish Council:** No objection.
59. **Environment Agency:** No comments. Impacts from vehicular movements not within their remit.
60. **Defence Infrastructure Organisation:** No objection.

61. **Highway Authority:** No objection.

62. **Rights of Way:** No objection.

Representations

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

64. In complying with the requirements of the SCI, Hampshire County Council:

- 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).

65. 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.

66. As of 2 June 2021, 4 [representations](#) in opposition to the proposal had been received from local residents. The main areas of concern raised in the objection relate to the following areas:

- the proposal is not fully justified, and Condition 12 as imposed by Appeal Decision [APP/Q1770/A/11/2161324](#) should not be varied and breaches of it should be enforced;
- impacts through noise have not been fully assessed;
- road safety levels on local roads would be worsened;
- levels of air quality pollution would be worsened;
- the retrospective nature of the application; and
- the proposal is not acceptable within a countryside setting.

67. The above issues will be addressed within the following commentary.

Commentary

Principle of the development

68. 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.

69. 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).
70. The wider established waste management facility is also 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.
71. The proposal to extend the hours that HCVs can enter and exit the site at Bunny Lane would continue to contribute to Hampshire's supply of aggregates and management of waste by enabling the transport of waste to the site and the transport of treated waste/product from the site. As already acknowledged the principle of the location of the site, albeit in the countryside, has already been determined. The focus here should be on the changes to the timings of HCV movements to and from the site and the impacts associated with this.
72. The proposed development is therefore considered to 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. The proposal is also considered to be in accordance with paragraphs 203 - 208 (Facilitating the sustainable use and supply of minerals) of the NPPF (2019) as well as Policies 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 it helps to contribute to ensuring to an adequate and steady of supply aggregates and supports the management of waste in Hampshire. On this basis, the proposal is considered to be in accordance with Paragraphs 11 & 12 (Presumption in favour of sustainable development) and Policy 1 (Sustainable minerals and waste development) of the HMWP (2013).

Impact on public health, safety and amenity

73. 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. This acceptability of this proposal in relation to Policy 10 is therefore of importance here.

74. With the exception of recent complaints concerning the unauthorised movements of HCVs outside the permitted hours under Condition 12 of Appeal Decision [APP/Q1770/A/11/2161324](#), no substantiated complaints concerning operational impacts from noise, on air quality or through vibration on the locality and local properties have been made.
75. 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 this variation to condition. Conditions may include noise level controls, dust management, hours of use, maximum vehicle numbers and maximum annual waste volumes.
76. 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.
77. The extant waste management facility is also regulated by the Environment Agency (EA) and its 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. This would continue to be enforced by the EA, separately to the planning process.
78. Whilst noise from HCV movements has not been substantiated as causing adverse impacts by either the local Environmental Health Officer (EHO) or local residents/users of nearby footpaths, the proposals to extend the hours of HCV movements to and from the established facility have been subjected to noise assessments at receptor locations on the existing haul route. This includes along Bunny Lane westward to its junction with the A3057 and on the A3057 itself (see **Appendix D - Noise Monitoring Receptor Plan (March 2021)**).
79. The applicant has advised that the number and type/s of HCVs that would enter and depart the site between the hours of 06:30 and 07:30 on weekdays would comprise five (5 No.) skip lorries, two (2 No.) RoRo lorries and one (1 No.) articulated lorry.
80. The assessment was undertaken in accordance with the Design Manual for Roads and Bridges (DMRB) and was accepted by the EHO at Test Valley Borough Council. The results identify minor increases in noise levels less than 1dB above background associated with actual HCVs passing the three receptor locations between the hours of 06:30 and 07:30. These times are deemed most sensitive in terms of noise level and the potential for impact/s

at these receptor locations; based on HCV movements within the wider hours sought.

81. These increases not exceeding 1dB show that the increase would largely be an imperceptible one. Whilst this is accepted by the EHO at Test Valley Borough Council, concerns still remain over HCV movements between the hours of 06:30 and 07:30 on weekdays and between 07:00 and 07.30 and 12:30 and 14:00 on Saturdays, as these are 'quieter' and more 'sensitive' periods of the day; and have the potential to disturb local residents by virtue of noise. This was recognised through the imposition of condition 12 on extant planning approval (appeal decision [APP/Q1770/A/11/2161324](#)).
82. Notwithstanding the above conclusions, the capping of HCV type/s and numbers entering and departing the site between the hours of 06:30 and 07:30 on weekdays specifically - being the most sensitive period being sought - within the varied condition 12 has been agreed with the applicant and accepted by the EHO. The relaxation of Saturday mornings from 07:30 to 07:00 for HCV movements to commence is not as sensitive being after 07:00 am. And furthermore, is commonplace on similar waste management facilities within the rural and urban areas in the locality.
83. This capping means some amendments to the originally proposed Condition 12, by the applicant, which is now proposed to be amended (*in italics*) accordingly:

With the exception of a maximum of five (5 No.) skip lorries, two (2 No.) RoRo lorries and one (1 No.) articulated lorry (all HCVs) entering and leaving the site between 06:30 - 07:30 hrs Monday to Friday only, no heavy commercial vehicles (HCVs) shall enter or leave the site outside the following times: 07:30 - 19:00 hrs Monday to Friday and 07:00 - 14:00 hrs Saturday, and not at any time on Sundays, recognised Public or Bank Holidays.

No plant, equipment or machinery involved in the approved waste management operations shall be operated on the site outside the following times: 07:30 - 17:30 hrs Monday to Friday and 07:30 - 12:30 hrs Saturday, and not at any time on Sundays, recognised Public or Bank Holidays.

The applicant shall keep daily records of the times all HCVs enter and depart the site. These shall be made available for inspection by the Waste Planning Authority when requested.

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).

84. It is important to note that condition 12 as noted above is condition 11 in Appendix A.
85. 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, as well as the proposed amendments to Condition 12 to cap vehicles leaving the site at sensitive times, the proposed development is considered to be in accordance with Policy 10 (Protecting public health, safety and amenity) of the adopted HMWP (2013) as well as Policy E8 (Pollution) of the of the Test Valley Borough Local Plan (TVBLP) (2016) and relevant paragraphs of the NPPF (2019).

Road Safety

86. As previously stated, the proposal does not seek to increase the number of permitted HCVs and HCV movements to and from the site each working day controlled by Condition 22 on Appeal Decision [APP/Q1770/A/11/2161324](#), those being 104 HCVs or 208 two-way HCV movements.
87. As a result of this, the Local Highway Authority raises no objection to the proposal in terms of road safety and highway capacity. Extant conditioned mitigation schemes, controlling impacts from dust and vehicle cleaning amongst others would also be retained. The condition relating to the sheeting of vehicles on the Appeal Decision has been strengthened.
88. Based on the development's low risk to road safety and on highway capacity the proposed development is considered to be in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the adopted HMWP (2013), Policy T1: (Managing Movement) of the of the TVBLP (2016) as well the relevant paragraphs of the NPPF (2019).

Retrospective nature of the HCV movements

89. The retrospective nature of the application is not a material consideration to the decision. As previously stated, as these HCV movements are being undertaken without planning approval, it is classified as unauthorised development and a clear breach of Condition 12 on Appeal Decision [APP/Q1770/A/11/2161324](#). No complaints have been received by the Waste Planning Authority prior to January 2021 in relation to any breaches of condition 12 of the Appeal decision. To date, beyond the Waste Planning Authority's request for the submission of a planning application to regularise these HCV movements and frequent visits to the site, no further enforcement action against the applicant has been taken by the Waste Planning Authority.
90. Depending on the outcome of all material planning considerations being considered throughout the **Commentary** section of this report, the changes to the hours of HCV movements 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.

91. 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 vehicular movements to and from the waste management facility were stopped as promptly as possible.

Community Benefits

92. 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.
93. 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.
94. The Waste Planning Authority continues to encourage 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

95. The applicant seeks retrospective changes to the site's permitted hours of entry to and exit from HCVs (Heavy Commercial Vehicles) through a variation to condition 12 of Appeal Decision [APP/Q1770/A/11/2161324](#).
96. The applicant's noise assessments and proposed set numbers of HCV movements between the hours of 06:30 and 07:30 and 17:30 and 19:00 on weekdays and 07:00 and 14:00 hours on Saturdays only conclude that no adverse impacts upon local amenity or on local road safety and capacity would be caused as a result of the proposed changes to Condition 12. Other operations will still be undertaken in conjunction with the site's permitted operations under appeal decision [APP/Q1770/A/11/2161324](#).
97. The site will continue to operate in accordance with all other planning conditions pursuant to appeal decision [APP/Q1770/A/11/2161324](#).

Recommendation

98. 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 – Approved Layout Plan

Appendix D – Noise Monitoring Receptor Plan (March 2021)

Other documents relating to this application:

<https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=21664>

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

21/00298/CMAS

Hampshire County Council

Variation of condition 12 (hours of operations and staff working hours) of

Appeal decision reference

APP/Q1770/A/11/2161324 (Planning Application Reference: 10/02712/CMA)

(retrospective) at Salvidge Farm, Bunny

Lane, Timsbury SO51 0PG

(Site Ref: TV066)

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. 396C/SL/2 – Site Layout – March 2011
Drawing No. BL002Rev.a – Revised Landscape Mitigation Scheme and – 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.

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. No changes to the existing earth screening bunds approved and implemented under Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012) shall be undertaken.

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. No changes to 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 undertaken.

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. No changes to the positions, design, materials and types of erected security fencing, gates and modifications to the site's vehicular entrance approved (dated 24 June 2013; ref: LL /v1.6) shall be under Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012) shall be undertaken.

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. 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. 396C/SL/2 (March 2011). 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 4 metres 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. With the exception of a maximum of five (5 No.) skip lorries, two (2 No.) RoRo lorries and one (1 No.) articulated lorry (all HCVs) entering and leaving the site between 06:30 - 07:30 hrs Monday to Friday only, no heavy commercial vehicles (HCVs) shall enter or leave the site outside the following times: 07:30 - 19:00 hrs Monday to Friday and 07:00 - 14:00 hrs Saturday, and not at any time on Sundays, recognised Public or Bank Holidays.

No plant, equipment or machinery involved in the approved waste management operations shall be operated on the site outside the following times: 07:30 - 17:30 hrs Monday to Friday and 07:30 - 12:30 hrs Saturday, and not at any time on Sundays, recognised Public or Bank Holidays.

The applicant shall keep daily records of the times all HCVs enter and depart the site. These shall be made available for inspection by the Waste Planning Authority when requested.

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; and
- Drainage, Hardstanding & Bay Construction Plan (dated July 2006; ref: 396/DRAIN/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).

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 the 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 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).

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. 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.

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).

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. The Waste Planning Authority strongly recommends that the applicant creates and organises a Liaison Panel that meets regularly throughout the operational life of the site. These panels usually include the applicant, the Waste Planning Authority, other regulators, local councillors, the local Parish Council and local residents/interested parties, all of whom can discuss freely any matters arising within the locality that are attributable to the site and its operations.
3. 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.