

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

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	14 July 2021
<b>Title:</b>	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 at Salvidge Farm, Bunny Lane, Timsbury SO51 0PG (No. 21/00588/CMAS) (Site Ref: TV066)
<b>Report From:</b>	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. This revised planning application seeks a variation of condition 2, 9 and 10 of Appeal decision reference [APP/Q1770/A/11/2161324](#) (Planning Application Reference: 10/02712/CMA) to reshape and improve the existing peripheral north eastern landscape bund to facilitate enhanced screening from wider views into the site and improve biodiversity on the site's periphery and to accommodate a temporary wash plant operation in the southern section of the site for a period of twelve months only at Salvidge Farm, Bunny Lane, Timsbury SO51 0PG.
3. This revised application has been submitted to attempt to overcome the reasons for the refusal of planning application [20/01753/CMAS](#) by Regulatory Committee in December 2020. That application also sought to vary three conditions (No.s 2, 9 and 10) on Appeal Decision APP/Q1770/A/11/2161324.
4. As with planning application [20/01753/CMAS](#) the rationale of the proposed changes to the site is to allow improvements and enhancements to the existing peripheral bund along the site's north-eastern boundary and to temporarily install a wash plant within the site's southern margin to help

manage and screen the excess amounts of imported material that presently occupy the site.

5. This application is being considered by the Regulatory Committee following their decision to refuse the previous application and after originally being called in by the local County Councillor.
6. 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 as well as the management of wastes.
7. With the exception of Michelmersh and Timsbury and Braishfield Parish Councils who are objecting to the proposal and the Environmental Health Officer at Test Valley Borough Council who has concerns over noise impacts, all other consultees raise no objection to the proposal.
8. Thirty-nine (No. 39) representations have been received from local residents and interested third parties, all either in objection to or raising concerns about the proposal, mainly about the wash plant element of the planning application.
9. A site visit was undertaken on 05 July 2021 in advance of the proposal being considered by the Regulatory Committee.
10. The key issues raised are:
  - Visual impact;
  - Air quality impacts;
  - Noise impacts/not assessed fully;
  - Impacts on the water environment;
  - The part retrospective nature of the application; and
  - Proposal is not acceptable within a countryside setting.
10. It is considered that the proposal would be in accordance with the relevant policies of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) and the [Test Valley Borough Revised Local Plan \(2016\)](#) and that the proposal would:
  - be acceptable in principle;
  - contribute in providing a steady and adequate supply of recycled and secondary aggregates for Hampshire by allowing an additional means of screening imported materials at an existing permitted waste management facility that is safeguarded for such purposes within the Hampshire Minerals and Waste Plan (2013);
  - maximise the recycling of construction, demolition and excavation wastes (CDE) wastes already located at the site;

- not cause unacceptable adverse visual impacts;
  - not cause unacceptable adverse effect on ecology and biodiversity;
  - not cause unacceptable adverse effects on the water environment; and
  - not cause unacceptable adverse public health and safety or unacceptable adverse amenity impacts.
11. Therefore, it is recommended that permission be GRANTED subject to the conditions in **Appendix A**.

### **The Site**

12. The entire site occupies an area of approximately 6.2 hectares of land. The 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 (see **Appendix B - Location Plan**).
13. The site can be subdivided into three distinct areas (see **Appendix C - Layout Plan**):
- a. The northern third comprises large stockpiles of imported materials/waste, screened soils, and an area for concrete crushing;
  - b. 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
  - c. The southern third contains a further operational area where foam mix plant and wood shredding campaigns, are allowed but currently do not occur. The area also provides for the storage of stock materials, containers, skips and other equipment as an overflow area, as well as soil blending. This area is less intensively used. Waste soil stockpiles, waste wood storage and aggregate bays are currently located here. A small car park is also located here.
14. Access to the site is achieved from Bunny Lane at the site's south-eastern corner. Access to the wider highway network and Romsey and Southampton is gained via the A3057 due west of the site, where Bunny Lane joins it.
15. The site lies within the countryside and is bounded by hedgerows and trees along its northern and western boundaries. Beyond these are restored former mineral workings (north) and undeveloped grassland and agricultural land (west). The 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.

16. Public footpath 'Route Number 4' runs along the route of Bunny Lane alongside the site's southern boundary and adjoins the site's north-eastern corner.
17. 'Hill Top' and 'Little Herons' are the nearest residential properties to the site situated approximately 0.1 and 0.2 kilometres north-west and west of the northern/north-western boundary. The next nearest residential properties are located approximately 0.3 kilometres to the north of the site on Redland Drive and within the village of Michelmersh further north. Bunny Lane House is situated approximately 0.4 kilometres west of the site at the entrance to Bunny Lane. Other residential properties within the village of Timsbury on Manor Lane and St Andrews Close lie approximately 0.6 kilometres to the west.
18. Timsbury Lake, occupied by Warash Maritime Academy, is situated on land south of Bunny Lane approximately 0.4 kilometres south of the site. The Casbrook Household Waste Recycling Centre is situated approximately 0.4 kilometres to the north-east of the site. A number of industrial units forming 'Hunts Farm' are located approximately 0.6 kilometres on Rudd Lane to the north (beyond Redland Drive).
19. The site is not located in a sensitive surface water area (in Flood Zone 1, the lowest risk zone) but is situated in a sensitive groundwater area being situated on the boundary between Zones 2 and 3 of the Environment Agency's Groundwater Source Protection Zones (SPZs).
20. The site is not situated within any designated sensitive heritage, ecological or landscape sites.

### Planning History

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

<b>Application no.</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
<a href="#">21/00298/C MAS</a>	Variation of condition 12 (Hours of operation for HCVs) of Appeal Decision APP/Q1770/A/11/2161324	Granted	18/06/2021
<a href="#">20/01753/C MAS</a>	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	Refused	21/12/2020

	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		
<a href="#">16/00902/C MAS</a>	Variation of condition 12 (Hours of operation for HCVs) of Appeal Decision APP/Q1770/A/11/2161324	Withdrawn	09/06/2016
<a href="#">15/03107/C MAS</a>	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
<a href="#">15/00006/C MAS</a>	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
<a href="#">10/02712/C MAS</a>	Change of use to retain permanently and extend recycling facility with ancillary development and activities	Refused  Allowed on Appeal APP/Q1770 /A/11/21613 24	04/08/2011  12/07/2012
<a href="#">10/00745/C MAS</a>	Variation of Condition 5 (Remove boundary bund) on Planning Permission 09/00540/CMAS	Withdrawn	22/06/2010

22. The facility operates under Appeal Decision [APP/Q1770/A/11/2161324](#), granted in 2012 by the Planning Inspectorate following a successful appeal against the County Council's refusal to grant planning permission under [10/02712/CMAS](#) in 2011.
23. Appeal Decision [APP/Q1770/A/11/2161324](#) allowed the facility to become permanent in nature, to extend its operational area (to today's current site area) and incorporate additional operations ancillary to the main use, including designated working and storage areas, peripheral bunding and environmental mitigation and enhancements (implemented through conditions and legal agreements).
24. The facility has been operating under Appeal Decision [APP/Q1770/A/11/2161324](#) since 2012 other than the modifications to the Materials Recovery Facility as granted by planning permission [15/00006/CMAS](#).
25. 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](#). The reasons for refusal are set in the **Proposal** section of this report.
26. Planning application [21/00298/CMAS](#) to vary 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) was granted planning permission by the Regulatory Committee on 16 June 2021

## **The Proposal**

27. This revised application has been submitted to attempt to overcome the reasons for the refusal of planning application [20/01753/CMAS](#) by Regulatory Committee in December 2020. That application also sought to vary these same three conditions (Nos 2, 9 and 10) on Appeal Decision APP/Q1770/A/11/2161324.
28. Planning application [20/01753/CMAS](#) was refused as members of the committee concluded that that the siting of the plant '*would have an unacceptable and detrimental impact on the landscape character and amenity value of the countryside setting by virtue of the design, size and location of the wash plant element*.'
29. Planning permission is again sought for the variation of conditions 2, 9 and 10 on Appeal decision reference [APP/Q1770/A/11/2161324](#).
30. Condition 2 presently reads:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Drawing no. Figure 13 – Tranquillity Map – October 2010*

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

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

31. Condition 9 presently reads:

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

32. Condition 10 presently reads:

*The “campaign” foam mix and wood shredding shall only take place in the bunded south west corner of the site as shown on approved drawing*

*no. 396C/SL/2 (March 2011). No more than one campaign activity (concrete crushing, wood shredding or foam mix) shall take place on the site at the same time.*

33. The applicant reiterates that through varying these three conditions, the site's permitted operations would be improved without adversely affecting the local environment and its residents.
34. The first change sought again seeks to improve and enhance the existing peripheral bunding at and along the north-eastern boundary of the site. On the northern boundary the bund would be extended laterally eastward by 10 metres matching the existing bund height of 5 metres.
35. Alongside the site's north-eastern boundary bunding would be built up to a height of 4 metres and increased to 9 metres in width over its length of approximately 150 metres. This bunding is located closest to the nearest residential property at Hill Top. The bunds would be built up using inert waste/materials already located on site in the allocated stockpile areas (see **Appendix C**).
36. These works would be completed with planting using native trees and shrubs in keeping with that used on the western boundary. Other existing peripheral site bunding - on the western and southern boundaries - would have minor improvement works involving new and additional planting to strengthen current levels of screening (see **Appendix E**).
37. These works to site bunding (see **Appendix E**) would improve both screening of the site from external views and help to reduce emissions through site derived noise throughout the locality.
38. The second change sought again seeks to install and use a wash plant for a trial period of a 12 months to process imported materials on site that the applicant has been unable to sell and as a consequence export. Materials produced would include gravels, sharp sand and building sand.
39. The proposed wash plant would comprise a number of component parts and be installed within the south-western corner of the site (see **Appendix D**). The proposed wash plant has already been installed on site and would occupy an area of 72 metres in length (north to south) by 27 metres in width (east to west) with the tallest part of the plant standing to a height 9.2 metres. The peripheral bunding adjoining this plant stands to a height of 5 metres (4-metre-high bund with approximate 1-metre-high planting).
40. The wash plant would require the applicant to install a groundwater supply borehole to secure the volumes of water (approximately 50,000 litres per day) required to run it. This would need to be approved and regulated by the Environment Agency not by the County Council. All water used would be recycled and reused at all times.

41. Some advanced planting of the proposed planting scheme proposed has already been undertaken by the operator. Taller willows that were at the outer, lower part of the bund in the southeast corner of the site have been transplanted to the top of the bund. Part of the bund disturbed during the installation of the plant has been reprofiled to the proposed height with a stabilising grass seed mix added. The increase in height to the remaining bund and additional planting of taller trees will be undertaken if approved. The additional height increase relies on the construction of a concrete retaining wall. **Appendix F** sets out the mitigation works proposed associated with the wash plant.
42. As mentioned above, the applicant decided to install the proposed wash plant in 2020. Following the receipt of complaints from the Parish Council and local residents the County Council investigated.
43. Council officers were advised that the plant had been installed due to the supplier's delivery timescales being only possible in Autumn 2020. This left the applicant no choice officers were advised.
44. Whilst the plant has not been brought into use, the applicant has undertaken commissioning works, which have been noticed by local residents. County Council Monitoring and Enforcement Officers have continued to monitor the site, conducting numerous site visits (Covid-19 restrictions allowing) in 2020 and 2021. Officers have continued to advise the applicant that the installation should not have been undertaken without planning permission as without planning permission, this element of the proposal remains unauthorised development. Following a deadline from County Council Officers to cease commissioning activities, the plant has operated to facilitate noise measurements to inform the application.
45. Council officers explained that whilst this wash plant was unauthorised because it was not being used and with the application being determined in during early 2021, the plant would not be required to be removed. The applicant has been made fully aware that the risk of installing it before the planning application is considered by Regulatory Committee, is entirely theirs.
46. The applicant has proposed the construction of a further bund to be situated on the eastern side of the proposed wash plant to help with screening (visual and noise). This bund, if required, would also be constructed from on-site materials.
47. As a result of the above changes sought, the applicant proposed changes to condition 2 (in *italics* and/or ~~struck through~~) to read as follows:

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

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

Drawing no. 396C/AP1 – Application Plan – May 2010  
~~Drawing no. 396C/SL/2 – Site Layout – March 2011~~  
 Drawing No. 001 – Site Location Plan – July 2020  
~~Drawing no. BL002Rev.a – Revised Landscape Mitigation Scheme – Apr 2011~~  
 Drawing No. 002 – Revised Landscape Mitigation Scheme and Site Layout – July 2020  
 Drawing No. 003 – Existing and Proposed Bunds (Northern Section) – July 2020  
 Drawing No. 004 – Cross Section of Wash Plant (Southern Section) – July 2020  
 Drawing no. BL003 – Cross Section Through Proposed Peripheral Bund – October 2010  
 Drawing no. BL005 – Indicative Cross-Sections A-A' to C-C' – April 2011  
 Drawing no. BL006 – Indicative Cross-Sections D-D' to F-F' – April 2011  
 Drawing no. BL007 – Proposed Landscape Planting Scheme – April 2011  
 Drawing no. Figure 1 – Site Context, Landscape Character and Viewpoint Locations – October 2010  
 Drawing no. Figure 2 – Viewpoints 1 & 2 – October 2010  
 Drawing no. Figure 3 – Viewpoints 3 & 4 – October 2010  
 Drawing no. Figure 4 – Viewpoints 5 & 6 – October 2010  
 Drawing no. DBLC001 – Viewpoint 5: Existing and indicative proposed view – January 2011  
 Drawing no. Figure 5 – Viewpoints 7 & 8 – October 2010  
 Drawing no. Figure 6 – Viewpoints 9 & 10 – October 2010  
 Drawing no. Figure 7 – Viewpoints 11 & 12 – October 2010  
 Drawing no. Figure 8 – Viewpoints 13 & 14 – October 2010  
 Drawing no. Figure 9 – Viewpoints 15 & 16 – October 2010  
 Drawing no. Figure 10 – Viewpoints 17 & 18 – October 2010  
 Drawing no. Figure 11 – Viewpoints 19 & 20 – October 2010  
 Drawing no. Figure 12 – Viewpoints 21 & 22 – October 2010  
 Drawing no. Figure 13 – Tranquillity Map – October 2010  
 Drawing no. Figure 14 – Viewpoint 15: Existing and Indicative Proposed View – October 2010  
 Hampshire County Council Rights of Way Office – Proposed diversion of part of Michelmersh Footpath No.4 – Amended April 2011.

48. As a result of the above changes sought the applicant proposed changes to Condition 9 (*in italics*) to read:

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

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

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

50. Approved hours of use remain as approved by the recent grant of planning permission [21/00298/CMAS](#) of the following: ‘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 07:00 - 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’.
51. It is important to note that condition 2 of [APP/Q1770/A/11/2161324](#) is set out as conditions 1 in the proposed conditions set out in **Appendix A**. The change of numbering is as a result of the removal of condition 1 from the original appeal decision ([APP/Q1770/A/11/2161324](#)).
52. No changes to the approved maximum number of HCV two-way movements generated by the site on any one day would be 208 (104 in and 104 out) are proposed.
53. No changes to the annual permitted amount of waste materials imported to the site, which is 150,000 tonnes, are proposed.
54. 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. A condition for a revised site layout plan would be proposed to reflect the location of the wash plant and this included **Appendix A**.
55. 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

56. Paragraph 47 of the [National Planning Policy Framework \(2019\)](#) (NPPF) requires ‘applications for planning permission (to) be determined in accordance with the development plan, unless material considerations

indicate otherwise'. Therefore, consideration of the relevant plans, guidance and policies and whether the proposal is in accordance with these is of relevance to decision making.

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

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

58. 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 (NPPG)**

59. Elements of the 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)**

60. 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)

61. 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 (2013) (HMWP)**

62. 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 11 (Flood risk and prevention);
  - Policy 12 (Managing traffic);
  - Policy 13 (High-quality design of minerals and waste development);
  - Policy 14 (Community Benefits);
  - Policy 17 (Aggregate supply - capacity and source);
  - Policy 18 (Recycled and secondary aggregates development); and
  - Policy 26 (Safeguarding - waste infrastructure).

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

63. 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)**

64. 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.

65. 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

66. **County Councillor Perry / Adams-King:** Shares the concerns raised by the Parish Councils' and local residents. The benefits of the work the applicant undertakes is acknowledged.
67. **Test Valley Borough Council - Planning:** Was notified.
68. **Test Valley Borough Council - Environmental Health Officer (EHO):** Initial concerns raised over the conclusions of the submitted noise assessments submitted with initial application. Further clarification was prepared on the Noise Assessment and submitted to EHO. Suggested condition to the effect that the applicant will need to respond to any complaints about noise, and any investigation work/report necessary to demonstrate compliance with the existing noise condition shall be at the applicants expense.
69. **Michelmersh & Timsbury Parish Council:** Objection on the grounds of unacceptable visual impacts on the local landscape from the proposed wash plant, no noise evidence to justify the bunding improvement works, no dust mitigation included for the proposed wash plant, some proposed plans and bunding dimensions appear conflict with each other and concerns that these changes to the site would impact unacceptably on the local community. The Parish Council remain critical of the applicant who has installed the wash plant on site in advance of the application being determined, and without planning permission. Additional landscaping proposals submitted will not have screening benefit over the 12 month period requested. Raised additional concerns regarding supplemental noise assessment including lack of measurements at the two existing representative measurement locations identified in the approved scheme for condition 8 of appeal decision [APP/Q1770/A/11/2161324](#).
70. **Braishfield Parish Council:** Objection on grounds of visual impact, traffic noise congestion from HCVs on narrow highway, lack of air quality study, concerns over ability of plantings to succeed on bunds of inert waste. Raised issue of stockpiles on site being over maximum allowed height.
71. **Romsey Extra Parish Council:** No comments.

72. **Environment Agency:** No comments.
73. **Southampton Airport:** No objection.
74. **Defence infrastructure Organisation:** No objection
75. **Public Health – Hampshire County Council:** Encouraged by stated lack of impact on air pollution, Noise pollution, and transport and access. Encouraged operator to mitigate any potential sources of odour from plant operation.
76. **County Ecologist – Hampshire County Council:** Were advised.
77. **Highway Authority:** No objection as material from bund construction already stored on site and there are no changes to access.
78. **County Landscape – Hampshire County Council:** Concerns with planting scheme details initially submitted but satisfied following additional provision of information on implementation and aftercare. The planting proposals are suitable and specific to help with screening of the proposed wash plant. Implementation of the proposed plantings, in terms of timing and seasons is crucial as is maintenance. Any trees which fail must be replanted in the next growing season.
79. **Lead Local Flood Authority – Hampshire County Council:** No objection.
80. **Planning Policy – Hampshire County Council:** Subject to satisfying other relevant policies in the HMWP (2013), the proposed development would contribute to achieving Hampshire's targets for producing recycled and secondary aggregates.
81. **Rights of Way – Hampshire County Council:** No direct impacts for Footpath 505 to the south and east of the site should be created. Consideration should be given to impacts through noise and appropriate mitigation on users of this right of way from the wash plant.

## **Representations**

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

83. In complying with the requirements of the SCI, HCC:
- Published a notice of the application in the Hampshire Independent;
  - Placed notices of the application at the application site;
  - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
  - Notified by letter all residential properties within 100 metres of the boundary of the site as set out in the SCI).
84. 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.
85. As of the 01 July 2021, 39 representations in opposition to the proposal have been received from local residents and interested third parties. The main areas of concern raised in the objection relate to the following areas:
- Ongoing failure to manage existing boundaries and stop materials and waste leaving the site and polluting adjoining land and watercourses;
  - Traffic impacts;
  - Unsuitability of uses on site in countryside setting;
  - Bunding and stockpiles' dimensions breach existing conditions, specifically quality of planting and maximum heights;
  - Noise impacts from existing activities and new wash plant. No noise reduction need demonstrated for the bunding;
  - Visual intrusion of plant and effectiveness of proposed screening. The bunding changes would create visually intrusive features;
  - Use of site derived waste to form bunds is just a waste disposal ruse;
  - Materials on site are not all uncontaminated and inert as required by condition and the Environment Agency;
  - Plant will not be temporary addition;
  - Impact of water use;
  - The wash plant has been installed already without planning approval; and
  - The proposed development should be EIA development.
86. The above issues will be addressed within the following commentary where they are of relevance to the proposal.

### **Climate change**

87. Hampshire County Council declared a climate change emergency on 17 June 2019. A Climate Change Strategy and Action Plan has since been adopted by the Council. When it comes to planning decisions, consideration of the relevant national or local climate change planning policy is of relevance. The Strategy and Action Plan does not form part of

the development plan so is not material to decision making. The existing operations at Bunny Lane have permanent planning permission which means the principle of the site's location and its permitted operations have been found to be in compliance with the relevant planning policies. The proposed development only relates to the variation of the variations of conditions 2,9 and 10 of Appeal Decision APP/Q1770/A/11/2161324.

88. This proposed development has been subject to consideration of Policy 2 (Climate change – mitigation and adoption) of the [HMWP \(2013\)](#) and Paragraph 148 of the [NPPF \(2019\)](#). There may be some life-cycle benefits from the processing of waste soils to derive secondary aggregates using the wash plant versus the extraction of primary aggregates. Both primary and secondary aggregates would need to be processed by a wash plant before being suitable for market. However, no climate assessment was included in the application and so it cannot be demonstrated that the proposal addresses mitigation or adaptation to climate change. It therefore not considered in accordance with Policy 2 (Climate change – mitigation and adoption) of the [HMWP \(2013\)](#) and the relevant paragraphs of the [NPPF \(2019\)](#).

## **Commentary**

### Principle of the development

89. 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. The location of the proposed wash plant is currently approved for the processing of road planings including a foam mix plant, and wood shredding through the appeal decision. Concrete crushing is also allowed in the northern western corner of the site. Only one of these can be 'campaigned' at any time due to potential cumulative noise impacts and this position would change in the event that planning permission is granted for this proposal.
90. The application relates to a well-established and authorised waste management facility.
91. The site is safeguarded through Policy 26 (Safeguarding – waste infrastructure) of the [HMWP \(2013\)](#) which helps protect strategically important waste management infrastructure against redevelopment and inappropriate encroachment unless the site is no longer required and the merits of any such redevelopment outweigh the safeguarding need.

92. Policy 1 (Sustainable minerals and waste development) of the adopted [HMWP \(2013\)](#) states that the Hampshire Authorities will take a positive approach to minerals and waste development that reflects the presumption in favour of sustainable development contained in the [NPPF \(2019\)](#). The development of the site will be supporting economic growth by maintaining a supply of recycled and secondary aggregates required for use in the building industry and in the construction and/or repair of roads and transport infrastructure. Avoiding the need for the extraction of primary aggregates (i.e. virgin sand and gravels) is a significant step in safeguarding natural resources and as such a highly sustainable form of both minerals and waste development.
93. The existing site already contributes to the supply of recycled and secondary aggregates in Hampshire. Recycled and secondary aggregates play an important role in ensuring a balanced supply of aggregate for Hampshire. Recycled and secondary aggregate are products manufactured from recyclables or the by-products of recovery and treatment processes. They can be produced when wastes such as construction, demolition and excavation (CDE) wastes are recycled. They can also be mixed with other minerals and wastes, usually after some form of processing such as screening, washing or blending to form new products. Not only does recycled and secondary aggregates provide an opportunity to recycle and recover inert / CDE wastes but it also provides a viable alternative to the extraction and use of land-won or marine-won aggregates. Recycled and secondary aggregates can also be used to blend with primary aggregates or processed to produce a high-quality recycled aggregate. It is important that recycled and secondary aggregates are processed to a high standard to be able to replace primary aggregates as described in the WRAP Aggregates Quality Protocol Standard. There is already an on-site supply of CDE waste on site to feed the wash plant, The applicant has indicated that the site has around 12 months of supply it is existing stockpiles.
94. Policy 17 (Aggregate supply – capacity and source) of the [HMWP \(2013\)](#) states that an adequate and steady supply of aggregates until 2030 will be provided for a variety of sources including land-won, marine won and 1mtpa of recycled and secondary aggregates. This 1 mtpa is a minimum capacity level. This is expected to be augmented through the safeguarding and developing of infrastructure at sites such as the Bunny Lane facility.
95. Hampshire's most recent [Local Aggregates Assessment \(LAA\) 2019](#) indicates that the supply of local sand and gravel is currently at a rate of 1.18 million tonnes per annum (mtpa). This is substantially below the requirement of Policy 17 of 1.56 mtpa. In terms of the landbank, this accounts for 5.81 years (Table 3 of the LAA). For sharp sand and gravel specifically, the local requirement is 6.59 years. This means that currently Hampshire is below the requirement of a minimum seven-year landbank overall for sharp sand and gravel as required by the [NPPF \(2019\)](#) and as a result is not meeting the policy requirements of Policy 17 (Aggregate supply – capacity and source) of the [HMWP \(2013\)](#). The landbank of sand

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

96. Further capacity to recycle aggregates to help deliver the minimum capacity requirements set out under Policy 17 is encouraged through Policy 18 (Recycled and secondary aggregates development) of the [HMWP \(2013\)](#). Policy 18 (Recycled and secondary aggregates) of the [HMWP \(2013\)](#) states that 'recycled and secondary aggregate production will be supported by encouraging investment and further infrastructure to maximise the availability of alternatives to marine-won and local land-won sand and gravel extraction.' Policy 18 is therefore supportive of the development of sites like that being considered at Bunny Lane.
97. In addition, paragraph 6.49 of the Plan clearly states that 'investment and the provision of improved infrastructure at Hampshire's existing recycled and secondary aggregate sites will help to support the maximisation of recycled and secondary aggregate in Hampshire'. It also states that investment 'may also help to facilitate greater production of high quality recycled and secondary aggregate. The potential to maximise the recovery of onsite construction, demolition and excavation wastes at the site to produce a recycled and secondary aggregate is therefore clearly in accordance with the provisions of the Plan in relation to recycled and secondary aggregate.
98. Building on this, Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#) seeks to divert 100% of waste generated from landfill and to maximise the use of existing infrastructure at existing waste sites to co-locate operations that seek to reduce the disposal of waste and increase the use of waste materials as a resource. The proposal helps to contribute towards this goal.
99. Policy 30 (Construction, demolition and excavation wastes) of the [HMWP \(2013\)](#) is also linked to Policies 17 and 18. Policy 30 states that 'where there is a beneficial outcome from the use of inert construction, demolition and excavation waste in developments, such as the restoration of mineral workings, landfill engineering, civil engineering and other infrastructure projects, the use will be supported provided that as far as reasonably practicable all materials capable of producing high quality recycled aggregates have been removed for recycling. Development to maximise the recovery of construction, demolition and excavation waste to produce at least 1mtpa of high quality recycled/secondary aggregates will be supported'.
100. Furthermore, paragraph 6.211 of the Plan clearly states that objective in Hampshire 'to reuse, recycle and recover as much as possible of the estimated 2.35 million tonnes (mt) of construction, demolition and

excavation (CDE) waste that is generated in Hampshire each year. Construction, demolition and excavation wastes is mostly made up of inert materials such as concrete, rubble or soils. This, as already noted, can be washed and processed to produce a recycled and secondary aggregate. The washing plant provides the opportunity to facilitate the recycling of the existing stockpiles of CDE waste which are also located at the Bunny Lane site. Paragraph 6.215 of the Plan reiterates the need to 'increase the investment in infrastructure to produce more high quality (e.g. washed) recycled and secondary aggregates which can replace primary aggregates such as sand and gravel, to meet the aggregate supply targets as set out in policies 17 (Aggregate supply - capacity and source) and 18 (Recycled and secondary aggregates developments) of the Plan. On the basis of the opportunity offered at the existing Bunny Lane site to maximize the recycling of CDE wastes, the proposal is considered to be in accordance with Policy 30 (Construction, demolition and excavation wastes) of the [HMWP \(2013\)](#).

101. The industry, including the applicant, is reporting a shift in demand following the Covid-19 pandemic. The applicant has reported that there is a shortage of recycled and secondary products for use in local developments projects. The applicant has indicated that they have imported a large volume, circa 5k tonnes of Type B filter stone from the Mendips as there isn't any being produced in the local area which is suitable. It was highlighted that the washed 20/40mm stone which could be produced from the wash plant meets the Type B spec to meet this demand. The applicant has estimated that a local supply of this aggregate would have saved a 160-mile round trip per 8-wheel tipper, across the job this would have saved 40'000 road miles. The applicant has also provided information to suggest a shortage of 10mm Shingle, 20mm Shingle and Soft Sand in the local areas. Local quarries are struggling to meet the surge in demand for aggregates. The amount of development sites and major construction projects in Hampshire and in nearby market areas means there is a potential considerable market for the recycled aggregates that can be produced by the wash plant.
102. It is also the understanding of the Minerals and Waste Planning Authority that this supply issue is being seen elsewhere in the south-east if not nationally. This issue was recently reported at [the South East England Aggregate Working Party](#). This is change in demand is also being replicated for primary (virgin) aggregates which means there is increased pressure on the industry, as a whole, to source the amount of aggregates it needs to meet demand. The ability to recycle material to create a recycled and secondary aggregate product to meet the demands for aggregates is one of the fundamental economic benefits of the proposal.
103. On the basis of the information before the Minerals and Waste Planning Authority and the ability for the washing plant to contribute to aggregate supply and the management of waste in Hampshire, the proposed

development is considered to be in accordance with Policies 17 (Aggregate supply – capacity and source), 18 (Recycled and secondary aggregates development), 25 (Sustainable waste management) and 30 (Construction, demolition and excavation wastes) of the [HMWP \(2013\)](#) as well as Paragraphs 80, 83-84 and 203 - 208 (Facilitating the sustainable use and supply of minerals) of the [NPPF \(2019\)](#). The proposal will help to contribute to Hampshire's supply of aggregates by enabling the production of additional volumes of recycled and secondary aggregates at a quicker rate than is currently being undertaken. It will also contribute to a more sustainable management of CDE waste already at the Bunny Lane site. Installing the wash plant also means that the CDE waste can be washed and processed much more quickly, thereby contributing to an adequate and steady of supply of aggregates. Furthermore, the proposal would be in accordance with Paragraphs 80 and 83 - 84 of the [NPPF \(2019\)](#) all of which encourage the importance of local business needs, the rural economy and the diversification of this economy.

104. Whether the proposal is considered to be in accordance with Paragraphs 11 and 12 as well as Policy 1 (Sustainable minerals and waste development) is considered in the concluding section of this commentary, when all other material matters have been addressed.

#### Visual impact and landscape

103. Policy 5 (Protection of the countryside) of the [HMWP \(2013\)](#) identifies minerals and waste-related development as a development which will be permitted in the countryside 'if it related to the existing land use', 'meets local needs' and/or involves 'the suitable use of previously developed land...and their curtilages or hard standings'. It also indicates that development will be expected to meet highest standards of design, operation and restoration. In addition, Policy 13 (High-quality design of minerals and waste development) of the [HMWP \(2013\)](#) states that minerals and waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and townscape. It also states that the design of appropriate built facilities for minerals and waste development should be of a high-quality and contribute to achieving sustainable development. Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) protects residents from significant adverse visual impact.
104. Policies E3 (Protect, conserve and enhance landscape character) and E1 (High quality development in the borough) of the TVBLP (2016) both require that development proposals must respect and wherever possible enhance the special characteristics, value or visual amenity of the District's landscapes and that all developments should seek to achieve a high-quality design and positively contribute to the overall appearance of the local area.

105. A proportionate assessment of the impact of the development - the changes to the peripheral bunding and the installation of the wash plant, the latter for a temporary period of 12 months, within the extant operational waste management facility - upon the landscape and visual amenity was undertaken by the applicant. This acknowledged that the ongoing operations as approved in 2012 on a permanent basis through appeal decision APP/Q1770/A/11/2161324 would continue to mitigate any adverse or negligible effect on the local visual and residential amenity.
106. The application's assessment of its impact upon the landscape and visual amenity concluded that: "The changes to the extant activities will not have any substantial adverse effects on either landscape character, or visual receptors." Whilst the County Council's Landscape Officer notes that there will be some visual impacts caused, it is agreed that subject to proposed improvement and enhancement works to site bunding (see **Appendix E**), incorporating appropriate planting and the ongoing management of this planting, would provide acceptable screening of the site from external views. This is particularly important to the west/south-west of the site (as raised by the Parish Council and local residents) as that will be where the wash plant, which in one section stands to a height of 9.2m which is 5-4.m higher than the peripheral bunding, would be situated and used for a 12-month period.
107. As established by the appeal decision, the principle of the location of the site in the countryside for the existing use has already been determined. The matters for consideration here are the changes to the peripheral bunding and the installation and use of the proposed wash plant for a period of 12 months.
108. The changes to the peripheral bunding would be undertaken using inert waste/materials already on site, and therefore no new transitory visual impacts created by vehicular movements to and from the site would be created as existing consented vehicular movements would remain unchanged and continue to be controlled by condition.
109. These works would be completed with planting using native trees and shrubs in keeping with that used on the western boundary. Other existing peripheral site bunding - on the western and southern boundaries - would have minor improvement works involving new and additional planting to strengthen current levels of screening. Again, these works would be controlled by conditions, including the replacement of any mitigatory planting should any fail or be harmed following planting and for a period of 5 years thereafter.
110. The proposal includes the provision of retaining wall around the wash plant. This is highlighted in **Appendix F** and will help to further enclose the plant and provide greater bunding. This would be implemented if planning permission is granted. This will also provide added noise mitigation upon installation.

111. It is acknowledged that the stockpiles of imported waste and materials in the northern third of the site do exceed maximum permitted levels as controlled by Condition 11 on appeal decision [APP/Q1770/A/11/2161324](#), which have a 'maximum of 4m above ground level'. In places this exceedance is up to 10m. Stockpiles heights have been an issue at this location in the past. In response, the applicant has advised that during the first half of 2020 importation of permitted materials continued but following the impacts of Covid-19 on the building industry demand dropped significantly for recycled products leaving an abnormal amount of material on site requiring storage. The sequence of two wetter than normal winters has also limited opportunities to screen the waste material.
112. This breach of Condition 11 has been raised by objectors as a breach of planning controls. Whilst this is correct, the applicant's proposals to use these materials to undertake both the bund improvement works and be washed within the proposed wash plant and then exported for use as recycled and secondary aggregates within other forms of development works would contribute significantly to removing these abnormal amounts of material. The reduction in stockpile height and improvement works to existing peripheral bunding would alleviate these problems and ensure compliance with Condition 11.
113. Although objections in terms of visual impact primarily from the proposed wash plant have been raised by the Parish Councils and local residents, the combination of distance to the nearest sensitive receptor approximately 450m west from the site's south-western boundary, improvement and enhancement works to the existing peripheral bunding and that the proposed wash plant is a temporary development for a period of 12 months, the proposal's impacts on the local landscape, including users of nearby rights of way, and to visual amenity is considered to be acceptable.
114. On the basis of the mitigation measures put in place, the proposed development is considered to be in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the adopted [HMWP \(2013\)](#) as well as with Policies E3 (Protect, conserve and enhance landscape character) and E1 (High quality development in the borough) of the TVBLP (2016) as it is a partially time limited permission (for the wash plant element) at an existing and safeguarded permitted waste management facility.

### Ecology

115. Policy 3 (Protection of habitats and species) in the adopted [HMWP \(2013\)](#) sets out a requirement for minerals and waste development to not have a significant adverse effect on, and where possible, should enhance, restore or create designated or important habitats and species.

116. The policy sets out a list of sites, habitats and species which will be protected in accordance with the level of their relative importance. The policy states that development which is likely to have a significant adverse impact upon the identified sites, habitats and species will only be permitted where it is judged that the merits of the development outweigh any likely environmental damage. The policy also sets out a requirement for appropriate mitigation and compensation measures where development would cause harm to biodiversity interests.
117. The County Council's Ecologist was consulted on the planning application but raised no comment.
118. Based on the provision and implementation of the ecological mitigation strategy, the proposed development is considered to be in accordance with Policy 3 (Protection of habitats and species) of the adopted [HMWP \(2013\)](#) as well the relevant paragraphs of the [NPPF \(2019\)](#).

#### Impact on public health, safety and amenity

119. 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.
120. With the exception of complaints concerning the heights of stockpiles exceeding their 4m maximum heights (Condition 11 of [APP/Q1770/A/11/2161324](#)), and the associated operation of mobile plant so that they are visible above screening bunds, (Condition 9 of [APP/Q1770/A/11/2161324](#)), other complaints concerning operational noise and water/debris leaving the site have been made. HCC Officers have requested the operator to address these issues. The operator has undertaken drainage works and fencing to prevent water or debris leaving the site. Other than noise from construction and commissioning of the plant, other noise complaints have been attributed equipment malfunctions or repairs to mobile plant.
121. The extant planning approval (appeal decision [APP/Q1770/A/11/2161324](#)) includes conditions to mitigate against impacts on public health and amenity that would remain in force. These conditions relating to noise level controls, dust management, hours of site operations, maximum vehicle numbers and maximum annual waste volumes. Should planning approval be granted for this application for variation of conditions some changes to these conditions to reflect approved schemes are recommended.

122. Paragraph 50 of the 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. 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.
123. The extant waste management facility is also regulated by the Environment Agency (EA) and their Environmental Permit that the operator has to adhere to in terms of permitted waste types, emission control/s and the protection of the water environment to name but a few controls. This would continue to be enforced by the EA, separately to the planning process.

### Noise

124. The location of the proposed wash plant is currently approved for the processing of road planings including a foam mix plant, and wood shredding. Concrete crushing is also allowed in the northern western corner of the site. Condition 10 of appeal decision [APP/Q1770/A/11/2161324](#) requires that only one of these can be 'campaigned' at any time due to potential cumulative noise impacts. In keeping with the intent of this existing condition, the wash plant will be added to this list to preclude other 'campaigns' concurrently.
125. Noise complaints from on-site emissions has not been substantiated under the approved scheme associated with condition 8 of appeal decision [APP/Q1770/A/11/2161324](#). The proposals to increase the height and extent of peripheral bunding on the wider site's northern and north-eastern boundaries is welcomed for what is a permanent waste management facility in a rural setting, and which has bunding and/or mature planting along all of its remaining peripheral bunding.
126. The applicant has submitted a Noise Assessment including measurements and modelling of the operational plant. This assessment reports considers noise levels at six locations outside of the site. This assessment reports that at the two proxy locations approved under the scheme submitted to discharge condition 8 of appeal decision [APP/Q1770/A/11/2161324](#), the plant was not audible and so no additional measurements were taken. At the other four locations the additional noise of the plant was difficult to differentiate from the background noise at those locations. Using measured noise levels to 'calibrate' a noise model, noise modelling was undertaken to determine the impact of the wash plant at the 6 locations. Condition 8 requires a maximum noise level (40dB per BS4142:1997) at two locations (Casbrook Fields and Cranbrook Farm) shall be adhered for all operations on the sites including when the foam mix plant or wood shredding activities in the area to be occupied by the wash plant. Other

properties closer to the wash plant existed at the time of appeal decision [APP/Q1770/A/11/2161324](#) but were not included as receptor locations under Condition 8. The noise assessment modelling concludes that the 40dB limit at properties closer to the wash plant than the Casbrook Field and Cranbrook Farm locations.

127. The retaining wall which will be installed as part of Landscaping Plan and will further mitigate noise once installed if planning permission is granted.
128. The applicant has installed an additional noise mitigation barrier around the generator of wash plant. This was recently installed and was not included in the Noise Assessment.
129. The EHO was consulted on the planning application. Initially the EHO had concerns about the conveyor part of the wash plant being above the proposed bund and the impact this would potentially have on noise levels.
130. During the operations of the plant on 5 July 2021, the EHO took four measurements on Heron Lane, two outside of the entrance to 'Little Herons' and two at the gate to 'Hill Top'. Their measurements indicated based on the current site layout, without the amendments to the bunds and the inclusion of the retaining wall, the 40db, as set out under condition 7 in Appendix A, may be exceeded at 2 properties on Heron Lane. However, the modelling prepared for the application showed that the additional mitigation measures would provide additional attenuation to bring below the conditioned levels.
131. Recognising the concerns felt by local residents and the Parish Council, and following discussions with the Environmental Health, the Waste Planning Authority has included a new condition relating to noise to include some monitoring following the development of the additional noise mitigation measures proposed. This wording has been worked up in agreement with the applicant and is reflected in **Appendix A**.
132. On balance, based on the temporary nature of the proposal, the mitigation measures proposed as well as the amendments to the conditions proposed to include noise monitoring, the proposed development is considered to be in accordance with Policy 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the adopted [HMWP \(2013\)](#), Policy E8 (Pollution) of the of the TVBLP (2016) as well the relevant paragraphs of the [NPPF \(2019\)](#).

### Water environment

133. Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) both seek to ensure that minerals and

waste development protect the water environment ensuring that neither water quality nor quantity (i.e. surface water drainage and flood risk) are impacted unacceptably.

134. The site is situated in Flood Zone 1, which is the lowest risk flood zone with a less than 0.1% chance of flooding in any year. The site is also situated within a groundwater sensitive area being situated within a Groundwater Source Protection Zone 2 and 3, responsible for protecting groundwater used for potable usage.
135. In terms of developmental impacts on surface water, the Lead Local Flood Authority (LLFA) raise no objection as the proposals do not affect the site's existing surface water drainage regime and its extant conditional controls. The surface drainage plan would be appended to approved surface drainage management schemes and plans under condition 14 of [APP/Q1770/A/11/2161324](#).
136. In terms of developmental impacts on groundwater and its quality, the Environment Agency (EA) have made no comments in this regard. The wider waste management facility has an EA regulated Environmental Permit, which legally prohibits adverse impacts on and/or into groundwater.
137. The wash plant would require the applicant to install a groundwater supply borehole to secure the volumes of water (approximately 50,000 litres per day) required to run it. This would need to be approved and regulated by the Environment Agency not by the County Council. All water used would be recycled and reused at all times. The location of the proposed borehole is dependent on the decision of the EA.
138. Impacts on 2 local private groundwater supply boreholes that abstract from the same aquifer as the proposed wash plant would do would not be unacceptable and adverse in terms of groundwater quality and consumption at those private residences, as confirmed by the Environmental Health Department at Test Valley Borough Council who monitor quality at these private potable supply boreholes.
139. The applicant has done some recent work in the stockpile area at the north of the site following drainage issues over the 2020/21 wet winter.
140. A new condition has been included in **Appendix A** relating to surface water management on site.
141. Based on the condition proposed and that other regimes are responsible for monitoring and protecting groundwater quality at this site both from its existing and proposed operations, the proposed development is considered to be in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the [HMWP \(2013\)](#), Policies E7 (Water management) and E8 (Pollution) of the of the TVBLP (2016) as well the relevant paragraphs of the [NPPF \(2019\)](#).

## Highways

142. No changes to the approved maximum number of HCV two-way movements generated by the site on any one day, being 208 (104 in and 104 out) are proposed. No changes to the route along Bunny Lane to and from the A3057 taken by HCVs is proposed either.
143. Approved hours of use remain as proposed by the recent grant of planning permission [21/00298/CMAS of:](#) '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 07:00 - 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'.
144. No changes to the annual permitted amount of waste materials imported to the site, which is 150,000 tonnes, are proposed.
145. Many of the extant conditioned mitigation schemes, controlling impacts from dust and vehicle cleaning and sheeting of loads amongst others would also be retained.
146. The Local Highway Authority highlights that the material proposed to be used to construct the proposed bund is already stockpiled on the site and therefore no off-site traffic will be generated. As a result of this, the local Highway Authority that this proposal will not have a significant impact on the highway and raises no highway objections to the application. The proposed development is therefore considered to be in accordance with Policy 12 (Managing traffic) of the HMWP (2013) as well the relevant paragraphs of the [NPPF \(2019\)](#).

## Retrospective nature of the development

147. As previously stated, the proposed wash plant was installed in 2020 within the established facility. As it has been undertaken without planning approval, it classified as unauthorised development. To date, the plant has not been brought into use although has been subject to some limited commissioning work until the end of February 2021 . The commissioning works were the subject of public complaints. As there is an active application to regularise the development HCC Officers have not requested that it is removed. A requirement to cease commission work by the end of February has been made by HCC Officers. Other than operation to facilitate noise measurements the operator has complied with this request. The retrospective nature of this planning application, in particular with regards to the location of the washing plant, is not a material consideration to the determination of this planning application.

## Stockpiles

148. The stockpiles of waste and screened soils at the north of the site are above the permitted 4m allowed under Condition 11 of appeal decision [APP/Q1770/A/11/2161324](#). The height of the stockpiles has been a problem at the site previously.
149. Council Officers have been informed by the operator has experienced issues processing and exporting material due a combination of wet winters and a turn down in demand due to the COVID pandemic. Officers have observed a reduction in stockpile volumes during the spring of 2021. As mentioned above, the applicant sees the wash plant as a means to wash material in the soil stockpiles and bring stockpile heights into compliance
150. The over height stockpiles has resulted in the operator using mobile plant so that it is visible above screening around the site in breach of Condition 9 of appeal decision [APP/Q1770/A/11/2161324](#).
151. Depending on the outcome of all material planning considerations being considered throughout the **Commentary** section of this report, the regularisation of wash plant may be refused planning permission and would continue to be unauthorised development.
152. 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 stockpile heights were brought into compliance as promptly as possible.

## Community benefits

153. 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.
154. 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.
155. 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.

156. Due to the local concern relating to this site, the Waste Planning Authority recommends that a Liaison Panel is established. An informative is included relating to this issue.

#### Changes / updates to the conditions

157. By varying the conditions proposed, some updated to the appeal decision conditions have been made.
158. As already noted, condition 2 of [APP/Q1770/A/11/2161324](#) is set out as conditions 1 in the proposed conditions set out in **Appendix A**. The change of numbering is as a result of the removal of condition 1 from the original appeal decision. The updated condition also includes updated to reflect drawings removed from the appeal decision which have been updated by planning permission [15/00006/CMAS](#) and this planning application. plan references
159. Updates have been made to conditions former 4, 5, 6, 8, 9, 10, 16, 18 (conditions 3, 4, 5, 7, 9, 10, 16, 18 in **Appendix A**) reflect the new plans, drawings and schemes being proposed by way of this planning application or general updates to condition wording.
160. A new condition has been added (condition 8 in **Appendix A**) related to noise monitoring as noted above.
161. Condition 12 was amended to reflect the grant of planning permission [21/00298/CMAS](#).
162. A new condition (condition 15 in **Appendix A**) has been included in relation to surface water management.

#### Conclusions

163. The applicant seeks proposed changes to the site is to allow improvements and enhancements to the existing peripheral bund along the site's north-eastern boundary and to temporarily install a wash plant within the site's southern margin to help manage and screen the excess amounts of imported material that presently occupy the site through variations of conditions 2, 9 and 10 of appeal decision [APP/Q1770/A/11/2161324](#). This is a temporary consent for a 12-month period.

164. The ability to produce recycled and secondary aggregates at a quicker rate than has happened in 2020 would allow the site to continue to contribute to the Hampshire's aggregate demand, in a sustainable manner. It will also allow for the maximisation of the use of on-site CDE wastes. This is supported by the relevant paragraphs 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 30 (Construction, demolition and excavation wastes). Other activities on site will still be undertaken in conjunction with the site's permitted operations under appeal decision [APP/Q1770/A/11/2161324](#).
165. In addition, the breaches in condition 11 'maximum stockpile heights of 4m' that are currently taking place would also be alleviated through the use of material within the stockpiles to improve and enhance the site's peripheral bunding and the wash plant cleaning waste materials at a quicker rate than has been the case to date, maximising opportunities to recycle CDE wastes into an aggregate.
166. The proposed amendments to the screening, noise mitigation measures and landscaping will help to mitigate the development during the temporary consent.
167. The site will continue to operate in accordance with all other planning conditions pursuant to appeal decision [APP/Q1770/A/11/2161324](#).
168. Taking all matters into consideration, on balance, the proposal is considered to be in accordance with the relevant paragraphs of the [NPPF \(2019\)](#) as well as the relevant policies of the [HMWP \(2013\)](#). 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 \(2013\)](#).

## **Recommendation**

169. 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** – Currently Approved Layout Plan

**Appendix D** – Wash Plant

**Appendix E** – Landscape details

**Appendix F** – Wash Plant mitigation

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**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy and independent lives:</b>	No
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	No
<b>OR</b>	
<p><b>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:</b>          the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste or local planning authority.</p>	

**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

21/00588/CMAS

Hampshire County Council

Variation of condition 2, 9 and 10 of Appeal decision reference

APP/Q1770/A/11/2161324 (Planning Application Reference: 10/02712/CMA) to reshape and improve the existing peripheral north eastern landscape bund to facilitate enhanced screening from wider views into the site and improve biodiversity on the site's periphery and to accommodate a temporary wash plant operation in the southern section of the site for a period of twelve months only at Salvidge Farm, Bunny Lane, Timsbury SO51 0PG (Site Ref: TV066)

## **EQUALITIES IMPACT ASSESSMENTS:**

### **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 plans under Appeal Decision APP/Q1770/A/11/2161324 (allowed 12 July 2012):

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

Except as amended in the middle third of the site by additional plans and drawings approved under Planning Permission [15/00006/CMAS](#); and

Except as amended by the following plans submitted for this planning permission:

Drawing no. 001 – Site location plan – July 2020;  
Drawing no. BL-LSC01.3 – Wash plan landscape mitigation scheme – July 2021;  
Drawing no. BL LSC02.3 – 'Wash Plant Mitigation Scheme – Sightline Sections' – July 2021;  
Drawing no. Romsey final layout – Wash plant proposal 1 – April 2020;  
Drawing no. Drawing 02 Rev.1 – Surface Water Management Plan – December 2020;

Drawing no. BL\_LV04, - Viewpoint 1 – February 2021;  
Drawing no. BL\_LV05, - Viewpoint 1A – February 2021;  
Drawing no. BL\_LV06, - Viewpoint 2 – February 2021;  
Drawing no. BL\_LV07, - Viewpoint 2A – February 2021;  
Drawing no. BL\_LV08, - Viewpoint 3 – February 2021;  
Drawing no. BL\_LV09, - Viewpoint 3A – February 2021;  
Drawing no. BL\_LV10 - - Viewpoint 4 – February 2021; and  
Drawing no. BL\_LV11 – Viewpoint 4A– Dated Feb 2021;

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. Within two months of permission being approved, new or altered perimeter bunds shall be constructed as shown on Drawings no. BL-LSC01.2 – Wash plan landscape mitigation scheme – March 2021; and Drawing no. BL LSC02.2 – ‘Wash Plant Mitigation Scheme – Sightline Sections’ – July 2021  
Excepting the above, 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. New or altered bunds constructed according to Condition 4 shall be planted and seeded according to the Landscape Implementation and Aftercare scheme (dated March 2021); Drawings no. BL-LSC01.2 – Wash plan landscape mitigation scheme – March 2021; and Drawing no. BL LSC02.2 – ‘Wash Plant Mitigation Scheme – Sightline Sections’ – March 2021 by the first planting season following permission being approved.

Excepting the above, 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 as approved in boundary treatment details (dated 24 June 2013; ref: LL /v1.6) approved 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.

Where the Waste Planning Authority upon their own investigation considers it likely for this limit to have been exceeded, a one-off verification exercise, and the timescale for the submission of the results of this investigation to the Waste Planning Authority.

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. Within 3-months of the development (wash plant) being fully completed, including the construction of the proposed retaining wall, associated bund and any other noise attenuating measures deemed appropriate, a programme of annual noise compliance monitoring shall be undertaken at the nearest noise-sensitive receptors (NSR's) to the Site, as identified within SLR Noise Assessment Report Ref; 416.07338.00003, dated May 2021.

The monitoring shall consist of noise measurements at each of the identified NSR's over representative daytime periods whilst the wash plant is operating under normal conditions in conjunction with the guidance contained in BS4142:2014+A1:2019. Detailed notes shall also be made on the prevailing noise climate and the audibility of the wash plant at each of the NSR's.

The results of the noise compliance monitoring, including any subjective observations, shall be compared to noise limits specified within Condition 7 and included within a report to be submitted to the Waste Planning Authority within 1-month of the completion of each monitoring exercise.

**NOTE:** If during the monitoring it is determined that the noise from the wash plant is not audible at any one of the identified NSR's, but the measured levels are observed to be above the limits specified in Condition 7 then further monitoring shall be undertaken at appropriate locations closer to the Site, where the noise from the wash plant is the dominant noise source. The noise levels measured at these locations would be corrected for distance and other environmental factors (i.e. ground, air absorption) to each relevant NSR and assessed accordingly.

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).

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

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

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

10. The “campaign” foam mix and wood shredding shall only take place in the bunded south west corner of the site as shown on the revised plan required by Condition 1.

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).

11. 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).

12. 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 07:00 - 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).

13. 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).

14. The development hereby permitted shall continue to be undertaken in accordance with the approved operational drainage systems at all times during permitted site operations as approved in:

Appeal Decision APP/Q1770/A/11/2161324 comprising:

- Drainage Statement (dated 10 April 2014, ref: LL/v1.3);
- Drainage, Hardstanding & Bay Construction Plan (dated July 2006; ref: 396/DRAIN/1).

Permission 15/00006/CMAS comprising:

- Proposed site drainage and car parking, Drawing BL021, Dated April 2015;
- Drainage Scheme LL/v1.1, dated 28/04/2015).

and the drainage scheme hereby approved for the vicinity of the wash plant:

- Surface Water Management Plan, Drawing 02 Rev 1, Dated Dec 2020.

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).

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 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).

16. 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).

17. 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.

If any additional lighting is required for the wash plant, a Lighting Scheme will need to be submitted, and approved by the Waste Planning Authority prior to its use.

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).

18. 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).

19. 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).

20. 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).

21. 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).

22. 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).

23. 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.