

HAMPSHIRE COUNTY COUNCIL
Decision Report

Decision Maker:	Regulatory Committee
Date:	7 September 2022
Title:	Construction of an explosives waste burning facility with perimeter bund at Hirtenberger Defence International Ltd, Craydown Lane, Stockbridge Middle Wallop SO20 8DX (No. 21/03512/CMAN) (HCC site reference TV262)
Report From:	Assistant Director of Minerals, Waste and Environment

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Recommendation

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

Executive summary

2. The application seeks permission for the construction and use of an explosive waste burning facility on the South Site. The waste disposed of at the site would consist of small amounts of explosive waste and waste contaminated by explosives. The explosive waste produced at the facility is currently being stored on site for future disposal. The proposal would be operated approximately once a month to dispose of any explosives waste. The total annual throughput is estimated to be below 1 tonne per year. The proposal would generate Heavy Goods Vehicle (HGV) movements.
3. Key issues raised related to:
 - proximity to residential properties and impact on health and amenity (including air quality and odour);
 - chemical pollution, chemical content of materials used / development's use of toxic material, other pollution and emissions.
4. The proposed development is an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) as it consists of the disposal of explosive waste by means of incineration. Explosive waste materials are categorised as hazardous waste, and proposals for the construction of waste disposal installations for the incineration of hazardous waste are listed in Schedule 1 to the EIA Regulations, for which an Environmental Impact Assessment is required in every case.
5. The proposal is being considered by the Regulatory Committee as it is a Schedule 1 EIA development.

6. A committee site visit was not arranged due to the small scale nature of the proposal. This approach was agreed with the Chairman of the committee.
7. It is considered that the proposal would be in accordance with the relevant policies of the adopted Hampshire Minerals and Waste Plan (2013) as it would not result in adverse impacts on the amenity of local residents (Policy 10) or the environment (Policies 3 (Protection of habitats and species) , 5 (Protection of the countryside)) and would not generate Heavy Goods Vehicle (HGV) (Policy 12 (Managing traffic)) traffic in connection with the disposal of waste. The proposal would also allow for sustainable waste management (Policies 25 (Sustainable Waste Management) and 33 (Hazardous and Low-level Radioactive Waste development) and is a suitable location (Policy 29 (Locations and sites for waste management)). It is therefore considered to be a sustainable waste development (Policy 1 (Sustainable minerals and waste development)) and it is recommended that planning permission is granted subject to the conditions in **Appendix A**.
8. It is recommended that planning permission be GRANTED subject to the conditions listed in **Appendix A**.

The Site

9. The proposed development is 1.2 kilometres (km) north east of the village of Over Wallop and 10 km south west of Andover (see **Appendix B – Committee Plan**).
10. The land at Craydown Lane is a well-established site which has been used for the manufacturing of defence pyrotechnics for over 60 years. In 2018, the site was sold to the applicant company and remains a licensed explosives factory.
11. The applicant company's operational land is divided by Craydown Lane into two areas, referred to as the North Site and the South Site, owing to their location relative to Craydown Lane. The North Site contains older manufacturing buildings and offices. Most of the manufacturing buildings were demolished and the land cleared as part of the sale to the applicant company. The South Site generally contains newer facilities, largely built since 2002. The area to which this planning application relates (referred to as "the application site" in this report) is located on land forming the South Site (but only forms a small part of it) and is located to the west of the existing manufacturing building.
12. The previous disposal facility at the site consisted of a concrete slab surrounded by concrete blocks which was removed as part of the site remediation process by the previous site owners (Esterline) in 2018, and overseen by the Health & Safety Executive.
13. The applicant company operates an established site for the manufacturing of pyrotechnics occupying approximately 5.3 hectares (ha) on the north side

and about 3.3 hectares on the south side of Craydown Lane. The application site itself measures approximately 380 m² and is located on the south side of the lane. It is regarded as a brownfield site as it is previously developed land.

14. The application site is located in the south western part of the larger manufacturing site. There is existing screen planting along the western, southern and eastern perimeter of the site. The topography of the ground is sloping away to the south (see **Appendix C – Location Plan**).
15. The development is not located within a Sensitive Area (i.e. a Site of Special Scientific Interest (SSSI), a National Park, the Norfolk Broads, a World Heritage Site, a Scheduled Ancient Monument, an Area of Outstanding Natural Beauty (AONB), or a European site. The nearest AONBs are the North Wessex Downs AONB (12km north of the site) and the Cranborne Chase & West Wiltshire Downs AONB (18km south west of the site).
16. The Porton Down SSSI and the Salisbury Plain Special Area of Conservation (SAC) are located 3.5km to the west of the site.
17. A Local Nature Reserve (Danesbury Hill Fort) is situated 3km south east of the site.
18. A Scheduled Monument, a hydraulic pillbox on the Middle Wallop Aerodrome, is located 500m east of the site.
19. The site is accessed from Craydown Lane. There is one access point onto the wider manufacturing site. The application site itself is accessed via an existing internal road. The nearest public highway is Craydown Lane, 120m north of the site.
20. The nearest residential property is located 190m west of the site.
21. The nearest public right of way (PROW), Over Wallop 9, runs in a north-south direction, approximately 50m west of the application site.

Planning History

22. The planning history of the applicant company's operational area is as follows:

“North Site” (land on the north side of Craydown Lane):

Application No	Proposal	Decision	Date Issued
TVN.03413/7	Extensions to 4 existing buildings to provide a 13 room manufacturing building	Approved	July 1990
TVN.03413/15	Provision of 2 single storey demountable	Approved (temporary)	April 2001

	buildings for office use	permission)	
TVN.03413/17	Provision of pitched roof over existing reception building and new door	Approved	January 2002
06/00412/FULLN	Siting of two portable buildings for use as locker rooms	Approved (temporary permission)	March 2006
16/01966/SCRN	EIA Screening opinion – Demolition of various buildings and retention of: trees/hedges, main offices, parking, building T, building 95, the base slab of building 98, the perimeter road and perimeter security fencing	Not EIA Development	September 2016
16/02689/DEMNI	Prior Approval for the demolition of explosive manufacturing facilities	Granted	March 2017
18/00281/FULLN	Erection of security infrastructure comprising of security fencing, CCTV masts and cameras	Approved	October 2018

“South Site” (land on the south side of Craydown Lane:

Application No	Proposal	Decision	Date Issued
TVN.03413/18	Erection of buildings for the storage, packing and assembly of explosives, with security gatehouse	Approved	November 2002
08/00883/FULLN	Part retrospective application for erection of building for the manufacture and assembly of pyrotechnics and revised access arrangements	Approved	July 2008
10/01846/FULLN	Part retrospective application for the erection of building for the manufacture and	Approved	October 2010

	assembly of pyrotechnics and revised access arrangements		
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The Proposal

23. The application seeks permission for the construction and use of an explosive waste burning facility on the South Site.
24. The proposed development relates only to land on the south side of Craydown Lane and would replace an older and less environmentally safe facility on the North Site which was removed as part of the site demolition and remediation (planning reference 16/02689/DEM/N, March 2017). The waste disposal facility is site adjacent to the production facility which generates the waste.
25. There is a requirement for the Health and Safety Executive (HSE) Inspectorate (Explosives) as the licensing authority, to ensure that the facility meets the requirements of existing explosives legislation.
26. The applicant has indicated that currently there is no way of disposing of explosive waste on site. Over time, this has the potential to generate a more hazardous environment due to chemical degradation of the explosives leading to increased sensitivity. Since the applicant took over the site in November 2018, all waste explosive and explosive contaminated waste that has been generated, has been stored onsite in secure, licensed explosives magazines and counts as part of the licensed limits for the site.
27. The applicant has indicated that if the site continues to operate without a disposal facility, this waste will eventually have to be moved on public roads through Hampshire to another third party (as yet unidentified) specialist disposal facility, somewhere in the UK. The construction of the on-site disposal facility removes the need to use the public highway for the future transportation of waste explosives.
28. From a safety perspective, the proposal allows for the safe disposal of explosive waste as it is generated rather than allow it to build up and more importantly, provides an onsite facility which can dispose of dangerous explosives as they occur.

Design:

29. The disposal facility would consist of a cage inside a modified 10ft shipping container (see **Appendix D – Layout Plan**). The steel container would sit on a concrete plinth, surrounded by a concrete bund designed to contain all surface run-off water (rain) contaminated with non-explosive residues resulting from the burning process and preventing them leaking into the ground. The bund would be emptied as required and any contaminated

runoff would be disposed of by an external licensed contractor. The container and internal cage will be manufactured off site and delivered complete (see **Appendix E – Photographs & photomontages South**).

30. The application site would be surrounded by a 3 metre high grassed earth mound (for the purposes of providing the required explosives safety) with a single entrance access. The grassed mound would also provide screening of the burning facility from Craydown Lane and the surrounding area.
31. The size of the burn area, including the external grassed mound would be approximately 12m x 12m, with an additional internal access road designed for light vehicles with a single unloading bay.
32. The proposed facility would be sited on a grassed area which was graded and seeded as part of large construction activity inside the factory boundary several years ago.
33. The facility would require a concrete pad to support the burning container. The concrete mix would be delivered to site by an authorised contractor. The spoil from the concrete pad foundation excavations would be used in the construction of the mound surrounding the facility. The remainder of the mound would be built using materials already on-site.
34. The access road would be a tarmac construction built by an external contractor and used to link the facility to the internal road network.
35. The building of the proposed explosives burning facility will require no existing trees to be removed.
36. The delivery of the proposed development will not involve extensive excavations or disturbance of the existing ground.
37. Emissions from the facility would be controlled by limiting the quantity of explosives and waste that could be burnt at any one time. This quantity will be set by the HSE who will issue the explosives license for its use.
38. Any rainwater from the facility would be collected as contaminated waste and diverted to a storage tank. The tank would be emptied as required and the contents disposed of by a licensed contractor. The proposed burn facility is at the top of an elevated position within the South Site, with a gentle slope to the west. At the base of the slope there are significant concrete underground water containment chambers. These chambers are completely dry and show no signs of ever being required. It is anticipated that any water run-off from the access road would have negligible impact on amount of water that descends the slope.

Types of waste and throughput:

39. The waste disposed of at the site would consist of small amounts of explosive waste and waste contaminated by explosives. The explosive waste produced at the facility is currently being stored on site for future disposal.
40. The applicant company advises that the waste material to be burned would consist of:
 - wood kindling - the amount and type similar to that used to light a domestic fire;
 - contaminated paper, consisting of several sheets of absorbent 'blue roll' which has been used to clean work surfaces and for safety reasons is now classified as explosive contaminated waste;
 - waste explosive – mainly black powder with occasional flakes of TNT up to 2 kg.
41. The main items for disposal would be explosive contaminated cleaning materials and small amounts of explosive waste.
42. The total annual throughput is estimated to be below 1 tonne per year.
43. The explosive waste produced as a result of manufacturing cannot be sent to landfill and is unsuitable for recycling.
44. No other types of waste would be allowed to be brought on-site for disposal. The development will be used only for onsite material.

Hours of working:

45. The applicant advises that the burning site would be operated approximately once a month, usually on a Friday, to dispose of any explosives waste. For safety reasons, the facility can only be used for one burn in any 24 hour period.
46. No information has been provided regarding proposed hours of operation. It is considered reasonable, should permission be granted, to impose a planning condition stipulating that any operation of the facility should be limited to the hours between 09.00 and 17.00 Mondays to Fridays, with no operation taking place on Saturdays, Sundays or Bank Holidays.

Safety and security:

47. The applicant has indicated that this type of disposal facility has been used for many years on other sites in the United Kingdom and overseas without the explosives detonating, with no production of ground-shock (vibration) or damaging noise levels. This is achieved by ensuring that the quantity of waste explosives being burnt is kept below the critical mass required for a detonation.

48. To maximise safety, the structure has been designed and built to mitigate the potential blast and fragmentation hazards in the event of an accidental explosion and also provide environmental protection.
49. According to the paragraph 9.3.4 of the [CBI Explosives Industry Group – Guide for the Safe Management of the disposal of Explosives](#) ‘caged burning of explosives requiring disposal or explosives contaminated waste remains the preferred method for the elimination of the explosives hazards associated with such materials’.
50. The development requires isolation due to safety requirements set out in Regulation 27 of the [Explosives Regulations 2014](#) (as amended).
51. The applicant has indicated that security provisions at the south site have been brought up to modern standards in recent years.

Links to other regulatory regimes:

52. If planning permission is granted, the HSE Explosives Unit will license to operation of the facility. The HSE license will limit the amount and type of explosive that is allowed to be burnt at any one time.

HGV movements and parking:

53. As the waste to be disposed is generated during manufacturing processes carried out at the same site, there would be no HGV movements associated with this proposal. The proposed development would allow for an on-site ability to safely dispose of any explosives in a dangerous condition without transporting them to a third party site on public roads.
54. No changes are proposed to the existing parking arrangements for the site.

Alternatives:

55. Alternative methods of disposal include demolition (structural damage through ground-shock and hazards associated with blast and fragmentation) and neutralisation by chemical breakdown which require the manufacture of those chemicals and their transportation and later disposal, usually by burning. The disposal of explosives by burning causes the least damage to the environment and is required by the HSE.

Environmental Impact Assessment

56. The proposed development has been assessed under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). The description of the proposed development falls within Schedule 1 No. 9: Waste disposal installations for the incineration, chemical treatment (as defined in [Annex I to Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Directive \(EU\) 2018/851](#), under

heading D9), or landfill of hazardous waste as defined in [Article 3\(2\) of that Directive](#). It is Schedule 1 development as it consists of the disposal of explosive waste by means of incineration. Explosive waste materials are categorised as hazardous waste, and proposals for the construction of waste disposal installations for the incineration of hazardous waste are listed in Schedule 1 to the EIA Regulations, for which an Environmental Impact Assessment is required in every case.

57. Article 3(2) of Directive 2008/98/EC of the European Parliament defines hazardous waste as waste which displays one or more of the hazardous properties listed in [Annex III](#).
58. Annex III lists the properties of waste which render it hazardous. There are several categories of hazardous waste, including category HP 1: 'explosive waste', which is defined as "*waste which is capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings*". Pyrotechnic waste, explosive organic peroxide waste and explosive self-reactive waste are included in this category.
59. An Environmental Statement has been supplied by the applicant and has been considered alongside the application documents.

Development Plan and Guidance

60. 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.
61. The following plans and associated policies are considered to be relevant to the proposal:

[National Planning Policy Framework \(2021\)](#) (NPPF)

62. The following paragraphs are relevant to this proposal:
 - Paragraphs 10-12: Presumption in favour of sustainable development;
 - Paragraphs 38, 47: Decision making;
 - Paragraphs 55 – 56: Planning conditions; and
 - Paragraphs 183-188: Ground conditions and pollution.

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

63. 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)

64. The following paragraphs are relevant to the proposal:
- Paragraph 007 (Self-sufficient and proximity principle);
 - Paragraph 0046 (Need); and
 - Paragraph 0050: (Planning and regulation).

Hampshire Minerals & Waste Plan (2013) (HMWP)

65. The following policies are relevant to the proposal:
- Policy 1 (Sustainable minerals and waste development);
 - Policy 2 (Climate change – mitigation and adaptation);
 - Policy 5 (Protection of the countryside);
 - Policy 9 (Restoration of quarries and waste developments);
 - Policy 10 (Protecting public health, safety and amenity);
 - Policy 11 (Flood risk and prevention);
 - Policy 13 (High-quality design of minerals and waste development);
 - Policy 25 (Sustainable waste management);
 - Policy 29 (Locations and sites for waste management); and
 - Policy 33 (Hazardous and low level radioactive waste).

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

66. The following policies are relevant to the proposal:
- Policy SD1: Presumption in Favour of Sustainable Development
 - Policy E7: Water Management; and
 - Policy E8: Pollution.

Wallops Village Design Statement 2004

67. The following guidelines are relevant to the proposal:

Landscape and Setting Guidelines:

- The overall setting of the village should be protected. Any future developments should be carefully controlled to protect open views and green spaces.
- Preserve the separation of the two settlements
- Maintain the separation of the settlements from the Army Air Corps buildings

Design Guidelines:

- Attention must be paid to the scale and density of any new structures and their proportional relationship to the neighbouring buildings and landscape

Road and Traffic Guidelines:

- Parking for all new dwellings, in however small a development, must meet county parking standards (revised in 2002)

Street Furniture Guidelines:

- Private security lights should be muted and carefully sighted to light the required areas without forming an hazard to road users or a nuisance to neighbours

Consultations

68. **Lead Local Flood Authority:** No objection, but comments that if the usage of the site changes, the hardstanding area and any contaminated material should be removed so that the surface water regime can revert to the greenfield situation.
69. **County Landscape Architect:** No objection in principle, but comments that the visual appearance of the scheme could be made to look less artificial. It would be preferable to see the development partially sunk into the ground in order to reduce the height of the overall mound and to soften the angle of the grass slopes - these changes would improve the overall visual appearance of the scheme.
70. **Environment Agency:** Notes that from a groundwater perspective the proposal remains low risk (burning of small quantities of max. 1-2 kg per month of waste containing explosive materials on a sealed pad). No objection subject to a condition requiring that, in the event of contamination not previously identified being discovered, a remediation strategy shall be submitted for approval and implemented as approved.
71. **Ministry of Defence - Defence Infrastructure Organisation:** No objection.
72. **Environmental Health Test Valley North:** No objection.
73. **Over Wallop Parish Council:** Was notified.
74. **Test Valley Borough Council:** No objection.
75. **Councillor Drew:** Was notified.

Representations

76. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
77. In complying with the requirements of the SCI, the County Council:
- Published a notice of the application in the [Hampshire Independent](#);
 - Placed notices of the application at the application site and local area;
 - 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 400 metres of the boundary of the site.
78. As of 25 August 2022, a total of 3 representations to the proposal have been received, all objecting to the proposal. The main areas of concern raised in the objections related to the following areas:
- proximity to residential properties;
 - Impact on the amenity of local residents;
 - impact on air quality;
 - associated health impacts;
 - odour associated with the development;
 - chemical pollution;
 - pollution and emissions associated with the development;
 - chemical content of materials used / development's use of toxic material.
79. The above concerns are noted and will be addressed within the following commentary (except where identified as not being relevant to the decision).

Habitats Regulation Assessment (HRA)

80. The [Conservation of Species and Habitats Regulations 2017](#) (otherwise known as the 'Habitats Regulations') transpose European Directives into UK law.
81. 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 (SPA);
 - Special Areas of Conservation (SAC); and
 - Wetlands of international importance as defined by the Ramsar Convention for the conservation and sustainable use of wetlands ("Ramsar sites").

82. 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.
83. The HRA screening hereby carried out by the Local Planning Authority considers the proposed development to have **no likely significant effect** on the identified European designated sites, for the following reasons:
- It is not located at a distance to be considered to have proximity to directly impact on the European designated sites;
 - The application 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.

Climate Change

84. Hampshire County Council declared a [Climate Emergency](#) on 17 June 2019. Two targets have been set for the County Council, and these also apply to Hampshire as a whole. These are to be carbon neutral by 2050 and preparing to be resilient to the impacts of temperature rise. A [Climate Change Strategy and Action Plan](#) has since been adopted by the Council. The [Climate Change Strategy and Action Plan](#) do not form part of the Development Plan so are not material to decision making. However, it is true to say that many of the principles of the Strategy and Action Plan may be of relevance to the proposal due to the nature of the development. Where these principles are of relevance, they are addressed in the relevant parts of the Commentary section.
85. This proposed development has been subject to consideration of Policy 2 (Climate change mitigation and adaptation) of the [HMWP \(2013\)](#), Policy SD1: *Presumption in Favour of Sustainable Development* of the [TVBLP \(2016\)](#) and the relevant sections (in particular, paragraphs 153 to 158) of the [NPPF \(2021\)](#).
86. The proposal would not have a significant impact on climate change owing to the frequency of its use and the small amount of waste being disposed of on each occasion of its operation. The proposal would also reduce the use of vehicles to transport explosives off-site for disposal to nil. The applicant has also indicated that the disposal of explosives by burning causes the least damage to the environment. It is therefore considered to be in accordance with Policy 2 (Climate change mitigation and adaptation) of the Hampshire Minerals and Waste Plan (2013), Policy SD1: *Presumption in Favour of Sustainable Development* of the TVBLP (2016) and the relevant sections of the NPPF (2021).

Commentary

Development Plan Policy context / Principle of the development / Need

87. The applicant company operates an existing facility for the manufacture of defence pyrotechnics which has been located at the application site for over 60 years. The manufacturing process generates small amounts of explosive waste, and also waste contaminated by explosives (as detailed in the [Proposal](#) section).
88. However, as there is currently no disposal facility available, this waste is currently being stored on the site for future disposal. If the site were to continue operating without a disposal facility, the stored waste would eventually have to be moved on public roads through Hampshire to another (as yet unidentified) specialist disposal facility elsewhere in the UK. This would lead to the generation of vehicle movements, and wider health and safety issues associated with the transportation of explosive waste on public roads.
89. In addition, the continuous storage of explosive wastes over long periods of time also has other safety implications, as the waste materials may degrade and over time become less stable.
90. From a safety perspective, the safe disposal of small amounts of explosive waste (and waste contaminated by explosives) on a regular basis at the point of manufacturing would therefore be preferable to the prolonged storage followed by the transportation to an external facility at an (as yet) unknown location. The adverse effects of the proposed development will therefore have to be weighed against the environmental effects of continued storage followed by disposal off-site.
91. Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#) supports the location of waste management facilities close to the sources of waste. In the case of this application, the waste to be treated would arise on the same site. Treatment elsewhere would require the transportation of waste out of the site to another licensed, as yet unidentified disposal facility. The waste disposal facility is site adjacent to the production facility which generates the waste. This would result in the need to use public roads to transport potentially hazardous materials and would generate more traffic than on-site disposal. The explosive waste produced as a result of manufacturing cannot be sent to landfill and is unsuitable for recycling. Explosives that are contaminated with other items can have their relative sensitivity to initiation altered which can make them more likely to function accidentally. All such waste must be disposed of in a recognised manner. The proposal therefore represents the most appropriate option for management in accordance with the waste hierarchy. As already noted, burning explosive waste is recognised by the CBI as the preferred method of disposal. Consequently, the proposal is considered to meet the requirements of Policy 25 (Sustainable waste management) of the HMWP (2013).

92. Policy 33 (Hazardous and low level radioactive waste) of the HMWP (2013) supports developments to provide sufficient capacity necessary to deal with hazardous waste, subject to no acceptable alternative form of waste management further up the waste hierarchy can be made available, or is being planned closer to the source of the residues.
93. The publication "[Guide for the Safe Management of the Disposal of Explosives](#)", published by the CBI Explosives Industry Group, advises that "caged burning of explosives requiring disposal or explosives contaminated waste remains the preferred method for the elimination of the explosives hazards associated with such materials". The proposed facility would therefore allow the disposal of the explosive waste in a way that reflects current industry best practice. The proposal is therefore considered to be in accordance with the criteria set out in Policy 33 (Hazardous and low level radioactive waste) of the HMWP (2013).
94. The site is not a site allocation in the adopted HMWP (2013) as a waste site.
95. Policy 1 (Sustainable minerals and waste development) of the HMWP (2013) states that minerals and waste development that accords with policies in this Plan will be approved without delay, unless material considerations indicate otherwise. Whether this proposal is considered to be a sustainable waste development will be covered by the remaining sections of the commentary.

Development in the countryside and site location

96. 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 meets one of 3 criteria (a-c). Part b of the policy is relevant to the proposal. Part b states development in the countryside will not be permitted in the open countryside unless the nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location. There is also a demonstrated local need for the waste site in this location. Given the nature of the proposal, a remote location in the countryside is required so as not to affect the amenities of residents. In the case of this application, there are very few residential properties in the area surrounding the site (there are 5 properties within a 400 meter radius, the closest of which is at a distance of 190 metres). In addition, the facility would be located on an operational manufacturing site which is classified as previously developed land. The size of the proposed facility is also in keeping with the existing site disposal requirements. It is therefore considered that the proposal meets part b of Policy 5 and could also be said to meet part c.
97. Policy 5 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.

[Design](#) and [Restoration](#) aspects are covered later in this commentary. The proposal would not have any impact on the AONBs which are located at distance from the site as noted in the [Site](#) section of this report.

98. The HMWP (2013) requires all forms of hazardous waste to be treated as far as possible up the waste hierarchy and as close as possible to the source of the waste arising, and specialist facilities for the treatment of such waste should meet the locational criteria set out in Policy 29. As already noted, the proposal is considered to meet the requirements of Policy 25 (Sustainable waste management). Policy 29 (Locations and Sites for Waste Management) of the HMWP (2013) sets out locational criteria for waste management sites and operations. While there is a preference for sites within urban areas, along strategic road corridors and within areas of major new or planned development, sites in other locations will be supported where it meets the requirements of Part 3 of Policy 29. Part a of the Policy states that development in other locations will be supported where it is demonstrated that 'the site has good transport connections to sources of and/or markets for the type of waste being managed'. The fact that the proposal does not result in any HGV movements as the in situ waste can be managed on site means the proposal meets part a. A clear and special need for the proposal has been demonstrated meaning the proposal also meets part b. The site location is considered suitable for the proposed operation in terms of its distance from the nearest sensitive receptors. Therefore, the suitability of the site can be justified in accordance with Part 3 of the Policy 29 (Locations and Sites for Waste Management) of the HMWP (2013).

Visual impact and landscape

99. Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) protects residents from significant adverse visual impact. In addition, Policy 13 (High-quality design of minerals and waste development) requires that waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape. In addition,
100. The proposed facility would not impact on the surrounding landscape which is dominated by nearby explosive magazines and production facilities.
101. The application site is well screened by existing boundary planting. There is no visibility from the public right of way running along the western edge of the manufacturing site. In addition, the proposed burning pad would be surrounded by an earth mound and would therefore not be visible from outside the site. Due to the nature of the explosives industry, most facilities are mounded, usually the mound is made of an earth bank which is grassed. The proposed facility would also be surrounded by such a mound, which would be constructed using soil removed during the construction of the access road. All grassed mounds would be maintained as a requirement to comply with the explosives licensing arrangements.

102. The County Landscape Architect raised no objection to the proposal in principle, but comments that the visual appearance of the scheme could be made to look less artificial. It was noted that it would be preferable to see the development partially sunk into the ground in order to reduce the height of the overall mound and to soften the angle of the grass slopes - these changes would improve the overall visual appearance of the scheme. These comments are noted. However, there are specific design specifications required by the HSE for this type of facility so the proposed development is considered to be acceptable in this regard. It is noted that the construction and operation of the facility is to a proven design approved by the HSE and in use around the world. The visual and landscape impact of the proposal is therefore considered to be acceptable.
103. The proposal is therefore 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).

Ecology

104. 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. There are no protected species recorded on or near the application site and the site is not located in proximity to any nature conservation designations.
105. The proposal would have no adverse ecological impact and therefore is considered to be in accordance with Policy 3 (Protection of habitats and species) of the HMWP (2013).

Impact on amenity and health

106. 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. Furthermore, Policy E8 (Pollution) of the [TVBLP \(2016\)](#) states that development will be permitted provided it does not result in pollution which would cause unacceptable risks to human health, the natural environment or general amenity.

107. Concerns about the proposed location were raised in representations from the public, in particular with regard to the proximity to residential properties and the impact on the amenity of local residents. These are acknowledged.

108. Potential impacts, by issue are set out below.

Light pollution

109. No external lighting is proposed as part of the proposal and the development would therefore not give rise to light pollution.

Noise/Vibration

110. During the operation of the facility, the quantity of waste explosives being burnt would be kept below the critical mass required for a detonation. This would ensure that the operation of the site would not produce ground shock (vibration) or damaging noise levels. It is noted that the background noise levels at the site are in keeping with the wider use of the areas for military and agricultural uses. Given the method of operation of the proposed site, there would be very little additional noise generated. No objection was received from the Environmental Health Officer.

Air quality / Dust / Odour and health

111. The applicant company advises that the waste material to be burned would consist of wood kindling, contaminated paper and waste explosive.

112. As already noted, the use of the facility would be limited to once a week, usually on a Friday with the wind being from a southerly direction to avoid any smoke from drifting towards the nearest residential dwelling to the west.

113. Emissions from the facility would be limited by limiting the quantity of explosives and waste that could be burnt at any one time. This quantity will be set by the HSE who will issue the explosives license for the development use. The applicant has indicated that emissions from the plant will only occur for a short duration due to the nature of the use.

114. The waste materials are readily combustible and would not be mixed with any form of accelerant such as diesel. Dry wood kindling would be used to ignite the waste. There are no anticipated or significant adverse effects on the environment associated with this project during the operation of the burn site. During operation of the facility, the burning explosive (black powder with small amounts of flake TNT) would be mostly burnt in about 1 second, with the resulting plume of white smoke dissipating within 30m of the facility (which would still be within the boundary of the applicant company's existing site). There may be a slight odour of 'fireworks' accompanied with this smoke. Any residual smoke produced would originate from the small

amounts of wood kindling, contaminated paper and TNT, all of which should be fully consumed within 20 minutes.

115. The applicant has indicated the burning would not take place unless the wind strength and direction is within operating parameters. The operating parameters are wind strength a minimum 5mph from a southerly direction. This would ensure that any smoke produced will be dispersed away from the nearest residential dwelling.
116. Representations from local residents also expressed concerns over the potential impact on air quality, associated health impacts, odour associated with the development, chemical pollution, pollution and emissions associated with the development, and the chemical content of materials used and the possible use of toxic material. These are acknowledged.
117. While the waste materials to be disposed of at the site are classed as hazardous waste, the amount of waste, the distance from sensitive receptors and the frequency of burning would result in low impacts on health, air quality, odour or other emissions. The disposal of the material would require an Environmental Permit from the Environment Agency, and the above matters, including the composition of the waste to be burned and the safe disposal of any residues, would be controlled by the permit. The burn site would be constructed with an impermeable concrete base with a dedicated drain to a collection tank, to ensure that any contaminated waste material or runoff liquids would be contained for disposal to a suitably licensed facility.
118. In addition, following the grant of planning permission, the operator would be required to obtain a license from the Health and Safety Executive (HSE) Explosives Unit to operate the facility. The HSE license will limit the amount and type of explosive that is allowed to be burnt at any one time.
119. The Environmental Health Officer was consulted on the application and raised no objection. The site is in a sparsely populated rural location. There are three residential properties within 250m of the site, none of which is located closer than 190m from the facility. Given the scale of the development and the frequency of waste burning (approximately once per month) it is considered that on balance, the proposal would not result in unacceptable adverse impacts on local residents, meeting the requirements of Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013).

Contamination

120. The proposed development would consist of the construction of an internal access road and an area of hardstanding on which a modified shipping container would be placed. The construction of the access road and hardstanding would not involve extensive excavations or disturbance of the existing ground. In addition, the area of the proposed development has not been the subject of earlier works development.

121. The Lead Local Flood Authority raised no objection to the proposal, but comments that if the usage of the site changes, the hardstanding area and any contaminated material should be removed so that the surface water regime can revert to the greenfield situation. Furthermore, the Environment Agency noted in their response that they required a condition on any found contamination. A requirement for Remediation Strategy is included in **Appendix A**.

Cumulative impacts:

122. The proposed facility would be located on an established manufacturing facility. The site is well screened by existing vegetation, so that the additional element would not result in an additional adverse visual impact. The facility would be operational once per calendar month. Owing to the low frequency of operation, the site would not have an adverse cumulative impact with other uses of the site and wider land uses.
123. On balance, and taking into account all matters related to the protection of health, safety and amenity, the proposal is considered to be in accordance with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013).

Potential pollution associated with the development

124. 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](#)).
125. Planning and permitting decisions are separate but closely linked. The Environment Agency has a role to play in both. 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.
126. The need for an Environmental Permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an Environmental Permit. An application for an Environmental Permit will include an assessment of the environmental risk of the proposals including the risk under both normal and abnormal operating conditions. The Environment Agency will assess the application and the adequacy of the impact assessment including whether the control measures proposed by the operator are appropriate for mitigating the risks and their potential impact. The waste disposal element of the development will require an Environmental Permit from the Environment Agency.

127. The scope of an Environmental Permit is defined by the activities set out in the [Environmental Permitting Regulations \(England and Wales\) 2016](#) (EPR).
128. The proposed facility is acceptable in terms of its planning merits. Should a permit be granted for the operation, it will be monitored and enforced in the same manner as any other regulated site by the Environment Agency. Several mechanisms are put in place to monitor to ensure compliance such as audits, site visits, data analysis and compliance checks are carried out by the regulator.

Water resource and Flooding

129. 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 including on water resources. Furthermore, Policy 11 (Flood risk and prevention) relates to minerals and waste development in flood risk areas and sets criteria which developments should be consistent with relating to flood risk offsite, flood protection, flood resilience and resistance measures, design of drainage, net surface water run-off and Sustainable Drainage Systems.
130. As already noted, the proposed facility would incorporate a drainage system which would collect any rainwater in a holding tank for later disposal as contaminated waste.
131. The area in which the proposed site would be built is free draining and has no history of flooding.
132. The Environment Agency notes that from a groundwater perspective the proposal remains low risk (burning of small quantities of max. 1-2 kg per month of waste containing explosive materials on a sealed pad).
133. The application site is not in an area at risk from flooding. The Lead Local Flood Authority has no objection to the proposal, provided that all any contaminated materials and any areas of hardstanding are removed following the permanent cessation of the use of the site and the area restored to grassland, to ensure that the surface water regime can revert to that of a greenfield situation. Should a permission be granted, it would be subject to a condition requiring the restoration of the site in this way. Conditions are included in **Appendix A** on these matters.
134. On the basis of the mitigation proposed and the planning conditions set out in **Appendix A**, the proposal 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).

Highways impact

135. 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.
136. As the proposed facility would be located on the same site where the waste originates, the proposed development would not result in HGV movements associated with transporting the material from its origin to an off-site location. The proposal would reduce HGV traffic and associated environmental and amenity impacts compared with a disposal of the waste material off-site and would therefore meet the requirements of Policy 12 (Managing traffic) of the HMWP (2013).

Restoration

137. 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. There is also a requirement for restoration as set out under Policy 5 (Protection of the countryside) of the HMWP (2013).
138. As addressed above, if permission is granted it would be subject to a condition requiring the removal of hardstandings and contaminated material and restoration to grassland following the permanent cessation of operations. This condition is included in **Appendix A**. On the basis of the proposed condition, the proposal is considered to be in accordance with Policy 9 (Protecting public health, safety and amenity) of the HMWP (2013).

Economic impact

139. Given that the proposed development would be small in scale in terms of both construction and operation, it would not involve the commercial disposal of waste, and there would be no additional staff being employed as a result of the development, the proposal would have no significant economic impact. It is recognised that the proposal will allow the company to dispose of the waste as economically as possible, by reducing any further onward disposal requirements by managing the waste at its source.

Conclusions

140. The applicant company operates an existing facility for the manufacture of defence pyrotechnics. The manufacturing process generates small amounts of explosive waste, and also waste contaminated by explosives. This waste is currently being stored on site and would have to be moved to other off site and as yet unidentified locations elsewhere for disposal. This would give rise to vehicle movements and potentially health and safety implications associated with the movement of the explosive waste material. The proposed facility would enable the applicant company to dispose of small quantities of waste where it arises and in controlled conditions, avoiding the risks and impacts associated with shipment on public roads.
141. The principle and the need for the proposal is acceptable. It is considered that the proposal would be in accordance with the relevant policies of the adopted [HMWP \(2013\)](#). The proposed facility would be located on an established manufacturing area which is considered to be previously developed land. The location in the countryside would be appropriate as a remote location would be required for safety reasons, the site is at the same location as the source of the waste that would be treated at it, and the impacts of operation on the amenities of residents would be minimised (Policy 5). The proposal would not result in adverse impacts on the amenity of local residents (Policy 10 (Protecting public health, safety and amenity)) and impacts would be minimised by the low frequency of operation of the facility. The proposal would also not result on adverse impacts on the species or designated habitats (Policy 3) and would not generate Heavy Goods Vehicle (HGV) traffic in connection with the disposal of waste (Policy 12 (Managing traffic)). The proposal would also allow for sustainable waste management (Policies 25 (Sustainable Waste Management) and 33 (Hazardous and Low-level Radioactive Waste development) and is a suitable location (Policy 29 (Locations and sites for waste management)). Following permanent cessation of operations, the site would be restored to grassland (Policy 9).
142. It is therefore considered to be a sustainable waste development (Policy 1 (Sustainable minerals and waste development) as the proposal accords with the relevant policies of the development plan, there is a clear need for the development, and the development would not result in adverse impacts on the amenity and the environment. It is recommended that planning permission is granted subject to the conditions in **Appendix A**.

Recommendation

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

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Location Plan

Appendix D – Layout Plan

Appendix E - Photographs & photomontages South

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2021/0548>

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

HCC/2021/0548

Hampshire County Council

TV262

Hirtenberger Defence International Ltd,
Craydown Lane, Stockbridge Middle Wallop
SO20 8DX

(Construction of an explosives waste
burning facility with perimeter bund

CONDITIONS

Time Limits

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

Contamination not previously identified

2. If, during development, contamination not previously identified is found to be present at the application site then no further development (unless otherwise agreed in writing with the Waste Planning Authority) shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Waste Planning Authority. The Remediation Strategy shall thereafter be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

Number of waste burns

3. The use of the application site for the burning of waste shall occur no more frequently than on one occasion per calendar month.

Written details of the dates, times of burns and the amount of waste disposed at each burn shall be provided to the Waste Planning Authority on request within 14 days of such a request being made.

Reason: To ensure that the development hereby permitted does not give rise to unacceptable environmental impacts in terms of noise, odour, visual impacts, emissions to ground, water or air, in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

Operating times

4. No burning of waste materials shall take place at the application site except between the hours of 09.00 to 17.00 Monday to Friday. There shall be no operation on Saturdays, Sundays or recognised Public Holidays.

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

Restoration

5. Within 12 months of the permanent cessation of the development hereby permitted, any contaminated materials and any areas of hardstanding that have been constructed in connection with the development shall be removed and the area restored to grassland.

Reason: To ensure that the surface water regime can revert to that of a greenfield situation and to ensure satisfactory restoration in accordance with Policies 5 (Protection of the countryside), 9 (Restoration of minerals and waste developments) and 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013).

Plans

6. The development hereby permitted shall be carried out in accordance with the following approved plans: **SKT-BP-002-B Rev D Sheet 1, SKT-BP-002 B Rev E Sheet 2**

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 Goods Vehicles (HGVs) are defined as vehicles over 3.5 tonne un-laden).