

HAMPSHIRE COUNTY COUNCIL
Decision Report

Decision Maker:	Regulatory Committee
Date:	20 October 2021
Title:	Proposed picking station and fines machinery at Calf Lane, Rye Common, Odiham Hook RG29 1HU (No. 20/02979/HCC) (Site Ref: HR078)
Report From:	Assistant Director of Waste, Planning and Environment

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Recommendation

1. It is recommended that permission be GRANTED subject to the conditions in **Appendix A**.

Executive Summary

2. The planning application retrospective and for a picking station and fines machinery at Calf Lane, Rye Common, Odiham Hook RG29 1HU.
3. This application is being considered by the Regulatory Committee at the request of Councillor Glen and due to the level of objection from the public.
4. As of 7 October 2021, a total of 16 representations (from 11 respondents) to the proposal have been received, all objecting to the proposal.
5. Key issues raised are:
 - Noise;
 - Lighting;
 - Traffic-related impacts;
 - Visual impacts; and
 - Retrospective nature of the application.
6. A committee site visit by Members took place on 4 October 2021 in advance of the proposal being considered by the Regulatory Committee.
7. The existing waste facility benefits from a Certificate of Lawfulness that allows for use of the site as an inert and low level hazardous waste recycling and transfer site. Representations have highlighted local frustration with aspects of the site operations but these are largely related to the wider site use covered by the Certificate of Lawfulness and are not material considerations for the subject application. These aspects include highway impacts (numbers, size and speed of vehicles, dust or mud on roads, wear

and tear on roads), noise from general site operations and stockpile locations.

8. Planning permission for a picking station was granted in 2017 ([17/00007/HCC](#)). However, the picking station that was installed is in a different location on the site, is not fully enclosed, and an additional stand-alone fines screener was also installed on the site, hence the need for this new planning permission.
9. The application will allow for a picking station and fines screener that will increase efficiency of the existing recycling operations and increase the quality of recycled material.
10. The subject application incorporates some of the use and associated operations occurring on the site today. As such it allows the Waste Planning Authority monitor and if necessary enforcement on this component of the site use.
11. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
12. It is considered that the proposal would be in accordance with the relevant policies of the adopted Hampshire Minerals and Waste Plan (HMWP) (2013) and the Hart Local Plan (Strategy and Sites) (2020). The picking station and fines screener will contribute to the recycling of construction, demolition, and excavation waste, and in doing so contribute to a steady and adequate supply of secondary aggregates for Hampshire (Policies 17, 18, 25 and 30). The proposal will assist in more efficient separation and diversion of recyclable material from landfill waste (Policy 25). The operation will occur within the setting of an existing site that is safeguarded by the policies of the HMWP (2013) (Policy 26). The proposal will also contribute to the rural economy. It has been satisfactorily shown that the picking station and fines screener will not cause unacceptable adverse impacts to public health and safety, or amenity (including noise and lighting) (Policy 10). There will be no unacceptable adverse visual impacts (Policies 10 and 13).

The Site

13. The site extends across approximately 0.5 hectares of land at Rye Common, near Odiham. It comprises a disused quarry with a concrete base and ramped vehicular access down from Calf Lane.
14. Calf Lane Quarry benefits from a Certificate of Lawfulness (CLU) ([08/03309/CMA](#)) for inert and low level hazardous waste recycling and transfer - comprising all processes normally associated therewith, the storage, repair, collection and delivery of demolition and other plant, equipment and vehicles associated with the operation and the salvage of reusable demolition arisings (e.g. timber, brick and tiles).

15. Evidence shows that quarrying activities started in this location prior to the 1950s. It was used for the storage of scrap and other wastes in the 1970s. The former quarry has created a teardrop shaped bowl that is recessed into the landform. The walls of the former excavation provides perimeter noise barrier and there is an established visual vegetative screen around the perimeter. It should be noted that the screening is not a requirement of any existing Planning Permissions or Certificate of Lawfulness and so there are no requirements for it to be retained by the operator.
16. The existing picking station sits along the eastern edge within the site while the smaller fines screener is located along western edge. Both pieces of plant sit below the height of the quarry walls.
17. A Public Right of Way (PROW) footpath (Odiham 60) is 730 metres to the east of the site and a bridleway (Odiham 73) is 650m to the west. Wooded common land (Rye and Hillside Commons) is located 280 metres from the site. Rye Common is identified as a Site for Importance of Nature Conservation (SINC).
18. The site has a single access point from Calf Lane. Although there is no formal routing agreement with the Highways Authority, Heavy Good Vehicles (HCVs) to and from the site are routed along the larger of two roads running through Rye Common connecting to the A287.
19. The closest residential properties lie approximately 180 metres to the north of the site entrance and application site on Calf Lane.
20. Beside the fixed plant subject to this application, the existing site contains a two-storey building containing an office and welfare facilities.

Planning History

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

Application no.	Proposal	Decision	Date issued
17/00007/HCC	Replacement Picking Station	Granted	23/03/2017
13/01142/CMA	Modification of picking station and store (retrospective)	Granted	01/11/2013
08/03309/CMA	Certificate of Lawful Use - inert and low level hazardous waste recycling and transfer site comprising all processes normally associated therewith, the storage, repair, collection and delivery of demolition and other plant, equipment and	Granted	23/11/2011

	vehicles associated with the operation and the salvage of reusable demolition arisings e.g. timber, brick and tiles		
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22. As the site allowed to process low level hazardous waste, Calf Lane Quarry is currently safeguarded under Policy 26 (Safeguarding – waste infrastructure) of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP).

The Proposal

23. Planning permission was granted for the replacement picking station in 2017 (planning permission [17/00007/HCC](#)). However, variations to the approved machinery were made to enhance the efficiency of the operation. The picking station is now open on one side instead of being enclosed and the various component machinery reconfigured.
24. In addition, to increase the ability to use recycled materials, a standalone fines screener was installed, which sifts and grades material for re-use. This machinery was not included in the earlier application for the replacement picking station and although potentially mobile, is intended to remain in its current location.
25. Planning permission is also now sought for both the picking station and fines screener as now located on the site.
26. The existing picking station replaced less efficient equipment and is now located on the eastern side of the quarry to make best use of the limited space available on the quarry floor.
27. The picking station and fines screener sit on the floor of the quarry and is below the level of surrounding land.
28. The installed picking station has the following dimensions:
- The overall length of the plant is approximately 47 m;
 - The 5 bay picking station is approximately 15m long and is raised 3.1m above the underneath material bays;
 - The maximum height above the quarry floor level is 7.5m – roof of secondary blower, magnet etc; and
 - The plant includes a low level feeder, fine waste screen (<40mm), conveyors and bays.
29. The standalone fines screener (screening <10mm) provides a further element of sorting material to provide useable recycled aggregates and comprises of:
- A total length of 14.8m;
 - Height of 5.5m;

- Approximate width of 2m; and
 - Collection areas to the side of the screener collect the graded materials.
30. Materials <40mm in size are removed from the waste via the fines screen in the picking station. This material is then loaded to the standalone fines screener where it is 'cleaned up' with the <10mm fines removed. The <10mm fines are tested and are suitable for landfill at the lower rate of tax. The remaining material is subject to further processing, with metals removed by overband magnet and lightweight constituents blown off with a fan. Remaining stones/aggregates/hardcore are then crushed with other oversized stones/aggregates/hardcore to 6f2 specification suitable for use in construction typically as a sub-base.
31. The 'feed' materials for both pieces of equipment are loaded using mobile plant.
32. The Certificate of Lawful Use (CLU) ([08/03309/CMA](#)) identifies the scope of the use of the site as an inert and low level hazardous waste recycling and transfer site. Associated notes on the certificate identify the intensity of those activities including:
- i. Hours of working for waste deliveries and sorting are:
Monday-Friday 07.00 to 17.00 hrs
Saturday 07.00 to 13.00 hrs.
 - ii. The use certified as being lawful by this Certificate is undertaken on the area outlined in the associated Site Plan (dated 8 December 2008) ("the Site Plan") attached.
 - iii. This Certificate recognises the use of the Land the subject of this Certificate necessitates the need to employ six (6) persons, but it is recognised that on occasions the use of temporary staff is required, in which case the number of staff on site does not exceed ten (10) persons;
 - iv. This Certificate recognises the average number of daily commercial HCV movements to be 28 per day of which on average not more than 10% is more than 30 tonnes gross weight. A "vehicular movement" is one journey to or from the Land - a journey in and out of the Land equates to 2 vehicular movements;
 - v. The only vehicular access and egress to the site is via the existing access off Calf Lane.
33. While these are specified in the CLU, an increase in these activities does not necessarily constitute a material change to the allowed use. As per the previous planning permission, no other alterations to the existing operations and layout of the site are proposed. Other than the picking station and fines screener, existing activities on the site are not subject to this current application.
34. A Lighting Assessment has been submitted and the associated plan shows lighting attached to or in the subject picking station, or illuminates the working area around the picking station and fines screener.

35. A Noise Assessment has been submitted as part of the application.
36. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#); Schedule 2, 11(b) Installations for the disposal of waste and does not require an Environmental Impact Assessment. A Screening Opinion confirming this was issued by the County Council on 2 December 2021.

Development Plan and Guidance

37. Paragraph 47 National Planning Policy Framework (2021) (NPPF) of the 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.
38. The following plans and associated policies are considered to be relevant to the proposal:

National Planning Policy Framework (2021) (NPPF)

39. The following paragraphs are relevant to this proposal:
 - Paragraphs 10-12: Presumption in favour of sustainable development;
 - Paragraphs 38, 47: Decision making; Determination in accordance with the development plan unless material considerations indicate otherwise;
 - Paragraphs 55 – 56: Planning conditions;
 - Paragraphs 81: Support of sustainable economic growth;
 - Paragraphs 84-85: Rural economy;
 - Paragraphs 174, 185; Noise and light pollution
 - Paragraph 209, 211: Facilitating the sustainable use of minerals;
 - Paragraphs 213: Steady and adequate supply of aggregates;

National Planning Policy for Waste (2014) (NPPW)

40. 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)

41. The following paragraphs are relevant to the proposal:
- Paragraph 0050: (Planning and regulation).

Hampshire Minerals & Waste Plan (2013) (HMWP)

42. The following policies are relevant to the proposal:
- Policy 1 (Sustainable minerals and waste development);
 - Policy 5 (Protection of the countryside);
 - Policy 9 (Restoration of minerals and waste sites)
 - Policy 10 (Protecting public health, safety and amenity);
 - Policy 13 (High-quality design of minerals and waste development);
 - Policy 17 (Aggregate supply);
 - Policy 18 (Recycled and secondary aggregates development);
 - Policy 25 (Sustainable waste management);
 - Policy 26 (Safeguarding - waste infrastructure);
 - Policy 27 (Capacity for waste management development);
 - Policy 29 (Locations and sites for waste management); and
 - Policy 30 (Construction, demolition and excavation waste development).

Hart Local Plan Strategy & Sites 2032 (2020) (HLPSS)

43. The following policies are relevant to the proposal:
- Saved Policy GEN 1 (General Development);
 - Saved Policy GEN 6 (Policy for noisy/un-neighbourly developments);
 - Policy NBE11 (Pollution).

Odiham and North Warnborough Neighbourhood Plan 2014 - 2032

44. No specific policies or guidance was relevant to the site or application

Consultations

45. **County Councillor Glen:** Has objection due to strong reasons for refusal.
46. **Hart District Council:** Has no objection subject to the imposition of appropriate conditions as previously imposed on planning permission 17/00007/HCC.
47. **Hart District Council Environmental Health Officer (EHO):** Has no objection subject to conditions regarding environmental noise and external

lighting proposals. During review requested clarifications on the noise assessment.

Following review of clarifications on the noise assessment and site visits were satisfied absolute level of sound predicted at the nearest noise sensitive receptors is sufficiently low to mean that only a low impact is possible. Recommended a noise management plan for the plant items and ancillary operations such as loading and unloading machinery that are critical to the operation of the proposed plant items on site. This could include but not limited to details such as;

- how often the plant will be maintained, serviced and repaired;
- the optimal operating conditions and capacity;
- any additional noise mitigation measures required such as “white noise” reversing alarms for the loading and unloading activities, and;
- complaints handling procedure.

Further recommended that lighting disturbance to neighbours be minimised with lighting hours be agreed and aligned with business hours where possible.

48. **Odiham Parish Council:** Has no objection but requested that the site be visited when in full operation to verify the data in the noise survey. It was noted that a noise survey undertaken in the summer when foliage was on trees could reduce noise output from the site.
49. **Environment Agency:** Has no objection.
50. **Blackbushe Airport:** Has no comment.
51. **TAG Aviation UK Ltd:** Was notified.
52. **Lasham Safeguarding:** Was notified.
53. **Defence Infrastructure Organisation:** No objection.
54. **Local Highway Authority:** Has no objection on basis that operations and capacity of the site would not change, and so site traffic would not increase.
55. **Landscape Planning and Heritage (Landscape) (HCC):** No objection. Satisfied that this proposal will not have a significant impact on the landscape.
56. **Landscape Planning and Heritage (Archaeology) (HCC):** Has no objection as any archaeological remains would have been removed during previous quarrying activity.
57. **County Ecologist (HCC):** Was notified.
58. **Public Health (HCC):** Was notified.

Representations

59. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
60. In complying with the requirements of the SCI, HCC:
 - Published a notice of the application in the Hampshire Independent;
 - Placed notices of the application at the application site and local area in Rye Common;
 - 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 on Rye Common in the vicinity of Calf Lane. This is beyond the standard 50m distance from the boundary of the site.
61. As of 7 October 2021, a total of 16 representations (from 11 respondents) to the proposal have been received. There was no representation in support of the proposal and 16 objected to the proposal. The main areas of concern raised in the objections related to the following areas:
 - visual amenity and landscape impact (waste stockpiles visible when looking into site through entrance);
 - impact of lighting associated with the development especially at night;
 - proximity to residential properties;
 - impact on the amenity of local residents as number of houses in vicinity has increased in recent years;
 - noise impacts particularly when wind blowing in certain direction ('clattering', vehicle reversing alarms);
 - impact on dust;
 - mud on roads;
 - increased HCV movements;
 - local roads not suitable for HCV movements (speed, pedestrians, wear and tear);
 - inaccurate information submitted as part of the planning application (noise assessment, size of Calf Lane Quarry);
 - retrospective nature of application;
 - level of activity on site beyond scope of Certificate of Lawfulness.
62. The above issues will be addressed within the following commentary, except where identified as not being relevant to the decision.

Habitats Regulation Assessment [HRA]

63. The [Conservation of Species and Habitats Regulations 2017](#) (otherwise known as the 'Habitats Regulations') transpose European Directives into UK law.
64. In accordance with the Habitats Regulations, Hampshire County Council (as a 'competent authority') must undertake a formal assessment of the implications of any new projects we may be granting planning permission for e.g. proposals that may be capable of affecting the qualifying interest features of the following European designated sites:
- Special Protection Areas [SPAs];
 - Special Areas of Conservation [SACs]; and
 - RAMSARs.
65. Collectively this assessment is described as 'Habitats Regulations Assessment' [HRA]. The HRA will need to be carried out unless the project is wholly connected with or necessary to the conservation management of such sites' qualifying features.
66. The HRA screening hereby carried out by the LPA/MWPA considers the proposed development to have **no likely significant effect** on the identified European designated sites due to:
- It is not located at a distance to be considered to have proximity to directly impact on the European designated sites;
 - The site is not considered to have any functional impact pathways connecting the proposed works with any European designated sites; and
 - The proposal does not have any significant increase on any adverse impacts the wider site may have.

Climate Change

67. 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.
68. The existing operations at Calf Lane have a CLU which means the principle of the site's location and its permitted operations are established.
69. 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 \(2021\)](#). A Climate Change Assessment was not submitted as part of the application. Therefore, the applications does not demonstrate how the proposal addresses mitigation or adaption to climate

change. However, there may be some life-cycle benefits from the processing of waste soils to derive secondary aggregates versus the extraction of primary aggregates. On the basis of what is proposed, the applicant is unable to demonstrate how it will mitigate and adapt to climate change to meet the provisions of Policy 2 (Climate change – mitigation and adoption) of the [HMWP \(2013\)](#) and the relevant paragraphs of the [NPPF \(2021\)](#).

Commentary

Principle of the development

70. As mentioned above, the site benefits from a Certificate of Lawfulness (CLU) and so is a recognised waste management location. The location and its use for waste management activities, specifically for low level hazardous waste, is therefore already established. Safeguarding helps protect strategically important waste management infrastructure against redevelopment and inappropriate encroachment unless the site is no longer required and the merits of any such redevelopment outweigh the safeguarding need.
71. Policy 1 (Sustainable minerals and waste development) of the 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. 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.
72. The subject picking station and fines screener will improve the efficiency of the recycling operation and increase separation of materials. The recovered aggregates will be suitable for use in construction and, where testing result allow, the fines material used for landfill cover.
73. 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

74. The continuation of material processing at the site is supported by Policy 17 (Aggregate supply) of the HMWP (2013) for the production of an adequate and steady supply of aggregates which should be augmented by the provision of 1.0 mtpa of recycled and secondary aggregates. This 1 mtpa is a minimum capacity level. This is expected to be augmented through the safeguarding and developing additional infrastructure.
75. 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. The investment in and improvement of the site's machinery is therefore supported by Policy 18 (Recycled and secondary aggregates development). 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.
76. 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 by encouraging waste to be managed at the highest achievable level within the waste hierarchy and to reduce the amount of residual waste that is currently sent to landfill.
77. 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. Policy 30 supports the proposal for the picking station and fines screener to maximise the recovery of construction, demolition and excavation waste with the recycling of aggregates achieved as part of the materials processing and recycling at the site.
78. 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 processed to produce a recycled and secondary aggregate.

79. Like the Minerals and Waste Planning Authority has previously reported with other applications of a similar nature, the industry is reporting a shift in demand for recycled and secondary aggregates following the Covid-19 pandemic. It is also the understanding of the Minerals and Waste Planning Authority that this supply issue is being seen elsewhere in the south-east (as reported to the South East England Aggregate Working Party) if not nationally. This 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.
80. 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) and 209 - 217 (Facilitating the sustainable use and supply of minerals) of the NPPF (2021). The proposal will help to contribute to Hampshire's supply of aggregates. Furthermore, the proposal would be in accordance with Paragraphs 81 and 84 - 85 of the NPPF (2021) all of which encourage the importance of local business needs the rural economy and the diversification of this economy.
81. Whether the proposal is considered to be in accordance with Paragraphs 10 and 11 as well as Policy 1 (Sustainable minerals and waste development) HMWP (2013) is considered in the concluding section of this commentary, when all other material matters have been addressed.

Development in the countryside

82. Policy 5 (Protection of the countryside) of the HMWP (2013) states that minerals and waste development in the open countryside, outside the National Parks and Areas of Outstanding Natural Beauty, will not be permitted unless it is a time-limited mineral extraction or related development or the nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location or the development provides a suitable reuse of previously developed land, including redundant farm or forestry buildings and their curtilages or hard standings. The policy also includes an expectation that the highest standards of design, operation and restoration will be met and there will be a requirement that it is restored in the event it is no longer required for minerals and waste use.

83. Even though the proposed development is on a site in a rural setting, the development of a picking station and fines screener sits within an existing waste recycling facility with an established use. As such it does not conflict with provisions of Policy 5 (Protection of the countryside) of the HMWP (2013).

Visual impact and landscape

84. Policy 13 (High-quality design of minerals and waste development) of the HMWP (2013) requires that waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and Policy 10 (Protecting public health, safety and amenity) protects residents from significant adverse visual impact.
85. Saved Policy GEN 1 (General Development) of the HLPSS (2013) states that developments will be permitted where they are in keeping with local character and this includes consideration of scale, design, massing, height, prominence, layout, landscaping, siting and density.
86. A Visual Impact Assessment has been submitted as part of the planning application. It is noted that the subject plant is completely below the height of the walls of the former quarry site and benefits from a substantial vegetative screening around the perimeter. No changes to the form of the site (i.e. the recessed 'bowl') or existing vegetative screen are proposed under the proposal. The County Landscape Architect has no objection to the development proposal.
87. Concerns about the visual and landscape impact from representations are noted. Some comments were made in representations about being able to see some stockpiles of waste stored at the south of the site. This would have to be seen when looking directly through the site entrance. The use and ability to store and process waste materials on the site is not pertinent to the current application. The picking station and fines screener are not visible from outside of the site.
88. The visual and landscape impact of the proposal is acceptable and considered to be in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the HMWP (2013) and Saved Policy GEN 1 (General Development) of the HLPSS (2020).

Cultural and Archaeological Heritage

89. Policy 7 (Conserving the historic environment and heritage assets) of the HMWP (2013) requires minerals and waste development to protect and, wherever possible, enhance Hampshire's historic environment and heritage assets (designated and non-designated), including their settings unless it is

demonstrated that the need for and benefits of the development decisively outweigh these interests.

90. The County Archaeologist did not object to the proposal and indicated that there would be no archaeological impact as it was in a former quarry site.
91. The proposal is considered to be in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the HMWP (2013).

Ecology

92. Policy 3 (Protection of habitats and species) of the 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. 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.
93. The County Ecologist were notified of the development. Since the development is within an existing waste processing site and former quarry, there are no ecology implications. The proposal will not impact the Rye Common Site of Importance for Nature Conservation (SINC) to the north. The proposal will not disturb any of the existing vegetated perimeter around the site. The proposal is in accordance with Policy 3 (Protection of habitats and species) of the HMWP (2013).

Impact on amenity and health

94. 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. The policy specifically states that they 'should not cause unacceptable noise, dust, lighting, vibration, or odour'.
95. Policy NBE11 (Pollution) of the HLPSS (2020) states that developments will be supported provided it does not give rise to, or would be subject to, unacceptable levels of pollution (including cumulative effects); or b) it is satisfactorily demonstrated that any adverse impacts of pollution, either arising from the proposed development or impacting on proposed sensitive development or the natural environment will be adequately mitigated or otherwise minimised to an acceptable level.
96. Saved Policy GEN 1 (General Development) of the HLPSS (2020) states that developments will be permitted where they avoid any material loss of

amenity to existing and adjoining residential, commercial, recreational, agricultural or forestry uses, due to noise, disturbance, noxious fumes, dust, pollution or traffic generation, and avoid the installation of visually damaging lighting.

97. Similarly, Saved Policy GEN 6 (Noisy/un-neighbourly developments) of the Hart Local Plan HLPSS (2020) considers impacts of noise, noxious uses, unsuitable traffic. It states developments will only be permitted where the site is not located where the proposal would have a serious adverse effect on the amenities of existing housing and other sensitive uses such as schools, or the recreational amenity of quiet areas of countryside. Proposals that incorporate adequate noise abatement measures to alleviate any material loss in amenity would be permitted.
98. Specific impacts addressed in this policy that are relevant to the subject application are considered below.

Light pollution

99. The applicant has submitted a Lighting Assessment showing the location of lighting required for operational purposes within the site. This in part is to facilitate the movement of materials around the site for them to be fed into the plant subject to this application.
100. Concerns over the impact of lighting were raised in representations and these are noted. The Hart Borough Council Environmental Health Officer (EHO) noted that light pollution for them the plant should not spill beyond the boundary of the site. Due to distance of the nearest dwellings from the site, and the form and its recessed nature of the site no light intrusion from site is be expected though some upward lighting may be visible.
101. However, the EHO has recommended a condition that requires the operator to switch off any lighting within the site outside of operational hours and this is included in **Appendix A**. The applicant has stated that entrance lighting is operated on a timer to allow for safe arrival and departure from the site. As this entrance lighting is associated with the operation of the site itself and not related to the operation of the subject plant specifically it is outside the scope of any lighting conditions proposed as part of this permission.
102. On the basis of the lighting plan and proposed condition, the proposal is in accordance 10 (Protecting public health, safety and amenity) of the HMWP (2013), and Policy NBE11 (Pollution) and Saved Policy GEN 1 (General Development) of the Hart Local Plan (Strategy Sites) 2032 with regards to the impact of lighting.

Noise

103. Concerns over noise and associated amenity impacts on nearby properties were raised in representations and these are noted. The applicant has submitted a Noise Assessment including measurements and modelling of the operational plant. The Noise Assessment concluded that *‘the predictions*

demonstrate that the picking line and plant are of low impact at the nearest and most affected noise sensitive receptor'. The noise assessment includes associated use of mobile plant for feeding of material into the picking station or fines screener.

104. An initial review of the noise assessment by the Hart Borough Council Environmental Health Officer (EHO) lead to a request for additional clarifications on the methodology and conclusions. This was provided by the applicant and the EHO has confirmed that he is satisfied with the responses. During the time that the application was being processed, the EHO also undertook scheduled and unannounced visits to the site and immediate vicinity to understand the impact of the plant itself. Any decision by the MWPA will have to be taken in the context of the Noise Assessment submitted with the application demonstrating that the subject picking station and fines screener will only result in a low impact.
105. The EHO has stated they have no objection with a condition requiring a Noise Management Plan for the site be prepared and submitted. The Noise Management Plan would need to include:
 - how often the plant will be maintained, serviced and repaired;
 - the optimal operating conditions and capacity;
 - any additional noise mitigation measures required such as “white noise” reversing beepers for the loading and unloading activities; and
 - a complaints handling procedure.
106. The operator may also choose to implement additional mitigation without direction from the MWPA although depending on its nature, permission from the MWPA may be required.
107. As part of the application process, the applicant has submitted further information to the satisfaction of the EHO which addresses maintenance of the subject plant and the existing mitigation installed. However, further detail regarding the complaint handling procedure is still required. The complaints procedure is expected to include:
 - A description of how the site can be contacted (e.g. email and telephone number provided to neighbouring residents) in the event of a complaint.
 - How the complaint will be recorded and reporting back on the investigation including any remedial steps taken.
 - Process and time period for investigating complaints.
108. The EHO has noted that a robust complaint procedure has often proved successful in addressing issues regarding neighbour operator relations. While the MWPA has in the past recommended liaison panels in situations where friction between operators and neighbours may exist, in this instance it is felt the complaints procedure is sufficient if the operator follows the approve procedures. If required, the MWPA would seek to establish a liaison panel following the decision.

109. To ensure noise management is addressed comprehensively in one document, a condition regarding the noise management plan is still included in its entirety although the aspects addressed already can be included. This is condition included in **Appendix A**.
110. Some additional mitigation of the noise from the picking station has been installed since the Noise Assessment was undertaken. The operator has placed additional acoustic barriers around the rotating fines screen in the picking station which was observed as the likely cause of a noise complaint. Details of these barriers have been provided by the applicant and as such are considered part of the subject picking station plant design. Additionally, following responses received on the application, a 'white noise' reverse alarm that was previously installed on the mobile plant used to load the picking station or fines screener has been replaced with a lower volume, direction, tonal alarm. The tonal alarm is only audible if directly behind the vehicle. One respondent has noted this latter change has improved that aspect of the noise nuisance from the site. Typically, the MWPA would recommend 'white noise' type reversing alarm, however in the context of the Calf Lane Quarry, the alternative alarm recently installed appears a satisfactory. A condition covering this aspect of the use of the plant is included in Appendix A.
111. Existing noise mitigation measures will be required to remain in place as a minimum.
112. Many public responses received included concerns regarding noise from the site. There is inevitably some noise that will be produced from the movement of plant in organising stockpiles, and delivery and loading materials on to vehicles that are associated with the general allowed operations of the site and are not material considerations of the subject application. However, the recommended conditions do allow for greater control of noise from major activities from the site subject to this current application.
113. Some responses raised concerns about the Noise Assessment methodology and its representativeness to all properties on Rye Common in the vicinity of Calf Lane. As stated above, the EHO asked for clarifications on the methodology and was satisfied with the responses received from the applicant.
114. Given the findings of the Noise Assessment alongside the proposed conditions, the proposal is considered to be accordance with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013), and Policy NBE11 (Pollution), Saved Policy GEN 1 (General Development) and Saved Policy GEN 6 (Noisy/un-neighbourly developments) of HLPSS (2020) in relation to noise.

Dust

115. The site has an existing dust suppression system and no external dust impacts for the operation of the picking station of fines plant are expected.
116. Some public representations have stated that dust created by vehicles traveling along Calf lane is a nuisance and these are noted. However, it is the MWPA view that is not related to the operations of the picking station and fines screener under consideration.
117. The dust impact of the proposal is in accordance with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013), and Saved Policy GEN 1 (General Development) of the HLPSS (2020).

Potential pollution associated with the development

118. National Planning Practice Guidance states that Planning Authorities should assume that other regulatory regimes will operate effectively rather than seek to control any processes, health and safety issues or emissions themselves where these are subject to approval under other regimes ([Paragraph 050 Reference ID: 28-050-20141016](#))
119. 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.
120. The site already has an Environmental Permit albeit an older one with a Management from 2014 that addresses control of the operations and pollutant on the site. However, there are minimal controls for noise nuisance in the existing permit making it all the more appropriate for noise related conditions to be added under any granting of planning permission.

Highways impact

121. Policy 12 (Managing traffic) of the HMWP (2013) requires minerals and waste development to have a safe and suitable access to the highway network and where possible minimise the impact of its generated traffic through the use of alternative methods of transportation. It also requires highway improvements to mitigate any significant adverse effects on highway safety, pedestrian safety, highway capacity and environment and amenity.
122. Concerns over the potential increase in HCVs and the concerns over the use of local roads as a result of the development are acknowledged. However, the operation of the picking station and fines screener will not generate traffic in itself. The applicant has stated that no increase to current traffic levels is proposed although the current traffic levels are not stated.
123. The Local Highways Authority has no objection to the change in design of the picking station as it is stated that the operations and capacity will not change as a result therefore there will be no increase in traffic.

124. Under the existing Certificate of Lawfulness access to the site by HCVs is identified and so allowed separate of whether the picking station and fines plant is located on the site or not. It has been asserted in representations that the level of traffic accessing the site is linked to the operational efficiencies the subject plant allows over previous picking stations approved for the site or earlier methods of sorting material on the site floor. A material change in the external impacts of HCVs over the number and type specified in the Certificate of Lawfulness would need to be demonstrated for a new planning permission to be required and that is outside the scope of this application.
125. The principle of the use of a more efficient picking station on the site has previously been approved in albeit in a different location on the site and without the additional fines screener.
126. Issues raised in representations regarding the wear and tear, mud on the highway and the speeding vehicles are matters for the Local Highways Authority or Police respectively.
127. As the operation and placement of the subject picking station does not in itself control the number of vehicles accessing the site (this is a matter addressed by the Certificate of Lawfulness), the proposal is found to be in accordance with Policy 12 (Managing traffic) of the HMWP (2013).

Restoration

128. Policy 9 (Restoration of minerals and waste developments) of the HMWP (2013) requires temporary minerals and waste development to be restored to beneficial after-uses consistent with the development plan. Restoration of minerals and waste developments should be in keeping with the character and setting of the local area, and should contribute to the delivery of local objectives for habitats, biodiversity or community use where these are consistent with the development plan. It also indicates that restoration of mineral extraction and landfill sites should be phased throughout the life of the development.
129. The scale of restoration to the full quarry site is limited to the scope of the subject application. However, the equipment subject to this application can be required to be removed and a condition to this effect has been included. A condition is therefore recommended that requiring the removal of the picking station and fines screener if the use site as recognised by the Certificate of Lawfulness ceases. Restoration of the entire site is outside of the scope of the subject of this planning application.
130. With the recommended condition, the proposal is considered to be in accordance with Policy 9 (Restoration of minerals and waste developments) of the HMWP (2013).

Retrospective nature of the development

131. As previously stated, the picking station and fines screener is already installed on the site and has been operational.
132. A complaint was received by County Council Monitoring and Enforcement officers regarding noise at the site that discrepancies in the design and location of the plant were observed by Officers. At that point, the applicant was requested to regularise the development and thereafter submitted this planning application.
133. The retrospective nature of this planning application is not a material consideration to the determination.

Planning conditions

134. As mentioned above, a picking station of similar scale to the one in the subject application was previously approved in Planning Permission [17/00007/HCC](#). Conditions that were necessary for that development have been recommended again for this development. This was also requested by Hart District Council as a condition of their not objecting. As the picking station and fines screener are already in place this the commencement condition previously recommended has not been included.

Conclusions

135. It is considered that the proposal would be in accordance with the relevant policies of the adopted Hampshire Minerals and Waste Plan (HMWP) (2013) and the Hart Local Plan (Strategy and Sites) (2020). The picking station and fines screener will contribute to the recycling of construction, demolition, and excavation waste, and in doing so contribute to a steady and adequate supply of secondary aggregates for Hampshire (Policies 17, 18, 25 and 30). The proposal will assist in more efficient separation and diversion of recyclable material from landfill waste (Policy 25). The operation will occur within the setting of an existing site that is safeguarded by the policies of the HMWP (2013) (Policy 26). The proposal will also contribute to the rural economy. It has been satisfactorily shown that the picking station and fines screener will not cause unacceptable adverse impacts to public health and safety, or amenity (including noise and lighting) (Policy 10). There will be no unacceptable adverse visual impacts (Policies 10 and 13).

Recommendation

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

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan
Appendix C – Layout Plan
Appendix D – Plant elevations

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/20/02979/HCC>

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

20/02979/HCC

Hampshire County Council

HR078

Calf Lane, Rye Common, Odiham Hook RG29

1HU

(Proposed picking station and fines machinery)

EQUALITIES IMPACT ASSESSMENTS:

1. Equality Duty

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

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

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

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

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

CONDITIONS

Operational

1. The picking station and associated plant or machinery shall only be operated between the following hours: 0700-1700 Monday to Friday and 0700-1300 Saturday. There shall be no working on Sundays or recognised Public Holidays.

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

2. The development hereby approved shall only be used ancillary to the use of the site approved by Certificate of Lawfulness 08/03309/CMA. The development shall only be operated in accordance with all terms, conditions and Schedules relating to that Certificate of Lawfulness.

Reason: To ensure that the development is consistent with the use of the land as approved by Certificate of Lawfulness 08/03309/CMA.

Noise

3. All vehicles, plant and machinery operated by the site operator as part of, or servicing the operations of, the picking station or fines screener shall be maintained in accordance with the manufacturers' specification at all times and shall be fitted with and use effective silencers. Vehicles and mobile plant shall be fitted with white noise reversing alarms unless an alternative is approved by the Waste Planning Authority on the basis of it being less audible and less intrusive to receptors outside the site boundary.

Reason: To minimise noise disturbance from operations at the site in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

4. Within one month of the date of this permission, a Noise Management Plan shall be submitted to the Minerals and Waste Planning Authority for approval in writing. The plan shall include:
 - a. noise sources associated with operation of the picking station and fines screener
 - b. how often the picking station and plant will be maintained, serviced and repaired;

- c. specify any additional noise mitigation measures that have been implemented since the field measurements were taken for the noise assessment including replacement of reversing alarms and acoustic barriers around any fines screener as detailed in the 'Noise Management Plan and lighting information' submitted 21/09/2021);
- d. a complaints handling procedure including:
 - i. description of how the site can be contacted (e.g. email and telephone number provided to neighbouring residents) in the event of a complaint;
 - ii. how the complaint will be recorded and reporting back on the investigation including any remedial steps taken;
 - iii. process and time period for investigating complaints.

Reason: To minimise noise disturbance from operations at the site in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Lighting

- 5. Lighting within the site shall be in accordance with the 'Lighting Assessment'; 'Lighting Assessment Plan' ref:248/02-1 dated 9 September 2020; and 'Noise Management Plan and lighting information' submitted 9 September 2021. The site shall not be lit outside of the operating hours stated in condition 2 above.

Reason: To control the impact on landscape and visual amenity and ensure that the development meets Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Restoration

- 6. In the event that the use of the land recognised by Certificate of Lawfulness 08/03309/CMA is considered by the Minerals and Waste Planning Authority to have permanently ceased, the development hereby permitted shall be removed from the site and the land upon which it stood restored to its previous condition within 3 months of the date the Minerals and Waste Planning Authority determines the use to have permanently ceased.

Reason: To ensure the development is in accordance with Policies 5 (Protection of the countryside) and 9 (Restoration of Minerals and Waste Developments) of the Hampshire Minerals & Waste Plan (2013).

Plans

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

248/02-1 'Proposed site plan' dated 9 September 2020;
248/02-2 'Application area plan' dated 28 September 2020;
248/03 'Picking stations and screens' dated 14 September 2020; CPS-809IssueB 'Majorette Fines Screen' dated 8 September 2020;
248/01RevA 'Site location plan' dated 10 September 2020; and
248/02-1 'Lighting Assessment' dated 9 September 2020;

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

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 (2021), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts
3. For the purposes of matters relating to this decision Heavy Commercial Vehicles (HCVs) are defined as vehicles over 3.5 tonne un-laden).
4. The operator is encouraged to extend the noise complaints procedure to be approved under Condition 4 to address operations and impacts of the site more widely.