

**HAMPSHIRE COUNTY COUNCIL  
Decision Report**

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	13 September 2017
<b>Title:</b>	Retrospective application for the development of Highways Waste Management Facility at Land off Spitfire Link (A272) Winchester. (Application No. 17/01714/HCS) (Site Ref: WR239)
<b>Report From:</b>	Head of Strategic Planning

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## **1. Executive Summary**

1.1. The planning application is for the retrospective development of a Highways Waste Management Facility at Land off Spitfire Link (A272) Winchester.

1.2. This application is being considered by the Regulatory Committee as it concerns the development of previously un-developed land outside of the settlement boundary of the city of Winchester adjacent the South Downs National Park.

1.3. Key issues raised are:

- the principle of the development of the land and whether the applicant has demonstrated a special need for the site;
- the transport connections to the sources of and/or markets for the type of waste proposed to be managed at the site;
- the landscape and visual impact of the development and effect on the South Downs National Park; and
- loss of agricultural land.

1.4. A committee site visit by Members took place on 4 September 2017 in advance of the proposal being considered by the Regulatory Committee.

1.5. On balance, it is considered that the proposal would be in accordance with the Hampshire Minerals & Waste Plan (2013) when taken as a whole, and would:

- deliver additional waste management capacity through the delivery of a new site which would recycle inert waste at the highest achievable level within the waste hierarchy, producing high-quality recycled aggregate and reducing the volume of waste sent to landfill;

- have good transport connections to the sources of and/or markets for the type of waste proposed to be managed at the site and be suited to the isolated location of the application site;
- not cause an unacceptable adverse visual or landscape impact or negatively impact on the nearby South Downs National Park;
- have a safe and suitable access to the highway network and not have any significant adverse effects on highway safety, pedestrian safety, highway capacity and environment and amenity;
- not cause adverse public health and safety impacts, and/or unacceptable adverse amenity impacts;
- protect Hampshire's historic environment and heritage assets;
- result in the loss of agricultural land;
- not have a significant adverse effect on, and where possible, enhance, restore or create designated or important habitats and species;
- not result in an increased flood risk elsewhere and not increase net surface water run-off; and
- be monitored and regulated under an Environmental Permit granted by the Environment Agency.

1.6. It is therefore recommended that planning permission be GRANTED subject to the conditions listed in integral appendix B.

## **2. The Site**

2.1. The site lies on the eastern fringe of the city of Winchester, adjacent to and south-west of Junction nine of the M3 motorway and the interchange with the A34. The site occupies approximately 1.6 hectares of former agricultural/undeveloped land enclosed by highway routes; the M3 lies adjacent to the west of the site and the A272 adjacent at a lower level to the east of the site. Access to the site is directly from the A272 at the southern end of the site.

2.2. The site is located approximately 30 metres to the west of the boundary of the South Downs National Park (SDNP). Land to the east of the A272 falls within the SDNP. South of the site is a small area of woodland between the M3 and A272. East of the A272 is undeveloped land in arable agricultural use. West of the M3 lies a supermarket and the urban area of Winchester.

2.3. The nearest area of residential development is approximately 225 metres to the south west of the site in Winnall on the opposite side of the M3 Motorway. St Swithun's School lies approximately 450 metres south of the site. No public rights of way (PRoW) cross the site. The River Itchen Site of Special Scientific Interest (SSSI) is located approximately 600 metres north-west of the site at its closest point. The River Itchen Special Area of Conservation (SAC) is located approximately 635 metres north-west of the site. The site is not located within a Groundwater Source Protection Zone.

2.4. The nearest Public Rights of Way (PRoW) are Bridleway 502 located approximately 250 metres north of the site. Public Footpath 515 is located approximately 250 metres to the west of the site. The site falls within an area designated as Grade 3 (Good to Moderate quality) Agricultural Land.

2.5. The site falls north to south from an elevation of approximately 70 metres Above Ordnance Datum (AOD) to 55 metres AOD. To the south of the site the land rises to approximately 98 metres AOD by St Swithun's School. The site is fenced on all sides and has established boundary vegetation. The application is retrospective and therefore the site is already in use for the proposed function; topsoil from the site surface has been stripped and placed into bunds along the northern and eastern boundaries. These bunds have self-seeded with grasses and wildflowers.

### 3. Planning History

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

Application no.	Proposal	Decision	Date issued
83/01272/OLD	Disposal of surplus material from M3 contract and subsequent re-instatement to agricultural use   Land Adjacent To M3 And A33 Spitfire Link Winchester Hampshire	Granted	24 June 1983

3.2. The applicant states that the land used to form part of the wider Winnall Down Farm but became remote from the main agricultural unit through the construction of the M3 motorway and the A272 (Spitfire Link).

#### Monitoring & Enforcement

3.3. The formal enforcement history of the site is as follows:

Type	Reference	Concern	Date Received/Served
Complaint	CMP/2015/0119	Use of land to process highway works waste material	11 December 2015
Planning Contravention Notice	PCN/2015/0120	Importation and processing of highway works waste	7 January 2016

3.4. Following enforcement investigations the applicant submitted a request for Pre-Application Advice. This was issued to the applicant on 22 September

2016. A planning application was subsequently submitted by the operator on 26 June 2017 and this Decision Report relates to that application.

#### **4. The Proposal**

- 4.1. The application is for the development of a highways waste management facility. The site would process and recycle inert material generated by the management and maintenance of highways in central southern England in order that it can be re-utilised in future highways works. It is anticipated that the proposed facility would manage approximately 75,000 tonnes per annum of waste arising from the applicant's highways works contracting operations.
- 4.2. The application site is shown in [drawing No. LOC-01](#) and the proposed operational site layout in [drawing No. LAY/01](#). The entrance to the site off the A272 Spitfire Way is into the southern part of the proposed facility. The access to the site is secured with two metre high steel palisade fencing set back from the highway. The reception area at the site will comprise a weighbridge and ticket office. An elevation plan of the proposed ticket office is shown in [drawing No. ELE/01](#). To the south of the site entrance would be a dedicated staff and visitor car parking area together with three portacabin units comprising the site office and welfare facilities. Each portacabin unit would measure 9.56m x 3.40m x 2.57m (high). Drawing No. ELE/01 details the elevations of the three portacabin units.
- 4.3. The southern part of the site will also incorporate a traffic management storage area. This would include the storage of a limited number of items such as flood defence sand bags, concrete crash barriers that may be required at short notice to respond to a highways incident or flooding incident. The southern part of the site is artificially raised being formed from approximately 2,000 cubic metres of Type 1 engineering fill with a 100mm surface layer of recycled road planings. The applicant states that the works were undertaken to provide the ground conditions necessary for HGVs entering the site to be able to access the area utilised for the storage of highways management equipment. The extent of this fill can be see indicatively on [drawing No. Proposed Site Layout Cross-Sections](#).
- 4.4. To the north of the waste reception and supporting infrastructure area would be the main highways waste processing and storage area. The two areas would be separated by a landscaped screening bund. This bund would be approximately three metres in height and would be planted with a mix of shrub and tree species appropriate to the setting of the site. The waste processing area would utilise a range of plant and machinery including a soil screener, trommel, concrete crusher, 360 backhoe excavator and loading shovel. The area would contain stockpiles of material awaiting processing and stockpiles of recycled aggregate ready for re-use. Processed topsoil would be kept in a topsoil storage barn that would be located on the southern edge of the highways waste processing and storage area, immediately adjacent to the landscaped screening bund.
- 4.5. The topsoil storage barn will measure 20 metres x 20 metres x 6 metres (high). The barn would have a single pitch roof sloping from front to back and

incident roof water would be collected for use on site in damping down, with a soakaway for any excess. [drawing No. ELE/02](#) details the elevations of the topsoil storage barn. The barn would be of steel framed construction and would have Farmscape 'P6R' profile reinforced fibre cement sheeting roofing and two metres of tanalised timber space boarding on three elevations from the eaves. The barn would therefore be of open sided construction. Push walls constructed from concrete blocks would be installed around three sides of the topsoil barn to retain the stored topsoil within the footprint of the building and aid loading on to HGVs for exportation.

- 4.6. To the north of the highways waste processing and storage area would be the wet waste treatment area. These two areas would be separated by a landscaped screening bund. This bund would be approximately three metres in height and would be planted with native shrub and tree species. The wet waste treatment area would principally comprise an area laid to concrete, measuring 20 metres x 15 metres. This concrete pad would have a two metre high retaining wall constructed around three sides and would have an engineered fall to aid drainage. Wet waste collected from highways drainage balancing ponds would be deposited on to the concrete pad to enable it to be dried.
- 4.7. The water would drain via an interceptor to a holding tank. The holding tank would be emptied as and when necessary with the water tankered off-site for disposal. The residual soils from the drying process are then treated to create a topsoil suitable for use on civil engineering schemes throughout the Highways England and Hampshire Highways network. The only material sent to landfill is the solid waste extracted at the beginning of the wet waste treatment process which comprises less than 10% of the incoming waste. It is anticipated that approximately 5,000 – 6,000 tonnes of material would comprise the annual throughput for this activity, but this would fluctuate from year to year depending on requirements of Highways England and Hampshire Highways Authority.
- 4.8. To the north of the wet waste treatment area is an area of approximately 2,500 metres square that would be utilised for the storage of recycled product (comprising aggregate and/or soils) when capacity within the principal highways waste processing and storage area is exceeded. This would therefore be used flexibly by the operator when a need arises.
- 4.9. At the north of the site an ecological enhancement area will be created. This area, measuring approximately 1,650 metres square, will be managed to create chalk grassland habitat. The chalk grassland habitat would be separated from the main operational area by a post and wire fence, with a gated access provided to allow access for management.
- 4.10. A significant amount of highway works are undertaken during the night-time period to avoid disruption to the highway network. To effectively serve this market the site is required to be open 24 hours per day to allow for the collection of aggregate and materials, deposit of collected waste at any time. The operator also requires the flexibility to be able to respond to emergency situations involving the highways at any time. This can include having to undertake emergency repairs to surfacing after an accident, or respond to

flooding events requiring stored traffic management materials e.g. flood defence sand bags, concrete barriers. The processing and treatment of highways waste using plant and machinery would be limited to the following hours: Monday – Saturday 07:00 – 18:00. There would be no processing and treatment operations on Sundays and Public Holidays. There will not therefore be any waste processing operations during the night time period.

- 4.11. It is anticipated that the proposed operation will generate approximately 100 HGV (defined as vehicles over 3.5 tonne un-laden) movements per day (50 loads in and 50 loads out). Of these movements typically no more than 12 (six loads in and six loads out) would occur during the night time period.
- 4.12. There would be no fixed floodlighting of the main highways waste processing area. The only fixed lighting would be low level security lighting around the site office / welfare facility area. For the limited operations that occur in the night time period (the deposit of collected highways waste and/or the collection of recycled product / traffic management items) the applicant states that this would be undertaken with headlights from the HGV and the lighting that is affixed to the loading shovel.
- 4.13. The proposed site layout includes enhanced boundary planting (as shown in [Drawing No. LA.08](#)). The perimeter bunds would be planted with a mix of native species.
- 4.14. The applicant states that the Environment Agency has granted an Environmental Permit to the operator for the proposed site operations. The applicant states that in granting the Environmental Permit the Environment Agency requested, assessed and approved information from the applicant on dust management and pollution control (site drainage) as well as general operational management.

## **5. Development Plan and Guidance**

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

[National Planning Policy Framework \(2012\)](#) (NPPF)

- 5.2. The following paragraphs are relevant to this proposal:

- Paragraph 11: Determination in accordance with the development plan;
- Paragraph 14: Presumption in favour of sustainable development;
- Paragraph 17: Core land-use planning principles;
- Paragraph 19: Support of sustainable economic growth;
- Paragraph 34: Sustainable transport;
- Paragraph 112: Agricultural land; and
- Paragraph 115: Conserving landscape and scenic beauty in National Parks;
- Paragraph 118: Conserving and enhancing the natural environment.

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

5.3. The following paragraphs are relevant to the proposal:

- Paragraph 1: Delivery of sustainable development and resource efficiency;
- Paragraph 7: Determining planning applications.

[National Waste Planning Practice Guidance](#) (NWPPG)

5.4. The following paragraphs are relevant to the proposal:

- Paragraph 0046 (Need); and
- Paragraph 0050: (Planning and regulation).

[Hampshire Minerals & Waste Plan \(2013\)](#) (HMWP)

5.5. The following policies are relevant to the proposal:

- Policy 1: Sustainable minerals and waste development
- Policy 3: Protection of habitats and species
- Policy 4: Protection of the designated landscape
- Policy 5: Protection of the countryside
- Policy 9: Restoration of minerals and waste developments
- Policy 10: Protecting public health, safety and amenity
- Policy 11: Flood risk and prevention
- Policy 12: Managing traffic
- Policy 13: High-quality design of minerals and waste development
- Policy 18: Recycled and secondary aggregates development
- Policy 25: Sustainable waste management
- Policy 27: Capacity for waste management development
- Policy 29: Locations and sites for waste management
- Policy 30: Construction, demolition and excavation waste development

[Winchester City Council \(Local Plan Part 1 – Joint Core Strategy \(2013\)\) \(WCCCS \(2013\) and Saved Policies of the Winchester District Local Plan Review \(2006\)\)](#)

5.6. The following policies are relevant to the proposal:

- Policy MTRA 4 - Development in the Countryside

5.7. [Map 31 \(South-east Winchester\)](#) of the adopted Policy Maps of the Winchester District Development Framework illustrates the extent of the identified settlement boundary.

## **6. Consultations**

6.1. **County Councillor Hiscock:** Was notified.

6.2. **Winchester City Council:** Object to the application on the grounds that the proposal does not accord with Policy MTRA4 (Development in the Countryside) of the Winchester City Council (Local Plan Part 1 – Joint Core

Strategy (2013) and could be accommodated elsewhere on a less sensitive site. The location of the waste management facility would start to place industrial uses to the east of the M3 motorway, when development of this type is usually located to the west of the M3. The site is well contained and does not appear to have a negative impact on visual amenity.

- 6.3. **South Downs National Park Authority:** No objection. It is considered that the views into the South Downs National Park from the M3 at this point are minimal and that the views from the SDNP onto the site are also limited and can be mitigated through appropriate conditions. Waste operations as proposed are not something that we would wish to encourage if clearly visible from the SDNP, however, this facility is located at a point on the road network where views across the South Downs National Park are not readily afforded.
- 6.4. **County Landscape Architect:** No objection, subject to conditions requiring the landscape planting & seeding works and the associated establishment maintenance works to be implemented, and a condition limiting the height of stockpiled materials.
- 6.5. **Environment Agency:** No objection. There is already an environmental permit in place for this facility EPR/EB3500LS this was issued on 18/05/2017 to R&W Environmental Limited.
- 6.6. **Environmental Health Winchester:** No objection. In coming to this conclusion I can confirm we have assessed both the air quality and noise reports that formed part of this application.
- 6.7. **Highway Authority:** No objection.
- 6.8. **Highways England:** No objection.
- 6.9. **Natural England:** No objection. Based on the plans submitted, Natural England considers that the proposed development will not likely have significant effects on the River Itchen SAC or damage or destroy the interest features for which the site has been designated as a SSSI.
- 6.10. **Lead Local Flood Authority:** No objection, subject to condition requiring the submission of further information on infiltration rates as part the detailed design phase.
- 6.11. **County Archaeologist:** Concur with the advice included within the Archaeological Briefing Note and advise to await the response from Winchester City Council Archaeology.
- 6.12. **Winchester City Council Archaeologist:** No objection subject to conditions requiring the submission of a programme of archaeological mitigation work in accordance with a Written Scheme of Investigation.

## 7. Representations

- 7.1. Hampshire County Council's [Statement of Community Involvement \(2014\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
- 7.2. In complying with the requirements of the SCI, HCC:
  - Published a notice of the application in the [Hampshire Independent](#);



- Placed notice of the application at the access to the application site;
- Consulted all statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#).

7.3. No public representations were received in relation to the proposal.

## **8. Commentary**

### Principle of the development

- 8.1. 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.
- 8.2. The proposal would seek to deliver additional waste management capacity through the delivery of a new site which would recycle inert waste at the highest achievable level within the waste hierarchy, producing high-quality recycled aggregate and reducing the volume of waste sent to landfill. As such the proposal would be in accordance with policies 25, 27 & 30 of the HMWP (2013).
- 8.3. Policy 29 (Locations and sites for waste management) of the HMWP (2013) is used to assess proposals for all types of recycling, recovery and treatment facility whether they are handling inert, non-hazardous or hazardous wastes and sets the general approach to considering the location and sites for new waste management facilities. Paragraph 6.197 of the HMWP (2013) states that proposals will be assessed at the planning application stage considering the type and nature of the waste management activity and with reference to the Plan as a whole. Policy 29 reflects the requirement within the NPPF for planning decisions to encourage the effective use of land by re-using land that has been previously developed (brownfield land).
- 8.4. The application site lies within the Strategic Road Corridor (SRC) as identified in the Key Diagram of the HMWP (2013). Policy 29 supports waste management development in areas of Hampshire within the SRC where it would form part of a suitable industrial estate; be on land that has planning permission or is allocated for general industry/ storage; or is previously-developed. As the application site was previously undeveloped and used for agriculture prior to the implementation of the proposal, for the purposes of determining this application, the land is required to be considered as green-field in agricultural use. As the site is required to be considered as green-field and not previously developed, the proposal does not meet the requirements of part 2 of Policy 29. Sites in such circumstances are subsequently required to meet Part 3 of Policy 29. Notwithstanding the above, paragraph 6.195 of the HMWP (2013) acknowledges that sites which have not previously been developed (i.e. green-field), but are in well-screened locations away from residential areas, may provide opportunities for locating facilities which require a more isolated location.

8.5. To be considered to meet Part 3 of Policy 29 applicants are required to demonstrate that proposed development will have good transport connections to the sources of and/or markets for the type of waste being managed, a special need for the location and additionally that the suitability of the site can be justified. The site is located adjacent to the Primary Route Network comprising Junction 9 of the M3 and the A34 interchange with direct access to the A272. The proposal is for a highways waste management facility and therefore the development is considered to have good transport connections to the sources of and/or markets for the type of waste proposed to be managed at the site. The proposal is therefore considered to be in accordance with part of Part 3 of Policy 29 of the HMWP (2013). The suitability of the site's location will be considered within this section of the report.

#### Development in the countryside

8.6. The objection from Winchester City Council is acknowledged. The site lies outside of the settlement boundary as shown on Map 31 (south-east Winchester) of the Winchester District Local Plan Part 1- Joint Core Strategy Adopted 2013 and therefore lies within the countryside for the purposes of the Winchester Development Framework. Winchester City Council consider that the development would be contrary to Policy MTRA4 (Development in the Countryside) of the Winchester City Council (Local Plan Part 1 – Joint Core Strategy (2013)). The proposal is however for a waste development and as such the Hampshire Minerals & Waste Plan (2013) would take precedence in considering proposals for such development. 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 the nature of the development requires a countryside or isolated location. Paragraph 6.205 of the HMWP (2013) recognises that activities which predominantly take place in the open, such as construction, demolition and excavation (CDE) recycling are often, by virtue of associated noise, odours and other emissions, more suitable to sites in isolated countryside locations. Permission is sought for highways CDE recycling and as such the proposal is considered to be in accordance with Policy 5 of the HMWP (2013).

8.7. Policy 5 contains a requirement that minerals and waste development in the open countryside is subject to a requirement that it is restored in the event it is no longer required for minerals and waste use. In order to ensure compliance with Policy 5 a condition is recommended to this effect.

#### Landscape & Visual Impact

8.8. 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.

8.9. A [Landscape and Visual Impact Assessment](#) (LVIA) and [Lighting Assessment](#) (LA) was submitted with the application. The LVIA assessment concluded

that there will be no major adverse impacts as a result of the proposal. The assessment identified a minor adverse impact on the views available to boarders at St. Swithun's School, but states that this is not a publicly accessible viewpoint and that the site is observed in the context of the motorway and nearby commercial units. The LA concluded that viewpoints within the vicinity of the site will not experience a significant adverse change from existing conditions and that the sky glow levels associated with the development will not have a significant effect on the surrounding dark sky landscape.

- 8.10. The site is not readily viewable from publically accessible areas, the South Downs National Park, or Public Rights of Way. Within available views, the site is distant, heavily filtered by vegetation and is seen in the context of Winchester beyond and the adjacent motorway. The existing screened nature of the site and proposed landscaping will further mitigate any impacts. The South Downs National Park do not object to the application and, subject to conditions relating to stockpile height limits, the preclusion of fixed flood lighting and the implementation of proposed landscaping the development is considered to be in accordance with Policy 13 (High-quality design of minerals and waste development) of the HMWP (2013).

#### Highway Safety & Capacity

- 8.11. 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.
- 8.12. The application was accompanied by a [Transport Statement](#) which provided information on the site access, visibility splays, highway capacity and accident data. This information was reviewed by the Highway Authority who subsequently do not object to the proposal on highway grounds. As such it is considered that the development will not have an unacceptable impact on highway safety or capacity and is therefore in accordance with Policy 12 (Managing traffic) of the HMWP (2013).

#### Impact on Amenity

- 8.13. 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. Any proposal should also not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development.
- 8.14. A [Noise Assessment](#) and [Air Quality Assessment](#) was submitted with the application. The Environmental Health Officer (EHO) has reviewed the assessments submitted in support of the application and subsequently does not object to the application. To ensure the development is operated in accordance with that proposed, conditions are recommended to prevent the treatment (screening/crushing) of waste or material during the night-time

period. The proposal is subsequently considered to be in accordance with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013).

#### Archaeology

- 8.15. 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.
- 8.16. The application was accompanied by a [Archaeological Briefing Note](#). The County Archaeologist and Winchester City Council Archaeologist (WCCA) were consulted on the application. WCCA has no objection to the proposal subject to a condition requiring the submission and implementation of a Written Scheme of Investigation in association with the development. The proposal is therefore considered to be in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the HMWP (2013).

#### Soils/Agriculture

- 8.17. Policy 8 (Protection of soils) of the HMWP (2013) requires minerals and waste development to protect and, wherever possible, enhance soils. It also states that development should not result in the net loss of best and most versatile agricultural land and gives provisions for the protection of soils during construction.
- 8.18. The applicant states that the land ceased being practicable to work for agriculture following the construction of the M3 and A272 and was left fallow for a number of years. The applicant states that the land effectively became redundant from the main agricultural unit and was subsequently sold by the landowner.
- 8.19. The proposal is retrospective and therefore soils from the site have been stripped as identified within the description of the site. The development of the site would therefore result in the loss of agricultural land and would not be in accordance with Policy 8 (Protection of soils) of the HMWP (2013).

#### Ecology

- 8.20. 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, enhance, restore or create designated or important habitats and species. The policy states that development which is likely to have a significant adverse impact upon designated 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.
- 8.21. The application was accompanied by a [Ecological Appraisal](#). This concluded that the proposal would not have any adverse impacts on nearby designated habitats or protected species. Furthermore it is considered that the proposed

ecological enhancement area in the north of the site would confer a positive ecological impact. The proposal is therefore considered to be in accordance with Policy 3 (Protection of habitats and species) of the HMWP (2013).

#### Flood Risk/Drainage

- 8.22. Policy 11 (Flood risk and prevention) of the HMWP (2013) 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.
- 8.23. A [Flood Risk Assessment And Surface Water Drainage Scheme](#) was submitted with the application. This was reviewed by the Lead Local Flood Authority who, subject to a condition requiring the submission of detailed infiltration data, do not object to the application. The proposal is therefore considered to be in accordance with Policy 11 (Flood risk and prevention) of the HMWP (2013).

#### Environmental Permit

- 8.24. 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](#)).
- 8.25. Planning and Environmental Permitting are two separate systems. The need for an Environmental Permit is separate to the need for planning permission. Planning permission determines if a development is an acceptable use of land, permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution to the environment. The granting of planning permission does not necessarily lead to the granting of an Environmental Permit however the Environment Agency (EA) have a role to play in both systems.
- 8.26. The Environment Agency will monitor and enforce the Permit for the site. A number of mechanisms are put in place to monitor and ensure compliance such as audits, site visits, data analysis and compliance checks carried out by the regulator.

#### Summary

- 8.27. It is considered that the proposal would be in accordance with the Hampshire Minerals & Waste Plan (2013) when taken as a whole and will:
- deliver additional waste management capacity through the delivery of a new site which would recycle inert waste at the highest achievable level within the waste hierarchy, producing high-quality recycled aggregate and reducing the volume of waste sent to landfill;
  - have good transport connections to the sources of and/or markets for the type of waste proposed to be managed at the site and be suited to the isolated location of the application site;

- not cause an unacceptable adverse visual or landscape impact or negatively impact on the nearby South Downs National Park;
- have a safe and suitable access to the highway network and not have any significant adverse effects on highway safety, pedestrian safety, highway capacity and environment and amenity;
- not cause adverse public health and safety impacts, and/or unacceptable adverse amenity impacts;
- protect Hampshire's historic environment and heritage assets;
- result in the loss of agricultural land;
- not have a significant adverse effect on, and where possible, enhance, restore or create designated or important habitats and species;
- not result in an increased flood risk elsewhere and not increase net surface water run-off; and
- be monitored and regulated under an Environmental Permit granted by the Environment Agency.

8.28. Therefore, on balance, it is recommended that permission is granted.

## **9. Recommendation**

9.1. That planning permission be GRANTED subject to the conditions listed in integral appendix B.

Appendices:

Integral Appendix A – Corporate or Legal Information

Integral Appendix B – Conditions

Appendix C - Location Plan

Appendix D – Layout Plan

Appendix E - Landscaping Plan

Other documents relating to this application:

<https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=18297>

**CORPORATE OR LEGAL INFORMATION:****Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy and independent lives:</b>	No
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	No
<b>OR</b>	
<b>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:</b>	
The proposal does not link to the Corporate Strategy 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 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.)**

<u>Document</u>	<u>Location</u>
17/01714/HCS WR239 Land off Spitfire Link (A272) Winchester Retrospective application for the development of Highways Waste Management Facility	Hampshire County Council

## CONDITIONS

1. The processing and treatment of waste or materials shall only take place between the following hours: Monday – Saturday 07:00 – 18:00. There shall be no processing or treatment of waste or materials on Sundays and 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).

2. No development/demolition or site preparation shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological mitigation work in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Waste Planning Authority authority in writing. No demolition/development or site preparation shall take place other than in accordance with the Written Scheme of Investigation approved by the WPA. The Written Scheme of Investigation shall include:
  - The programme and methodology of site investigation and recording
  - Provision for post investigation assessment, reporting and dissemination
  - Provision to be made for deposition of the analysis and records of the site investigation (archive)
  - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In the interests of archaeology in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the Hampshire Minerals & Waste Plan (2013).

3. Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports and publication. The report shall be submitted to and approved by the Waste Planning Authority.

Reason: In the interests of archaeology in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the Hampshire Minerals & Waste Plan (2013).

4. Within three months of the date of this permission, details of infiltration testing to BRE 365 shall be submitted to the Waste Planning Authority for approval in writing. Should infiltration rates identified as a result of this



testing indicate, in the opinion of the Waste Planning Authority, that the approved Surface Water Management Scheme is required to be amended the applicant shall, within one month of request by the Waste Planning Authority, submit a revised Surface Water Management Scheme for the site for approval in writing.

Reason: To ensure the development is in accordance with Policy 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013).

5. Unless otherwise amended by condition 4, surface water drainage of the site shall be undertaken in accordance with the 'Proposed Surface Water Drainage Scheme Layout Plan' shown in Appendix F of the Flood Risk Assessment And Surface Water Drainage Scheme submitted with the application.

Reason: To ensure adequate drainage of the site in accordance with Policy 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013).

6. The external facade of the roof of the 'Topsoil Storage Barn' shown on drawing no. LAY-01 shall comprise Farmscape 'P6R' profile reinforced fibre cement sheeting roofing.

Reason: In the interests of visual and landscape impact and to ensure the development is in accordance with Policy 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

### **Landscape**

7. Landscaping for the site shown on drawing no. A101072.LA.08 (dated May 2017) shall be implemented as approved in the first available planting season. Any trees or shrubs planted which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

8. All plant and machinery shall be stored/parked at ground level when not in operational use.

Reason: In the interests of visual and landscape impact and to ensure the development is in accordance with Policy 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

9. Stockpiles of waste, materials or goods stored externally shall not exceed five metres in height from ground level to peak or three metres in height in the Recycled Product Storage Area as shown on drawing no. LAY-01.

Reason: In the interests of visual and landscape impact and to ensure the development is in accordance with Policy 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

### **Lighting**

10. There shall be no fixed external lighting on site other than that approved under Figure 6 'Proposed Lighting Layout' of the Lighting Assessment submitted with the application.

Reason: In the interests of visual and landscape impact and to ensure the development is in accordance with Policy 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

### **Noise, Dust and Odour**

11. Only low tonal white-noise type reversing alarms shall be used on site.

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

12. The site shall be operated in accordance with the R&W Environmental Ltd Junction 9 Dust & Particulate Emission Management Plan for the duration of the development.

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).

### **Highways**

13. No vehicle shall leave the site unless it has been cleaned sufficiently to prevent mud and spoil being carried on to the public highway. In the event that mud and spoil from vehicles leaving the site are deposited on the public highway, measures shall be taken to clean the highway. In any event at the end of each working day the highway shall be cleaned to the satisfaction of the Waste Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

### **Nature Conservation**

14. Within three months of the permission hereby granted, a detailed scheme for the creation, establishment and management of species-rich chalk grassland in the 'Ecological Enhancement Area' shown on drawing no. LAY-01 shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall be implemented as approved.

Reason: In the interests of nature conservation in accordance with Policy 3 (Protection of habitats and species) of the Hampshire Minerals & Waste Plan (2013).

15. Notwithstanding the provisions of Parts 4, 7 and 16 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order):
- (i) fixed plant or machinery, buildings, structures and erections or private ways shall not be erected, extended, installed or replaced at the site without the prior agreement of the Waste Planning Authority in writing;
  - (ii) no telecommunications antenna shall be installed or erected without the prior agreement of the Waste Planning Authority in writing.

Reason: To protect the amenities of the area in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

### **Restoration**

16. In the event of cessation of the use of the site for waste management purposes, the site shall be restored to agriculture in accordance with a scheme to be agreed by the Waste Planning Authority in writing. The

scheme shall be submitted within six months of cessation of the use and shall include details of:

- (i) the thickness and quality of subsoil and topsoil to be used and the method of soil handling and spreading, including the machinery to be used;
- (ii) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping to take place before placing of topsoil;
- (iii) measures to be taken to drain the restored land; and
- (iv) details of proposed seeding.

Following approval of the scheme, the site shall be restored to agriculture in accordance with the scheme within a further period of six months.

Reason: To ensure satisfactory restoration in accordance with Policy 5 (Protection of the countryside) of the Hampshire Minerals & Waste Plan (2013).

#### **After-Care**

17. Within six months of cessation of the use of the site for waste management purposes an Aftercare Scheme requiring such steps as may be necessary to bring the land restored under condition 16 above to the required standard for use for agriculture shall be submitted for the approval of the Waste Planning Authority in writing. The scheme shall be implemented as approved.

Reason: To ensure that the land is satisfactorily restored in accordance with Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

18. After-care of the site shall take place for a period of five years in accordance with the scheme agreed in writing by the Waste Planning Authority.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

#### **Plans**

19. The development hereby permitted shall be carried out in accordance with the following approved plans: **LOC-01, LAY-01, SEC-01, ELE/01, ELE/02RevA, LA.08**

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 (2012), 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.