

## NOTICE OF MEETING

<b>Meeting</b>	Regulatory Committee
<b>Date and Time</b>	Wednesday 19th July, 2023 at 10.00 am
<b>Place</b>	Ashburton Hall - HCC
<b>Enquiries to</b>	members.services@hants.gov.uk

Carolyn Williamson FCPFA  
Chief Executive  
The Castle, Winchester SO23 8UJ

## FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast live on the County Council's website and available for repeat viewing, it may also be recorded and filmed by the press and public. Filming or recording is only permitted in the meeting room whilst the meeting is taking place so must stop when the meeting is either adjourned or closed. Filming is not permitted elsewhere in the building at any time. Please see the Filming Protocol available on the County Council's website.

## AGENDA

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence received.

### 2. DECLARATIONS OF INTEREST

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Personal Interest in a matter being considered at the meeting should consider, having regard to Part 5, Paragraph 4 of the Code, whether such interest should be declared, and having regard to Part 5, Paragraph 5 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

### 3. MINUTES OF PREVIOUS MEETING (Pages 5 - 8)

To confirm the minutes of the previous meeting

**4. DEPUTATIONS**

To receive any deputations notified under Standing Order 12.

**5. CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements the Chairman may wish to make.

**6. NURSLING RECYCLING CENTRE LEE LANE NURSLING (Pages 9 - 102)**

To consider a report of the Director of Universal Services regarding a Planning Application for a proposed extension to Nursling Recycling Centre, variations to existing site layout, erection of a new workshop building and the upgrade of parking arrangements at the adjacent paintball centre at Nursling Recycling Centre, Lee Lane, Nursling Southampton (Application No. 22/00174/CMAS) (site ref TV055).

**7. AVERY B SHEDFIELD EQUESTRIAN CENTRE BOTLEY ROAD SHEDFIELD (Pages 103 - 166)**

To consider a report of the Director of Universal Services regarding a Retrospective planning application for a Waste Transfer Station (Sui Generis) at Avery B, Shedfield Equestrian Centre, Botley Road (Application No. 22/01797/HCS) (Site ref: WR228)

**8. WESTWOOD, UNIT 1, BOTLEY ROAD, WEST END (Pages 167 - 228)**

To consider a report of the Director of Universal Services regarding a Planning Application for the Development and reconfiguration of a Waste Transfer Station (part retrospective) at Westwood, Unit 1, Botley Road, West End, Hampshire (Application No. CS/23/94884) (Site Ref. EA114).

**ABOUT THIS MEETING:**

**The press and public are welcome to attend the public sessions of the meeting. If you have any particular requirements, for example if you require wheelchair access, please contact [members.services@hants.gov.uk](mailto:members.services@hants.gov.uk) for assistance.**

County Councillors attending as appointed members of this Committee or by virtue of Standing Order 18.5; or with the concurrence of the Chairman in connection with their duties as members of the Council or as a local County Councillor qualify for travelling expenses.

# Agenda Item 3

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY COUNCIL held at the castle, Winchester on Wednesday, 14th June, 2023

Chairman:

\* Councillor Peter Latham

- |                                 |                               |
|---------------------------------|-------------------------------|
| * Councillor Lance Quantrill    | * Councillor Keith House      |
| * Councillor Lulu Bowerman      | Councillor Adam Jackman       |
| * Councillor Steven Broomfield  | * Councillor Lesley Meenaghan |
| * Councillor Mark Cooper        | * Councillor Sarah Pankhurst  |
| * Councillor Rod Cooper         | * Councillor Stephen Parker   |
| Councillor Christopher Donnelly | * Councillor Roger Price      |
| * Councillor Michael Ford       | * Councillor Kim Taylor       |
| * Councillor Pal Hayre          | * Councillor Stephen Philpott |

\*Present

## 58. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Donnelly and Jackman.

## 59. DECLARATIONS OF INTEREST

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

No declarations were made.

## 60. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed.

## 61. DEPUTATIONS

There were no deputations.

## 62. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reflected there had been concerns that a number of meetings of the Committee had recently been cancelled and there were applications in the pipeline.

The Development Planning Manager explained that there were applications which the Strategic Planning Team were unable to progress due to delays in applicants' responses with information required by the Planning Authority. Some delays had also been experienced in responses from agencies being consulted.

The Committee heard that to mitigate the situation:

- Discussions regarding information required and the related deadlines are being held with applicants.
- Validation guidance has been drafted, to be published and implemented in the autumn.
- Customer events are being held specifically to convey the message that responses are required with the correct information within set timeframes.
- The situation is reflected across many Minerals and Waste Planning Authorities.
- Work is being done nationally to get people to apply to work in this field.
- Three new officers are being recruited to the team.
- Officers are working as hard as they can to progress applications.

### 63. **MONITORING AND ENFORCEMENT UPDATE**

The Development Planning Manager introduced the report and drew the Committee's attention to the following:

- The Liaison Panel for Bowling Alley, Crondall had met the day before. There had been some issues with enforcement from Hart District Council.
- Notices have been served on the operator at the Yokesford Hill Estate site to stop an increase in the height of the stockpile. The second Liaison Panel is due to be held at the end of the month.
- There is a planning application in the pipeline for Waterbrook Industrial Estate, which would be coming to the Committee later in the year.
- Complaints and concerns had been raised regarding Shedfield Equestrian Centre as detailed in the report. There are currently two retrospective applications in progress for the site for which officers are awaiting information.

The Committee were shown a photo of a 'mountain' of packs of PPE at Little Testwood Farm at Calmore. This issue is being investigated by the Environmental Agency.

The Planning Development Manager explained that Strategic Planning is now in the same department of Trading Standards. This is leading to more joined up working between the two with intelligence being shared from site visits.

Resolved:

The contents of this report were noted.

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Chairman,

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## HAMPSHIRE COUNTY COUNCIL Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	19 July 2023
<b>Title:</b>	Proposed extension to Nursling Recycling Centre, variations to existing site layout, erection of a new workshop building and the upgrade of parking arrangements at the adjacent paintball centre at Nursling Recycling Centre, Lee Lane, Nursling Southampton SO16 0AD (Application No. 22/00174/CMAS Ref: TV055)
<b>Applicant</b>	Collard Group Ltd
<b>Report From:</b>	Assistant Director of Waste & Environmental Services

**Contact name:** Tim Felstead

**Tel:** 07761 330557

**Email:** [planning@hants.gov.uk](mailto:planning@hants.gov.uk)

### Recommendation

1. That planning permission be GRANTED subject to the recommended conditions set out in **Appendix A** and the completion legal agreements for a financial contribution for highway safety improvements and road widening scheme to section of Lee Lane between Church Lane and the site entrance.

### Executive Summary

2. This planning application relates to the existing Nursling Recycling Centre. It is for an extension of the site boundary, variations to the existing site layout, the erection of a new workshop building on the existing site, the retrospective approval of a picking station attached to the existing recycling centre, and the relocation of existing parking for the adjacent paintball centre which would be impacted by the extension.
3. A report was taken to the [Regulatory Committee meeting](#) on 11 January 2023 (Item 7).
4. The item was deferred by the Regulatory Committee to allow for clarification and additional information regarding the following three points:
  - I. Clarifying Test Valley Borough Council's objection with reference to development in the countryside and Policy COM2 [of the Test Valley Revised Local Plan (2016)];
  - II. Clarify the impact on the tree vegetation around the site if an extension is permitted; and

- III. Request the Test Valley Borough Council EHO to review their comments on the impact on the residents in Station Road of the increased frequency of Heavy Goods Vehicle (HGV) movements, especially with reference to the proximity of those dwellings next to the highway.
5. This update report has been prepared to consider the reasons for the deferral. In addition, Officers have also further examined the ecology aspects of the proposal following concerns raised by a member of the public both during Regulatory Committee deputations at the 11 January 2023 Regulatory Committee meeting.
6. This report should be read as providing updated and additional information to the report previously presented to the Regulatory Committee (as well as its associated Update Report published at the time). This report will not repeat information already presented to the committee. It instead focuses on providing more information in relation to the reasons for deferral and ecology.
7. Taking into account the [January 2023 Committee Report](#) and [Update Report](#), and in light of the additional information contained within this report, on balance, the proposal is considered to be in accordance with the policies of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) (HMWP) and the [Test Valley Borough Revised Local Plan \(2011 - 2029\) \(2016\)](#) (TVBRLP). It is therefore recommended that planning permission should be granted subject to the conditions listed in **Appendix A** of this report. The conditions set out in this report updates the previous conditions set out in January Regulatory Committee report.

## The Proposal

8. The proposal seeks to:
- extend the existing recycling site. The 'extension area' is shown on the Proposed Extension and Revised Layout Plan (see **Appendix C**) and is approximately 2.5ha;
  - erect a vehicle, plant and skip repair maintenance workshop within the existing site as detailed in the plan;
  - provide retrospective planning permission for a picking station on the west side of the existing site adjacent to the existing MRF building;
  - increase the allowed number of total vehicle movements to and from the site from 240 vehicles to 350 vehicles of which the number >7.5 tonnes vehicle movements would increase from 160 to 200;
  - increase the allowed amount of waste, materials and aggregate imported to the site from combined total of 75,000 tonnes per annum to 125,000 tonnes per annum;
  - removal of existing limit on amount of concrete to be exported from the site.

9. The applicant has submitted a [clarification report](#) summarising their position on the aspects that the Regulatory Committee requested further information on (see **Clarifications on information requested by the Regulatory Committee (28 June 2023)**).

### **Amendments to application blue line area**

10. An amendment to the blue line area (area under control of the applicant) has been made by the applicant since the proposal was first reviewed by the Regulatory Committee. The red line development area remains unchanged. The applicant now has control over the remaining semi-improved grassland area immediately north of the proposed extension area – this is shown on the amended **Application Plan (see Appendix E)**. This has allowed the applicant to incorporate this area into the ecological mitigation. More detail on this is provided below under '[Ecology Mitigation and Management](#)'.

### **Development in the Countryside**

11. Policy COM2 (Settlement Hierarchy) of the [TVBRLP \(2016\)](#) identifies boundaries of existing settlements in the Borough and states that development outside of the identified settlements will only be permitted if it is either appropriate to the countryside as set out under exception policies, or it is essential for the proposal to be located in the countryside. The exception policies are silent on situations where existing sites wish to expand.
12. Paragraph 130 of the January 2023 Committee report drew attention to paragraph 6.92 of [TVBRLP \(2016\)](#) which, based on sequence in the plan, was read to be supporting text for Policy LE17 (Employment sites in the countryside). Paragraph 6.92 of [TVBRLP \(2016\)](#) acknowledges that there are existing employment sites in the countryside and proposals for redevelopment or intensification can take place within the boundary provided that it does not result in significant harm to the landscape and deals with the whole site. It goes on say that proposals which involve extension of the site boundary into the countryside should be considered on their individual merits and that open storage can be permitted if it is not visually intrusive.
13. Clarification was sought from the Test Valley Borough Council (TVBC) Planning Officer on the interpretation of this paragraph. TVBC clarified that paragraph 6.92 of [TVBRLP \(2016\)](#) is not supporting text for LE17 but they instead consider it a 'signpost' back to Part ii) of Policy COM2 regarding the development being essential to be located in the countryside. TVBC have stated that it is for the Minerals and Waste Planning Authority to determine whether the development is in accordance with this policy.
14. As stated in Paragraph 135 of the January 2023 Regulatory Committee report, the consistency with the [HMWP \(2013\)](#) on development in the countryside also provides weight in determining the merits of expansion of the site under Policy COM2 of the [TVBRLP \(2016\)](#). Policy 5 of the [HMWP \(2013\)](#) is a countryside development policy specific to minerals and waste developments. Paragraphs 133 – 136 of the January 2023 Regulatory

Committee report describes how the [HMWP \(2013\)](#) supports the types of activities that will utilise the extension area. These activities largely take place in the open and it might not be feasible to locate waste uses in urban areas due to amenity grounds. The concrete crushing/screening activity would be of a scale that would benefit from a more isolated location in the countryside. The outdoor storage of materials would not be visually intrusive.

15. The clarification from TVBC on Policy COM2 does not alter the previous conclusion in Paragraph 138 of the January 2023 Regulatory Committee report that on balance, the proposal is considered to be in accordance with Policy 5 (Protection of the Countryside) of the [HMWP \(2013\)](#) as well as Policy COM2 (Settlement Hierarchy) (including supporting text) of the [TVBRLP \(2016\)](#).

### **Arboriculture**

16. Paragraph 95 of the January 2023 Regulatory Committee Report set out the consultation response from the Hampshire County Council Arboricultural Officer. This was no objection subject to a pre-commencement condition requiring submission of Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) (Condition 2 of Appendix A of the January 2023 Regulatory Committee Report).
17. As well as the trees within the immediate vicinity of the new bund in the extension area, the Regulatory Committee raised concerns about the impact on the woodland to the west of the site. Part of this woodland, while outside the red line area subject to the proposed development, is under the control of the applicant (i.e. within the blue line area) and is already subject to a woodland management requirement since 2014 (as set out under planning permission ([14/00024/CMAS](#))). It is important to note that the current site operator took over the site a number of years after the 2014 planning permission was granted and they have not been able to source any management records from the previous site operator.
18. In response to the request for clarification by the Regulatory Committee, the applicant has submitted an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). They have also had a review undertaken of the Woodland Management Plan. This included a review of the condition of the woodland and recommended future management actions.
19. It should be noted that as part of the tree survey supporting the AMS, a number of trees along the highway margin on the east of the site have been identified as currently a potential danger to the highway. These trees will need to be removed but this is an activity that is outside the redline area of the planning application and therefore out of the scope of this current application.

*AMS and TPP:*

20. This submitted documents were reviewed by the County Arboricultural Officer. They noted that the Dust Management Plan in conjunction with a tree and vegetation protection conditions would be acceptable. A condition is recommended requiring implementation of the submitted AMS and TPP and this is included in **Appendix A**.
21. Furthermore, they noted the proposed tree protection fencing was overly substantial and given the presence of the bund once constructed a lower specification fencing could be approved allowing money to be directed to mitigation planting, ecological and landscape works.

*Woodland Management Plan update:*

22. The update identified that there were a number of ash trees that were dead or dying due to ash die back and that these trees needed to be removed. A number of pines were also in poor condition and it was clarified by the applicants Arboriculturist that this appeared to be due to a lack of management in thinning the woodland. They concluded that dust did not seem to have had a notable impact on tree health. The update also noted some encroachment by the paintball activities in the management area.
23. The Woodland Management Plan update was reviewed by the County Arboricultural Officer and the County Ecologist. The County Arboriculturist noted the recommendation to remove unsafe trees and advised that the Forestry Commission will need to provide a felling licence for these works – this has been recommended as an informative after the recommended conditions in **Appendix A**.
24. The County Ecologist noted that the trees should be inspected for potential bat roosts and reptile habitat before felling. They also requested further details on the proposed replanting that would follow felling, a detailed management timetable, an annual monitoring/reporting requirement, and a mix of bat and bird boxes instead of just bird boxes. Additional details to this effect have been recommended in the Woodland Management condition set out in **Appendix A**. The addition of fencing to prevent encroachment by the paint ball activities has also been required within the updated management plan. It is worth noting that these sorts of management plans are ‘living’ documents that are expected to be periodically reviewed against their objectives and necessary corrective actions such as those recommended above can be required by the Minerals and Waste Planning Authority during the management period.
25. Based on the updated plan and the clarifications provided, and subject to recommended arboriculture-related conditions, the proposal will avoid adverse impacts to the tree vegetation around the site. It is therefore considered to be in accordance with Policies 3 (Protection of habitats and species), 13 (High-quality design of minerals and waste development), 5 (Protection of the Countryside) and 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#), Policies E1 (High quality development in the Borough), and E2 (Protect, Conserve and Enhance the Landscape

Character of the Borough), and E5 (Biodiversity) of the [TVBRLP \(2016\)](#). Whilst the update to the [HMWP \(2013\)](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policies 5 (Protection of the countryside), 11 (Protecting public health, safety, amenity and well-being) and 14 (High-quality design of minerals and waste development).

### **HGV movements on Station Road**

26. The TVBC Environmental Health Officer (EHO) was requested to review their consultation comments with specific consideration given to the impact of the additional HGV movements on Station Road. The EHO was asked to consider the noise, vibration, and dust impacts.

#### *Dust:*

27. In their initial consultation response, the EHO raised no objection to the proposal. The applicant had submitted an Air Quality Assessment at the request of the EHO and this demonstrated there would be negligible effects on Nitrogen Dioxide (NO<sub>2</sub>), and PM<sub>10</sub> or PM<sub>2.5</sub> levels (Particulate Matter) at receptors on Station Road.
28. Following the request that the EHO review their earlier response, they responded that any localised dust issues on Station Road would depend on how clean the road surface is and whether dust is being entrained from the site. They stated that the subject site was not the only potential source of dust in the area. They suggested additional street cleaning during dry conditions could be a solution. A later consultation response suggested there are stretches of the road opposite the Station Road housing where additional curbs could assist the effectiveness of street sweeping.

#### *Noise:*

29. In their initial consultation response the EHO specifically referenced transport noise at residential properties on Station Road and based their assessment of the potential noise impact on the increase in traffic stated in the **Transport Statement**. The EHO concluded that while the additional vehicle movements may be noticeable at receptors along Station Road, these movements *'will likely be insignificant in terms of cumulative average traffic noise experienced at such receptors, although additional vehicle movements may well be noticed'*.
30. Following the request that the EHO review their earlier response, they responded that unless there had been significant changes to the background levels on Station Road from those previously assessed as part of earlier planning applications for the site, the noise difference resulting from the proposed 12% increase over existing traffic flows, as an hourly average, may not be a significant acoustical change (this is based on earlier traffic counts of Lee Lane traffic not later counts for Station Road). As before, they

acknowledged there may be a subjective awareness from the neighbours to the additional vehicles and also recognised vehicle numbers may be more concentrated at the beginning and end of the day. They gave some guidance on additional noise assessments that could be undertaken to understand the current noise situation and predict the future impact.

31. The applicant subsequently submitted a **Noise Survey** undertaken on Station Road and also submitted a new **Traffic Survey** undertaken on Station Road. The previous traffic survey included in the **Transport Statement** was undertaken on Lee Lane further towards the site and so did not capture the traffic serving the Will-box site on Station Road.
32. The additional noise survey concluded that *'considering the existing number of vehicles and measured noise level due to Station Road, it is predicted that the addition of 4 additional HGVs per hour would be unlikely to have an adverse effect on the local environment and the nearby dwellings'*.
33. Following review of the report, the EHO requested further information on the noise level experienced by vehicle passes. A follow-up letter providing this information was supplied by the applicant.
34. Following review on all the information submitted, the EHO has not objected to the application. However, based on the additional information, the EHO states that the proposed vehicle numbers are a significant increase from current capacity and this is a cause for concern regarding HGV movements past properties on Station Road. As identified in their previous responses, they note there is a very high existing noise level at the location but that some vehicles, including HGV's, will produce high peak levels of noise (exceeding 80dBA) which will be noticeable to residents and stand out more than other traffic. They also note the other industrial/commercial sites nearby that generate traffic (e.g. Will-box site).
35. They go on to compare the peak vehicle pass-by noise with a World Health Organisation night-time threshold level, noting that the measured peak noise values do exceed this threshold. However, they acknowledge this is illustrative only and not applicable as the additional traffic would be experienced during the daytime.
36. The EHO has suggested potential mitigation could include further reducing the speed limit to 20mph and introduction of improved road surfacing. It should be noted the speed limit had previously been reduced to 30mph in association with a previous planning application with traffic calming introducing in the vicinity of the Station Road dwellings). The applicant has responded that they are in support of these recommendations and has stated they would be happy to support these financially through the contribution already agreed in principle for highway improvements. Further information on this is provided below under 'Speed limits and surfacing'.

*Vibration:*

37. In their follow-up consultation response, the EHO stated that the level of vibrations that could cause damage to buildings are in order of magnitude above those that humans can detect. The principle concern would be the subjective impact from any vehicle generated vibration and the road surface and vehicle speed would influence this. They noted that they expected the dominant vibration source would be the railway to the rear of the dwellings. What is perceived as ground vibration can be air movement caused by larger vehicles.

*Proposed increased vehicle numbers in the context of existing traffic levels on Station Road:*

38. The applicant has summarised the proposed increase in vehicle movements in the context of updated traffic counts undertaken on Station Road since the January Regulatory Committee meeting.
39. Based on these additional traffic counts the applicant has calculated the percentage increase in the number of vehicles that would pass the dwellings on Station Road as a result of the proposed increase in vehicle numbers.
40. Based on the new traffic counts, the applicant states that the additional 110 vehicles would represent a 7.5% increase on the existing average weekday traffic flows. In terms of the requested increase 40 HGV movements, this would represent a 9.11% increase in HGV movements. The percentage increases will be a little higher than those given above if based only on those vehicles counted during the allowed hours for the applicant's vehicle movements (i.e. between 0700 and 1930 rather than the whole day).
41. A comparison of the increased frequency of vehicles on an average vehicles per hour basis was provided in paragraphs 221 and 222 of the January Regulatory Committee report.
42. The current allowed vehicles per day (240) represents 16.3% of current average weekday traffic flows and the allowed HGVs (160), 36.3% of current average weekday HGV traffic flows.
43. The additional count information has not changed the Local Highway Authorities position on the proposal as previously reported (i.e. no objection subject to conditions and a legal agreement covering highway improvements).
44. It is important to note that it is not the number of vehicles that is under consideration but whether there are any significant or unacceptable adverse impacts as a result of the additional vehicles above the impacts resulting from the existing situation allowed under the extant.

*Speed limits and surfacing:*

45. The suggestions by the EHO for a lower speed limit and improved quiet road surfacing were considered by the Local Highway Authority. The applicant has stated they would support a reduction of the speed limit to 20 mph and the use of their highways contribution to improvement of the road surface on Station Road. The Local Highways Authority has responded that Hampshire County Council is currently in the process of reviewing the policy regarding 20mph zones and is not progressing new requests. They also note that changes to speed limits is also subject to a statutory process and there is no guarantee of this process resulting in a lowered speed limit. They also state that the road is subject to routine road repairs and any surfacing improvements are likely to be limited in time and level of improvement.

Conclusion on Station Road impacts:

46. The EHO has identified there may be impacts that are subjectively noticeable, specifically noise and vibration, associated with the proposed increase in traffic on Station Road. However, they do not object to the application. There is no specific evidence or standard that demonstrates that the proposal would be an unacceptable adverse impact over the conditions allowed by the extant planning permission for the site.
47. The conclusion in paragraph 191 of the January Regulatory Committee report is still accurate. Taking all matters into account, with the proposed mitigation and proposed planning conditions, the proposal is considered to be accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy E8 (Pollution) of the [TVBRLP \(2016\)](#). Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policy 11 (Protecting public health, safety, amenity and well-being).

### **Ecology Mitigation and Management**

48. Following concerns raised in public representations both at Committee and through a subsequent formal to the County Council regarding potential biodiversity impacts the County Ecologist has re-examined the proposal.
49. Amendments to the **Ecology Mitigation and Management Plan** to address a conflict in the mitigation measures for reptiles and harvest mice have been made. This includes:
- The originally proposed reptile relocation areas have been changed and the area of semi-improved grassland to the north of the extension area that the applicant secured control will now provide the relocation area;
  - The applicant has agreed to the semi-improved grassland area being subject to a revised ecological management and mitigation plan that will improve the quality of the grassland area through planting of specific wildflower species and active management.

- The planting of new bunds has also been slightly modified to better connect the species rich grassland proposed on the bunds with the grassland north of the extension area.
50. The submitted documents also provide more detail on the before and after habitat situation.
  51. Paragraph 159 also needs to be corrected of the January Regulatory report stated that *'Biodiversity Net Gain (BNG) is not currently mandatory...'*. This paragraph was intended to refer to pending requirements for planning permissions to realise a 10% BNG and that this requirement and associated use of a BNG calculation to support it is not currently mandatory.
  52. Paragraph 174 d) of the [NPPF \(2021\)](#) describes how planning decisions should contribute to and enhance the natural and local environment by: *'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'*
  53. Public representations have stated that this means that net gain in biodiversity needs to be delivered by the proposal. The [NPPF \(2021\)](#) in effect at the time both the [HMWP \(2013\)](#) and the [TVBRLP \(2016\)](#) were adopted required net gains in biodiversity where possible (i.e. not mandatory). The respective biodiversity policies (Policy 3 on the [HMWP \(2013\)](#) and Policy E5 of the [TVBRLP \(2016\)](#)) reflect the use of 'where possible' in the policy wording. The former [NPPF](#) requirement for net gains in biodiversity was introduced in an updated NPPF on 27 July 2018.
  54. The respective biodiversity policies can be considered to be out-of-date in terms of the requirement for net gains in biodiversity being required only where possible. Paragraph 174 (d) of the [NPPF \(2021\)](#) is a material consideration.
  55. Amendments to the bund planting, and inclusion of improvements to the semi-improved grassland area to the north have been agreed with the applicant. With the agreed changes, the County Ecologist states that despite the net loss in the existing semi-improved grassland habitat, they consider the quality of the habitat being retained and created will be an improvement above that currently found on the site. Therefore, the [NPPF \(2021\)](#) requirement is being met.
  56. A more detailed **Ecological Management and Mitigation Plan** is required via a condition that addresses the proposals and additional requirements of the County Ecologist's last two consultation responses. This is included in **Appendix A**. The conclusion in Paragraph 168 of the January Regulatory Committee report remains accurate - the proposed development meets Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) and Policy E5 (Biodiversity) of the [TVBRLP \(2016\)](#). Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet

the requirements of updated Policy 3 with the exception of the 10% BNG requirement, which for the reasons outlined is not currently a mandatory requirements at the time of the decision. In addition, the development is also in accordance with Paragraph 174 (d) of the [NPPF \(2021\)](#).

## Representations

57. At the time of January Committee report including associated update report), a total of 23 representations from 16 respondents had been received. Details are set out in paragraph 99 of the original report.
58. At the time of writing this report there had been 2 further public representations received from existing respondents objecting to the proposal. The only additional issue not previously raised added was a request for a level crossing being constructed to allow HGVs to cross the railway line to allow a different access route to the site. This takes the total number of responses received to 25 in relation to this proposal.
59. Further complaints regarding the operation of HGVs along Station Road have been received as well as copies of resident objections related to a Test Valley planning application at the Will-box storage site on Station Road.
60. As mentioned above, a formal complaint was also received by the County Council following the January meeting. The complaint requested the following be addressed:
  - Validation requirements met;
  - Independent review of the submitted ecology reports and proposed mitigation;
  - Assessment of effects in line with the relevant national and local policies;
  - Review of the report; and
  - Public consultation procedures to be reviewed.
61. The Officer's report was reviewed against the specific items in the complaint and the complaint was not upheld. It was acknowledged that a correction was necessary regarding clarifying that the previous report intended to refer to a future mandatory 10% BNG requirement and the use of BNG calculations (See **Ecology Mitigation and Management** above). Other ecology/biodiversity aspects of the complaint have also been addressed as set out above.

## Amendments to previously recommended conditions

62. The conditions recommended in Appendix A of the January Regulatory Committee report have been updated and are set out in **Appendix A** of this report. The changes include:

- *Previous recommended condition 2 (Arboriculture)*: The pre-commencement arboricultural condition has been moved to reflect the required AMS and TPP details have been submitted. The condition now requires implementation of these details and is now recommended Condition 20 in the **Appendix A** of this report.
  - *Previous conditions 5 and 6 (Highways)*: Reference to 'lorry' in the condition has been amended to 'vehicle' to remove ambiguity the use of 'lorry' could cause.
  - *Previous condition 7 (Highways)*: This was a pre-commencement condition and has been moved up the order of conditions to reflect its pre-commencement nature. It is now condition 3.
  - *Previous recommended condition 20 (Ecology)*: An updated detailed Environmental Mitigation Management Plan (EMMP) based on the revised submitted version, but incorporating the additional details requested by the County Ecologist, has been required as a pre-commencement condition. The EMMP would be required to be implemented for the duration of the development or 25 years (in keeping with the Woodland Management Plan) – whichever is longer. This is now recommended Condition 2 in the **Appendix A** of this report.
  - *Previous recommended condition 21 (Ecology)*: This required implementation of the approved Woodland Management Plan. The revised condition requires an updated Woodland Management Plan to reflect the recommendations of the County Ecologist including recommended management of existing trees, details of new planting, timings, types and location of bat/bird boxes to added, additional fencing to separate the paintball activities. This management plan will be a living document to be updated as necessary to ensure the agreed objectives are being achieved. The woodland management plan would run for 25 years. This is now recommended Condition 21 in the **Appendix A** of this report.
  - *Previous recommended condition 22*: Addition of requirement for concrete plant to be painted olive green in keeping with all other tall buildings and structures on the site. This is now recommended Condition 22 in the **Appendix A** of this report
  - *Previous recommended condition 27 (Restoration)*: A requirement for any restoration to occur within 12 months from approval of a restoration plan has been added.
63. Other conditions have been updated as required to reflect updated plans and document references.

## Summary

64. Additional information has been sought from the relevant consultees, and where appropriate, additional information submitted by the applicant to address the three matters for deferral by the Regulatory Committee.
65. In relation to Policy COM2 of the [TVBRLP \(2016\)](#), this policy addresses where development can occur outside of identified settlement boundaries. Supporting text identifies that extension of sites should be assessed on their individual merits and that open storage should not be visually intrusive. TVBC Officers clarified that this supporting text is a reference back to Policy COM2 and whether the development is essential to be located in the Countryside. They have stated that it is for the Minerals and Waste Planning Authority to determine whether the development is in accordance with this policy. Taking into account the support the [HMWP \(2013\)](#) gives to aggregate recycling operations to operate in countryside locations, then the location of the extension area is considered to be in accordance with Policy 5 of the [HMWP \(2013\)](#) and Policy COM2 of [TVBRLP \(2016\)](#).
66. Additional information in the form of an **Arboricultural Method Statement** and **Tree Protection Plan** (previously to be submitted as a pre-commencement condition), and a revised **Woodland Management Plan** were submitted by the applicant. In conjunction with the **Dust Management Plan**, the **AMS** and **TPP** will ensure adjacent trees are not adversely impacted by the extension area. The revised **Woodland Management Plan** specifically noted that there was a lack of tree management (thinning) and ash die back in the woodland management area, and that dust had not had a notable impact on tree health. Mitigation and proposed conditions ensure that the proposed development meets the requirements of Policies 3 (Protection of habitats and species), 5 (Protection of the Countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the [HMWP \(2013\)](#), as well as Policies E1 (High quality development in the Borough), E2 (Protect, Conserve and Enhance the Landscape Character of the Borough) and E5 (Biodiversity) of the [TVBRLP \(2016\)](#).
67. In relation to the potential impacts on Station Road, the EHO has not objected to the application. Additional information was submitted by the applicant and the EHO has provided a number of subsequent consultation responses. Increased frequency of road sweeping was recommended to address any dust concerns. Vibration impacts are subjective and the level of vibration that would result in damage to buildings is an order of magnitude above those detectable by humans. The subjective vibration impacts maybe more related changes in air pressure caused by HGVs. In terms of noise, the EHO responded that unless there had been significant changes to the background levels on Station Road from those previously assessed then noise difference resulting from the proposed increase in vehicles, as an hourly average, may not be a significant acoustical change. As before, they acknowledged there may be a subjective awareness from the neighbours to the additional vehicles. Taking into account the additional noise surveys and the EHO responses, there is no specific noise evidence or standard that

demonstrates that the proposal would be an unacceptable adverse impact over the current situation allowed by the extant planning permission for the site. On the basis of the proposed mitigation and planning conditions, the proposal is considered to be in accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy E8 (Pollution) of the [TVBRLP \(2016\)](#).

68. Finally, in relation to ecology, amendments to some of the ecological management and mitigation aspects of the proposal were requested by the County Ecologist. This was the result of further examination of the proposal following public concerns regarding the biodiversity impact. The amendments incorporate the remaining semi-improved grasslands to the north of the site. The County Ecologist is satisfied that despite the net loss in the existing semi-improved grassland habitat, the quality of the habitat being retained and created will be improved above that currently found on the site. The proposed development therefore meets Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) and Policy E5 (Biodiversity) of the [TVBRLP \(2016\)](#), and paragraph 174(d) of the [NPPF \(2021\)](#).
69. Taking all matters into account, on balance, the proposal is considered to be in accordance with the relevant national and local planning policy and is considered to be sustainable in accordance with Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#).

#### **Recommendation**

70. It is recommended that planning permission be GRANTED subject to the recommended conditions set out in **Appendix A** and the completion of legal agreements for a financial contribution for highway safety improvements and road widening scheme to section of Lee Lane between Church Lane and the site entrance.

#### **Appendices:**

- Appendix A – Conditions
- Appendix B – January Regulatory Committee report and Update report
- Appendix C – Committee Plan
- Appendix D – Revised Layout Plan
- Appendix E – Amended Application Plan (shows blue line and red line areas)
- Appendix F – Elevations of new workshop

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2021/0784>

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy and independent lives:</b>	No
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	No

**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.

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u>	<u>Date</u>
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>

**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>

HCC/2021/0784

Hampshire County Council

TV055

Nursling Recycling Centre, Lee Lane, Nursling  
Southampton SO16 0AD

(Proposed extension to Nursling Recycling  
Centre, variations to existing site layout,  
erection of a new workshop building and  
the upgrade of parking arrangements at  
the adjacent paintball centre

## **EQUALITIES IMPACT ASSESSMENTS:**

### Equality Duty

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

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

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

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

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

## CONDITIONS

### Reasons for approval

On balance, it is considered that the proposal would be in accordance with the relevant policies of the development plan and would not materially harm the character of the area or the cause and unacceptable adverse amenity of local residents (Policy 10). The proposal to recycle construction, demolition and excavation waste to produce beneficial aggregate products means the proposal meets Policies 17, 18, 25, 27 and 30 of the [HMWP \(2013\)](#). The site meets the locational requirements of Policy 5 of the [HMWP \(2013\)](#). The construction of the workshop and location of the picking station would be on the existing site which is Previously Developed Land. The scale of the proposed concrete crushing and soil screening requires an open location. The picking station and development of the workshop will take place on the existing site and meets the requirement for use of PDL (Policy 29). The extension area would utilise existing site infrastructure and is considered to demonstrate a special need (Policy 29). The proposal has been demonstrated to have low visual impact once design features are installed (Policies 10 and 13). The extension area will be developed on relatively low value grassland/scrub habitat with further improvements to remaining grassland areas and provision of additional habitat features. The required mitigation and management measures ensure the proposal is in accordance with Policy 3. The proposed increase in allowed traffic has been determined to not result in unsafe traffic situations (Policy 12). Improvements to the access route along Lee Lane will be required and would be secured through a legal agreement. Taking all matters into account, on balance, the proposal is considered to be in accordance with the relevant national and local planning policy and is considered to be sustainable in accordance with Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#).

### Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

### Pre-commencement – Ecology

2. Prior to commencement of the development hereby permitted, a revised version of 784-B026376, V4 'Environmental Mitigation Management Plan', dated May 2023; a revised version of 277/14 RevE 'Landscape Ecological Mitigation and Enhancement Plan', received 15 June 2023, and revised version of 'Planting Plan' 277/25D received 15 June 2023 shall be submitted to, and have approved in writing by, the Minerals and Waste Planning Authority.

The revised versions shall include the additional detail required by the County Ecologist in their consultation responses dated 30 May 2023 and 03 July 2023.

The approved documents, or any subsequently versions approved by the Minerals and Waste Planning Authority, shall be implemented for the duration of the development hereby permitted or 25 years from the date of this permission whichever is longer.

Reason: To ensure no net loss of biodiversity, and protection of local ecology and biodiversity from unacceptable impacts in accordance with Policies 3 (Protection of habitats and species) and 5 (Protection of the countryside) in the Hampshire Minerals & Waste Plan (2013). This condition is a pre-commencement condition to ensure the development hereby permitted can demonstrate it delivery of acceptable mitigation and future management of existing and proposed habitats prior to the loss of the existing habitat and thus goes to the heart of the permission.

### **Pre-commencement – Highways**

3. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan, to include details on provision to be made on site for contractor's parking, access and parking arrangements for the paintball site, construction traffic access, the turning of delivery vehicles and lorry routing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the Minerals and Waste Planning Authority.

The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interests of highway safety and to ensure the development is in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan 2013. This is a pre-commencement condition to ensure the safe use of the highway ensuring construction and thus goes to the heart of the permission.

### **Hours of Working**

4. No commercial vehicles shall enter or leave the site except between the following hours: 0630-1930 Monday to Friday and 0700-1300 Saturday and no plant or machinery shall be operated except between the following hours: 0700-1800 Monday to Friday and 0700-1300 Saturday. There shall be no working on Sundays or recognised Public Holidays.

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

## Highways

5. There shall be no more than 350 commercial vehicle movements per day to and from the site, of which there shall only be a maximum of six between 0630 and 0700 Monday to Friday. No more than 200 of these movements shall be by vehicles exceeding 7.5 tonnes gross vehicle weight.

Records of vehicle movements to and from the site shall be kept and made available for inspection at the request of the Minerals and Waste Planning Authority.

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

6. No vehicle shall leave the site unless its wheels and chassis have been cleaned sufficiently to prevent mud being carried onto the highway.

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

7. All vehicles shall be sheeted to prevent material being spilt onto the road.

Reason: In the interest of highway safety and to ensure the development is in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan 2013.

8. Within 2 months of the date of the permission hereby approved, an Operation Traffic Management Plan shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. This Plan should include details of the management of vehicle numbers, their use of the highway, driver education measures, and a complaints procedure.

The approved Management Plan shall be implemented for the duration of development.

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

## Tonnage

9. The combined throughput of waste and materials at the site shall not exceed 125,000 tonnes per annum. A record of the tonnage of material handled shall be kept at the site and be made available to the Minerals and Waste Planning Authority on request.

Reason: In order to control the scale of the development and to ensure that the development is in accordance with Policy 10 (Protecting public health, safety, and amenity) of the Hampshire Minerals & Waste Plan 2013.

10. The concrete plant to be relocated to the Extension Area as shown on Drawing 277/12 Rev K 'Proposed Layout Plan' Received 15 June 2023 shall be that shown on Drawing 8MX150 'SCD 8M-150MX' dated 21 January 2009 approved under planning permission 10/02266/CMAS.

Reason: In the interests of visual amenity 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.

### **Protection of Water Environment**

11. Surfacing and drainage of the Existing Site shall be as shown on Drawing number N6/RB/25 Rev A 'Revised Layout' Dated 04 June 2016, as approved under Non-Material Amendment NMA/2016/0297 of Planning Permission 14/00024/CMAS.

Excepting that drainage around the workshop area shall be modified as shown on the following drawings in Appendix F of the 'Flood Risk, Drainage Assessment and Surface Water Management Plan' dated 15 December 2021:

Drawing B031539-TTE-00-ZZ-DR-S-W003/P01 'Indicative Drainage Layout' dated December 2021; and

Drawing B031539-TTE-00-ZZ-DR-S-W011/P01 'Indicative drainage details' dated November 2021

Drainage of the Extension Area shall be according to the according to the following drawings in the 'Surface Water Discharge PCR Technical Note' dated 05 July 2022:

B031539-TTE-00-ZZ-DR-S-W010/P02 'Drainage Layout' July 2022;

B031539-TTE-00-ZZ-DR-S-W011/P02 'Drainage Details' July 2022

Maintenance of the site drainage shall be performed according to the maintenance schedule in Section 4.5.7 of Flood Risk, Drainage Assessment and Surface Water Management Plan, dated 15 December 2021.

No operational use of the Workshop Building or the Extension area shall be allowed until the approved drainage has been constructed.

Once constructed the drainage shall be maintained for the duration of the development hereby permitted.

Reason: To prevent pollution of the water environment and risk of local flooding and to ensure the development is in accordance with Policies 10

(Protecting public health, safety, and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013).

12. If, during development, ground contamination not previously identified is found to be present at the site then no further disturbance of ground shall be carried out until a Remediation Strategy has been produced, and agreed in writing with the Minerals and Waste Planning Authority. The strategy shall detail how this contamination will be dealt with.

No infiltration drainage features shall be located in any area of ground found to be contaminated.

Reason: To prevent unacceptable levels of water pollution from previously unidentified contamination sources at the development site and to ensure the development is in accordance with Policies 3 (Protection of habitats and species) and 10 (Protecting public health, safety, and amenity) in the Hampshire Minerals & Waste Plan (2013).

13. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To prevent pollution of the water environment and to ensure the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan 2013.

14. No sewage or trade effluent (including vehicle wash or vehicle steam cleaning effluent) shall be discharged to any surface water drainage system.

Reason: To prevent pollution of the water environment and to ensure the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan 2013.

## **Storage**

15. No stockpiles shall exceed 6 metres in height. No machinery shall operate on top of the stockpiles.

Reason: In the interests of visual amenity 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 and Dust**

16. The Dust Management Plan, dated October 2022, shall be implemented for the duration of the permission.

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

17. The Noise Management Plan, dated October 2022, shall be implemented for the duration of the permission.

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

18. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times, and shall be fitted with and use effective silencers and white noise, or similar, reversing alarms.

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

19. Prior to the operational use of the Extension Area (as shown on Drawing 277/19 Rev B 'Application Plan' Received 20 April 2023), the 3m screening bund shall be constructed as shown on Drawing 277/12 Rev K 'Proposed Layout Plan' Received 15 June 2023, and Drawing 277/14 Rev B 'Proposed development area: East - West Cross-section' received 9 June 2023.

Reason: To minimise noise disturbance from operations at the site and in the interests of visual amenity, and to ensure the development is 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.

## **Arboriculture**

20. The approved Arboricultural Method Statement and Tree Protection Plan Arboricultural Method Statement, MW.2302.NRLL.AIA dated 1 March 2023 associated Tree Protection Plan MW.2032.NRLL.TPP dated 1 March 2023 shall be implemented throughout the duration of development hereby permitted.

Reason: In the interests of biodiversity, landscape character and visual amenity in accordance with Policies 3 (Protection of habitats and species), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of

minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

21. Within 2 months of the date of this permission, an updated Woodland Management Plan for the retention and management of the woodland included in current Woodland Management Plan approved under Condition 17 of Planning Permission 14/00024/CMAS, approved on 19 September 2014, shall be submitted to, and approved in writing by, the Minerals and Waste Planning Authority.

The approved updated woodland management plan shall include the requirements in the consultation response by the County Ecologist dated 13 March 2023 and shall be implemented for 25 years from the date it is approved.

Reason: In the interests of biodiversity, landscape character and visual amenity in accordance with Policies 3 (Protection of habitats and species), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

## **Landscape**

22. The weighbridge facility, site office, MRF building, concrete plant and proposed new workshop shown on plan Drawing 277/12 Rev K 'Proposed Layout Plan', received 15 June 2023 shall all be coloured/painted olive green and maintained as such for the duration of the permission.

The dust covers on the exterior conveyor and screeners associated with the picking station shall be dark green or black in colour and maintained as such for the duration of the permission.

Reason: In the interests of visual amenity and to ensure the development is in accordance with Policies 5 (Protection of the countryside) and 13 (High quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

23. Additional landscaping for the bund of the extension area, strengthening the southern hedgerow, and planting around the proposed workshop shall be implemented as shown and specified in the planting scheme on Drawing 277/25 Rev D 'Proposed Planting Plan', received 15 June 2023, or any subsequently approved version. Other trees, hedgerows and grass areas shown on the plan shall be retained.
24. The planting of the extension area and around the workshop shall be implemented in the first planting season following their construction with measures to strengthen and improve the density and height of southern hedgerow to be implemented immediately.

Any trees or shrubs, planted under Condition 23, 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 and to mitigate loss of habitat in accordance with Policies 3 (Protection of habitats and species) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

## **Lighting**

25. Within 2 months of the date of this permission, an updated Lighting Plan for the existing site and extension area shall be submitted to, and approved in writing by, the Minerals and Waste Planning Authority.

The lighting design shall result in zero upward light spill and light spill of less than 1 lux onto retained and created boundary habitats and features with lighting directed inward from the boundary features. LED lamps shall be used with a colour temperature of below 3500K.

The scheme shall be implemented as approved for the duration of the development hereby permitted.

Reason: In the interest of visual amenity and to protect wildlife, in accordance with Policies 3 (Protection of habitats and species), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

26. Lighting shall only be switched on in periods of darkness during the approved operating hours except for security lighting in the vicinity of the existing office as shown on the lighting plan approved under Condition 25.

Reason: In the interest of visual amenity and to protect wildlife, in accordance with Policies 3 (Protection of habitats and species), 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**

27. In the event of the cessation of the uses hereby permitted, within 3 months from the date of cessation, a Restoration Scheme shall be submitted and approved in writing by the Mineral and Waste Planning Authority detailing the return of the site to agricultural uses.

The scheme 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.

Restoration shall be completed within 12 months of approval of the restoration plan.

Reason: To ensure satisfactory restoration in accordance with Policies 5 (Protection of the countryside) and 9 (Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

28. All topsoil and overburden stripped from the Extension Area shall be removed and stored separately before operations commence for use in site restoration. Topsoil shall only be handled when dry and friable.

Reason: To ensure the satisfactory restoration of the land to agriculture in accordance with Policies 5 (Protection in the Countryside), 8 (Protection of soils), and 9 (Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

## Plans

29. The development hereby permitted shall be carried out in accordance with the following approved plans: **277/21, 277/19 Rev B, 277/12RevK, 277/13RevA, 277/14RevB, 277/22Rev E, 277/25RevD**

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

## Note to Applicants

1. 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.
2. In determining this planning application, the Minerals and 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.
3. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 7.5 tonne un-laden).
4. The existing Liaison Panel set up between the site operator, Minerals and Waste Planning Authority, interested parties and community representatives should continue to meet at a suitable frequency to facilitate effective

engagement with stakeholders in the interests of promoting communication between the site operator and local community. The County Council's [guidance](#) on the establishment of panels is available to the applicant.

5. The Environment Agency Environmental Permit for the site will need to be varied to account for the development hereby approved.
6. Felling of trees may require the operator to obtain a [felling licence](#) from the Forestry Commission. You must also comply with regulations protecting wildlife species and habitats when managing woodland and planning forestry operations.

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

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	11 January 2023
<b>Title:</b>	Proposed extension to Nursling Recycling Centre, variations to existing site layout, erection of a new workshop building and the upgrade of parking arrangements at the adjacent paintball centre. OAD (Application No. 22/00174/CMAS Ref: TV055)
<b>Applicant</b>	Collard Group Ltd
<b>Report From:</b>	Assistant Director of Waste & Environmental Services

**Contact name:** Tim Felstead

**Tel:** 07761 330557

**Email:** [planning@hants.gov.uk](mailto:planning@hants.gov.uk)

### **Recommendation**

1. That planning permission be GRANTED subject to the recommended conditions set out in **Appendix A** and the completion legal agreements for a financial contribution for highway safety improvements and road widening scheme to section of Lee Lane between Church Lane and the site entrance.

### **Executive Summary**

2. This planning application relates to the existing Nursling Recycling Centre. It is for an extension of the site boundary, variations to the existing site layout, the erection of a new workshop building on the existing site, the retrospective approval of a picking station attached to the existing recycling centre, and the relocation of existing parking for the adjacent paintball centre which would be impacted by the extension.
3. The application boundary includes the whole of the existing site and the proposed extension (along with a section of land used by the paintballing centre) and consolidate the whole site operations under a new permission if this application is approved.
4. This application is being considered by the Regulatory Committee as requested by the Councillor Adams-King and due to the number of objections presented by the local residents.
5. The key issues raised are considered to be:
  - Highway safety and amenity impacts of HGVs;
  - Air quality impacts (dust);
  - Noise impacts;

- Acceptability within a countryside setting; and
  - Ecology/habitat impacts.
6. A committee site visit by Members took place on 2 November 2022 in advance of the proposal being considered by the Regulatory Committee.
  7. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
  8. The principle of the development is supported by Policies 17 (Aggregate supply – capacity and source), 18 (Recycled and secondary aggregates development), 25 (Sustainable waste management), 27 (Capacity for waste management development) and 30 (Construction, demolition and excavation waste) of the [Hampshire Minerals & Waste Plan \(2013\)](#) (HMWP) in that the movement of waste materials up the waste hierarchy is encouraged to divert them from landfill, and recycling of construction, demolition and excavation (CDE) waste to produce beneficial aggregate products can provide an alternative to marine-won or land won sand and gravel for certain purposes.
  9. The extension would be to an existing, safeguarded waste site (Policy 26 – Safeguarding – waste infrastructure) taking advantage of existing infrastructure albeit in a countryside side location. The site meets the locational requirements of Policy 5 (Protection of the countryside). The addition of the picking station and development of the workshop will take place on the existing site and so does not have to meet the locational requirements of Policy 29 (Locations and sites for waste management). Regarding the extension area, it is utilising the existing site infrastructure and takes advantage of the remote location of the existing site. It is located within the Strategic Road corridor and is considered to demonstrate a special need.
  10. The proposal has been demonstrated to have low visual impact once design features like the screening bund and planting, and building colour are accounted for Policy 13 (High-quality design of materials and waste development). The extension area will be developed on relatively low value grassland/scrub habitat and the existing woodland management plan related to the existing site will remain in effect. With the proposed mitigation and management measures, including higher value habitat created through new planting, the proposal has been determined to be in accordance with Policy 3 (Protection of habitats and species).
  11. The development in in Flood Zone 1 (lowest risk) and the proposed drainage plan for the extension area and workshop building area are suitable (Policy 11 – Flood risk and prevention). Remediation of any contaminated land will be required if identified during the development with any impact on the drainage design having to be addressed before development proceeds further (Policy 10 – Protecting public health, safety and amenity).

12. Health, safety, and amenity impacts will not be unacceptably adverse (Policy 10 – Protecting public health, safety and amenity). The activities proposed for the extension area are already allowed on the existing site. The bunding around the extension area will also provide noise attenuation. The development is not anticipated to result in any unacceptable noise impacts. Noise and dust management plans will provide adequate control of the operation and these would be further controlled by the site Environmental Permit. The extra vehicles movements have been shown to result in negligible air quality impacts along the route and are not expected to result in a noticeable noise increase (though the additional vehicle movements may be noticeable). The picking station has been improved to ensure dust from the plant does not escape into the adjacent woodland. Lighting hours will be limited to operational hours and light spill beyond the site will be minimal.
13. The increase in allowed traffic to the site has been determined to not result in unsafe traffic situations (Policy 12 – Managing traffic). Some improvements to the access route along Lee Lane will be required and would be secured through a legal agreements.
14. Taking all matters into account, on balance, the proposal is considered to be in accordance with the relevant national and local planning policy and is considered to be sustainable in accordance with Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#). It is therefore recommended that permission be granted.
15. It is considered that planning permission ought to be granted subject to the conditions listed in **Appendix A** and the completion of a legal agreement for the completion of a legal agreements for width improvements to section of Lee Lane between Church Lane and the site entrance.

## The Site

16. The site lies wholly within the Test Valley Borough Council administrative area and Nursling and Rownhams Parish boundary. It is located on the edge of the urban area of Southampton.
17. The existing site occupies 1.5 hectare (ha). The site is in a predominantly rural location with much of the surrounding land in agricultural use.
18. The proposed extension area is bordered by dense vegetation to the west and north. The eastern boundary of the extension area is tree lined and Lee Lane is located beyond this boundary. Much of the land surrounding the Nursling site, including the proposed extension area has been previously worked for sand and gravel. The extension area has been the subject of full restoration and, therefore considered to be a greenfield site and not Previously Developed Land.
19. The existing Nursling site is located immediately to the south of the proposed extension area, beyond which comprises land previously used as a historic

landfill which has been restored and currently used for grazing horses and paddocks. A woodland area to the west is subject to a Woodland Management Plan which is a condition of the extant planning permission and has reporting requirement until 2039.

20. A railway line is located approximately 100 metres (m) to the east of the site and runs from north to south.
21. The River Test is located approximately 450m to the west of the site and flows from north to south.
22. The site is 500m north of the M27 and is located approximately 800m northwest of the Junction 3 of the M27 site. The route from the M27 is an approximately 3.5 kilometres (km) from Junction 3 using a route south along the M271 and then north via Andes Road/Weston Lane/Station Road/Lee Lane.
23. A paintballing site is located within the woodland to the west of the proposed extension area. The paintballing site uses an access and car park on the location of the extension area.
24. The nearest residential property is located adjacent to the Delvallie Kennels approximately 200m southwest of the proposed extension area and 120m west from the existing site boundary with dense woodland located between the kennels and the site area.
25. Other residential and commercial properties are located on Church Lane approximately 350m south of the proposed extension area. These properties include the Thatched Cottage, the Church of St Boniface and Church Farm. The existing site and a large agricultural field are located between these properties and the proposed extension area. The Grove Place Retirement Village is located approximately 500m east of the proposed extension area on the opposite side of a train track. There are also properties located approximately 500m to north of the proposed extension area on Coldharbour Lane.
26. There are no Statutory Designated Ecology Sites are located within the site. The closest Statutory Designated Site to the site is the River Test Site of Special Scientific Interest (SSSI), which is located approximately 450m to the west of the site. There are no other Designated Sites within 1km of the site. The Lower Test Valley SSSI and the Solent & Southampton Water Ramsar and Special Protection Area (SPA) is located approximately 1.15km to the south-west of the site. The Solent Maritime Special Area of Conservation (SAC) is located approximately 1.8km from the site.
27. There is one Grade I Listed Building, fifteen Grade II Listed Buildings and one Grade II\* listed Building within 1km of the site boundary.

28. Grove Place is a Grade I Listed Building located approximately 500m east of the proposed development site. Grove Place is immediately surrounded by a number of Grade II listed buildings:

- Griffon House Grade II Listed Building located 440m east;
- Grove Place Garden Wall Grade II located 480m east;
- Grove Place Forecourt screen Grade II located 510m east;
- Grove Place Boundary Wall Grade II located 520m east; and
- Grove Place Fountain Grade II located 560m east.

29. To the south is a cluster of listed buildings located along Church Lane as follows:

- Table Tomb 8 Metres North of Chancel Grade II Listed Building located approximately 350m south;
- Church of St Boniface Grade II\* Listed Building located approximately 350m south;
- Thatched Cottage a grade II Listed Building located 360m south;
- Table Tomb 2 Metres North of Chancel Grade II Listed Building located approximately 360m south;
- Nursling House Grade II Listed Building located 375m south; and
- Church Farm House Grade II Listed Building located 375m south.

30. The existing Nursling Recycling Site has a history of industrial and waste related uses. The existing site was originally used as a processing plant site for sand and gravel working, and the proposed extension area, as well as much of the surrounding land, has been worked for sand and gravel and has since been restored with inert material. The site operations at Nursling have steadily diversified since the site was originally established as a sand and gravel processing site in the late 1990's. The Department for Environment, Food and Rural Affairs (DEFRA) historic landfill site interactive map shows that the site is a historic landfill site which has been restored to agricultural land.

31. An overhead transmission line crosses the extension area for which transmission towers are located to the east and west of the site.

32. A Public Right of Way (PROW) restricted byway (Nursling and Rownhams Footpath 25) runs north-south (120m west of existing site) and then west-east (225m south of existing site) along Church Lane. It then continues north-south along a section of Station Road under the M27 before turning west to run parallel with the M27. The PROW forms part of the Test Way long distance route.

33. The approved buildings on the existing site are a Materials Recycling Facility building, weighbridge, site offices, Ready Mix Concrete plant, and parking spaces. The present activities include recycling operations for CDE waste

including concrete crushing, aggregate/soil screening, production of Ready Mix Concrete (RMC).

34. The site has existing planning conditions that sets limits on annual tonnage of material, working hours, and traffic movements.

### Planning History

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

<b>Application No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date Issued</b>
<a href="#">16/00088/CMAS</a>	Temporary variation of condition 4 of planning permission 14/00024/CMAS to remove the restriction of a maximum of six vehicles between 06:30 and 07:00 for the duration of the nearby road works i.e. until February 2017	Granted	06/05/2016
<a href="#">14/00024/CMAS</a>	Construction of Materials Recycling Facility building (MRF), demolition of existing workshop and storage buildings, construction of internal screen bund, installation of a sewage treatment facility for the office and reorganisation of the site layout including, replacement of weighbridge/office and ancillary buildings, relocation of concrete plant, parking areas and aggregate storage bays, fuel tanks and skip storage, and drainage improvements and retention of aggregates depot and concrete mixing plant	Granted	24/03/2014
<a href="#">10/02266/CMAS</a>	Revised consolidation application for depot, recycling, concrete plant and offices.	Granted	10/03/2011
<a href="#">10/00926/CMAS</a>	Consolidation application for the continued operation and use of site for mixed development comprising: (i) the importation, storage and	Withdrawn	N/A

	distribution of land won aggregates, marine dredged aggregates, secondary aggregates and bagged cement, (ii) the recycling of construction and demolition wastes and soils, (iii) retention of all existing buildings and structures including offices, workshop, storage building and weighbridge, (iv) ancillary HCV lorry parking, (v) skip storage, (vi) concrete mixing plant and associated block moulds		
<a href="#">08/01785/CMAS</a>	Additional Site Offices and Alterations to Site Access	Granted	14/10/2008
<a href="#">07/01508/CMAS</a>	Proposed additional temporary offices	Granted	31/07/2007
<a href="#">TVS01722/20</a>	Renewal of temporary permission for the recycling of construction and demolition wastes	Granted	25/04/2005
<a href="#">TVS01722/18</a>	Renewal of Planning permission for Night Watchmans accommodation	Granted	02/07/2003
<a href="#">TVS01772/17</a>	Replacement of site offices	Granted	23/06/2003
<a href="#">TVS01722/15</a>	Retention of site weighbridge and associated office	Granted	23/05/2002
<a href="#">TVS01722/16</a>	Relocation of Night Watchmans Caravan	Granted	28/05/2002
<a href="#">TVS01722/14</a>	Relaxation of conditions for temporary period in connection with forthcoming re-surfacing of M27 Motorway Junction 2-3	Granted	04/09/2001
<a href="#">TVS01722/13</a>	Recycling of construction and demolition waste to produce secondary aggregates and soils	Granted	21/07/2000
<a href="#">TVSCLE036</a>	Application for a Lawful Development Certificate	Granted	20/10/1999
TVS1722/11	Retention of Night Watchmans caravan until 22-2-2000	Granted	27/10/1998
TVS1722/10	Retention of weighbridge and associated offices until 28/2/2000	Granted	27/10/1998

TVS1722/8	Retention of weighbridge and associated office	Granted	05/03/1996
TVS1722/9	Retention of Night Watchmans caravan	Granted	05/03/1996
TVS1722/6	Retention of Night Watchmans caravan	Granted	08/03/1995
TVS1722/7	Retention of weighbridge and associated office	Granted	08/03/1995
TVS1722/5	Material change in use of land to allow the importation of inert materials in connection with silt lagoon restoration	Granted	20/10/1995
TVS1722/3	Retention of Night Watchmans caravan	Granted	13/04/1994
TVS1722/4	Retention of site weighbridge and associated office	Granted	13/04/1994
TVS1722/3	Waste disposal	Granted	13/04/1994
TVS1617/3	Tipping of waste materials	Granted	01/04/1987
TVS1617/2	Variation of final restoration contours]	Granted	02/06/1986
TVS4377	Waste disposal	Granted	07/11/1985
TVS4415	Portacabin and weighbridge	Granted	07/09/1984
TVS17722/2	Construction of haul road and access	Granted	16/09/1980
TVS1617	Waste disposal	Granted	03/11/1978
TVS1722/1	Retention of land & buildings for man/storage of concrete	Granted	05/09/1977
TVS1722	Retention of caravan	Granted	23/08/1977
RSR12578	Waste disposal	Refused	11/07/1974
RSR10286	Erection of concrete batching plant and offices	Granted	30/06/1970
RSR3629/1	Construction of conveyor bridge over C227	Granted	16/08/1965
RSR7996	Gravel extraction	Granted	17/03/1965
RSR7773	Extension to repair shop	Granted	20/07/1964
RSR2366	Gravel extraction	Granted	03/02/1956
IDC1316	Gravel extraction	Granted	13/10/1947
TVS.N.007(IDO)	Registration of interim development order permission	Granted	

36. The site is safeguarded through Policy 26 (Safeguarding – waste infrastructure) of [HMWP \(2013\)](#) for recycling including a Materials Recovery

Facility (MRF) and Construction, Demolition, and Excavation (CDE) waste for recycling to secondary aggregate and soil.

## The Proposal

37. The proposal seeks to:

- extend the existing recycling site. The extension area is shown on the Proposed Extension and Revised Layout Plan (see **Appendix B**) and is approximately 2.5ha;
- erect a vehicle, plant and skip repair maintenance workshop within the existing site as detailed in the plan;
- provide retrospective planning permission for a picking station on the west side of the existing site adjacent to the existing MRF building;
- increase the allowed number of total vehicle movements to and from the site from 240 vehicles to 350 vehicles of which the number >7.5 tonnes vehicle movements would increase from 160 to 200;
- increase the allowed amount of waste, materials and aggregate imported to the site from combined total of 75,000 tonnes per annum to 125,000 tonnes per annum;
- removal of existing limit on amount of concrete to be exported from the site.

38. The site is already permitted to recycle CDE waste and soils. This was initially granted on a temporary basis in 2000 ([TVS01722/13](#)), renewed for a further temporary period in 2005 ([TVS01722/20](#)), before permanent permission was granted in 2011 ([10/02266/CMAS](#)) for the consolidation of planning permissions and the continued and permanent use of the site for this and other activities.

### *Extension area:*

39. The existing site occupies 1.5ha and the proposed expansion area would be an additional 2.5ha.

40. The applicant has indicated that the additional space provided by the extension would allow improved separation of waste activities which would help improve the separation of associated vehicles from staff and customers allow the site to operate more efficiently.

41. The applicant notes that the closure of the Raymond Brown Rookery Farm (Swanwick) inert recycling facility means that inert waste is currently being diverted to a site near A303, Barton Stacey recycling site and then typically hauled back down to the main Southampton market. The applicant has indicated that the proposed extension would provide capacity for this material to be recycled on site instead reducing haulage requirements on Hampshire roads. The applicant has stated that the overall principal of the proposal is to

manage more waste, further up the waste hierarchy and closer to where it is sourced and the end destination of the recycled product.

42. The extension area would be used for activities that are already permitted by the extant permission.
43. The intended use of the extension area would be for inert recycling operations and for the storage of aggregates, skips and the Ready Mix Concrete (RMC) plant. Moving these operations into the extension area would allow for more space within the current site to increase active waste processing and other site works. The proposed operational area of the extension would be approximately 1.2ha.
44. The **Proposed Extension and Revised Layout Plan (see Appendix C)** shows that an internal access road would link the current and proposed sites.
45. The access road has been designed and orientated in a way to minimise views into the extension area from the south.
46. The surface of the operational area within the extension area would be rolled aggregate, which would be permeable. A roughly rectangular area in southeast corner of the extension would be used for the concrete plant and aggregate bays. The surfacing of this area would comprise an impermeable concrete pad. Separate bays would be formed through the use of concrete block push walls. A black line can be seen to define this area on the **Proposed Extension and Revised Layout Plan (see Appendix C)**.
47. The proposed extension would allow Heavy Good Vehicles (HGVs) currently parked to the rear of the MRF on the existing site to be moved to the extension area. The existing car park could then be dedicated to staff vehicles. As part of the extension area plans, the applicant is proposing to improve the access and create a new replacement parking area for the adjacent paintball site. The paintball site is currently accessed via the separate perimeter driveway running parallel with Lee Lane. The new car park and access roads will be surfaced with rolled aggregate
48. A 3 metre high ecologically enhanced screening bund would be constructed around the perimeter of the operational area. The bund in the southeast of the extension area would require removal of the existing paintball site car park. The bund would be formed through utilising soils that exist on the extension area and, if needed, imported into the site. Tree and scrub planting is also proposed in the bund and ecological receptor sites are proposed outside of the bund as well as immediately adjacent of the existing site. The existing tree line around the proposed site and the woodland that borders the existing site would continue to be retained and managed. The applicant has previously secured control of the woodland adjacent to the existing site. This woodland will be retained and managed for the duration of the use of the site and in accordance with the existing approved Woodland Management Plan.

49. Drainage has been designed to mirror the approved drainage scheme within the current site, which largely comprises a soakaway system through permeable surfacing.
50. Limited lighting is proposed within the extension area. Lighting would only be used within the existing permitted operating hours in periods of darkness.
51. The site extension and proposed activities would need operate in accordance with the existing Environmental Permit (GB3406LN/V/002) for the existing site. An application to vary the permit to cover the additional area will need to be submitted to the Environment Agency by the applicant.

*Vehicle, plant and skip repair maintenance workshop:*

52. The proposal also includes a dedicated maintenance workshop within the existing site to ensure all plant and vehicles operate efficiently. It would be sited in the place of the current RMC plant.
53. The pitched roof building would have a footprint of 26m by 22m, with a height of 6.87m to the eaves and 9.17m to the ridge. An **Elevation Plan** is included in the planning application.
54. It would be located immediately on the right-hand side as the site is entered as shown in the **Proposed Extension and Revised Layout Plan (see Appendix C)**
55. . The building, including the roof, would be coloured olive green. Additional tree and scrub planting is proposed to the south and east of the proposed workshop building.

*Retrospective planning permission for a picking station:*

56. The applicant states the retrospective application for the picking station would provide numerous benefits, including health and safety (through a reduction in manual handling), operational efficiency, an increase in on-site processing and therefore a reduction in vehicle movements for transfer waste and improved recycling rates.
57. The picking station is located adjacent to the existing MRF building. The plant, including conveyors, is 56m in length of which includes a 30m long, two story high structure with an enclosed picking area above separated storage bays.
58. The plant has recently been updated to include a dust suppression unit. Other modifications to eliminate dust escaping to the adjacent woodland include a covered fines bay and a chute has been added to the incline conveyor.

*Increase in number of total vehicle movements to and from the site:*

59. Extant planning permission [14/00024/CMAS](#) restricts vehicle movements to no higher than 240 per day to and from the site. A maximum of 160 of these movements can be by vehicles exceeding 7.5 tonnes in weight.

60. The applicant states that in 2020 there were an average of 215 vehicle movements per day, 95 of which were >7.5 tonnes.

61. The proposal is for the total number of vehicles to increase to 350 and to uplift the restriction >7.5 tonnes vehicles from 160 to 200.

*Annual throughput of material:*

62. Extant planning permission [14/00024/CMAS](#) restricts the existing operations to no more than a combined total of 75,000 tonnes of waste, materials and aggregate imported to the site per annum. The applicant reports in 2020, a total of 48,000 tonnes of material were imported to the site.

63. The proposals would allow for an increased throughput to 125,000 tonnes per annum.

*Removal of concrete production limit:*

64. The extant planning permission has a limit placed on on-site concrete production of 30m<sup>3</sup> (60) tonnes and no more than 20 concrete blocks (one lorry load) per day. The reason stated in the decision notice for the condition was to limit the intensity of activities on the site and thereby associated amenity impacts. The applicant has requested that that this condition be removed on the basis that spreading the existing site activities over wider area would reduce the intensity of activities from the site.

*Existing planning conditions:*

65. There would be no change to the existing hours of operations. Commercial vehicles are restricted from entering or leaving the site except between 0630-1930 Monday to Friday and 0700-1300 Saturday. No plant or machinery is allowed to be operated except between the following hours: 0700-1800 Monday to Friday and 0700-1300 Saturday. Working on Sundays or recognised Public Holidays is not allowed.

66. The applicant intends for other existing conditions remain unaltered and apply to the both the existing site and proposed extension. These may need to be updated in any list of recommended conditions to reflect the latest details or to address new conditions.

*Other matters:*

67. The applicant states the proposal is expected to increase the number of jobs at the site from 21 to 30 full time employees.

68. There is an existing site liaison panel. The panel meets on an as needed basis and the last meeting was on 28 September 2022 at the request of Councillor Adams-King.

## Environmental Impact Assessment

69. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). Screening under the EIA Regulations has been carried out on the proposed development as supplied. The development is classified as a Schedule 2 development as it falls within Category 13 (b), Changes and extensions, of a Category 11 'Other Projects' development, (b) Installations for the disposal of waste (unless included in Schedule 1). The existing site is greater than 0.5 hectares and also within 100m of controlled waters. However, whilst being identified under the Regulations, it is not deemed an EIA development requiring an Environmental Statement.

## Development Plan and Guidance

70. Paragraph Section 38(6) of the [Planning and Compulsory Purchase Act 2004](#) requires that applications are determined in accordance with the statutory '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.

71. The key policies in the development plan which are material to the determination of the application, are summarised below. In addition, reference is made to relevant national planning policy and other policies that guide the decision-making process and which are material to the determination of the application.

72. For the purposes of this application, the statutory development plan comprises the following:

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

73. The following policies are relevant to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 3 (Protection of habitats and species);
- Policy 5 (Protection of the countryside);
- Policy 8 (Protection of soils);
- Policy 9 (Restoration of quarries 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 17 (Aggregate supply – capacity and source);

- Policy 18 (Recycled and secondary aggregates development);
- Policy 25 (Sustainable waste management);
- Policy 26 (Safeguarding - waste infrastructure);
- Policy 27 (Capacity for waste management development);
- Policy 29 (Locations and sites for waste management); and
- Policy 30 (Construction, demolition and excavation waste development).

**[Update to the Hampshire Minerals and Waste Plan \(emerging\) \(draft\)](#)**

74. Hampshire County Council and its partner Authorities (Southampton City Council, Portsmouth City Council, New Forest National Park Authority and South Downs National Park Authority) are working to produce a partial update to the Hampshire Minerals and Waste Plan (2013) which will guide minerals and waste decision making in the Plan Area up until 2040. The partial update to the Plan will build upon the adopted Hampshire Minerals and Waste Plan (2013), eventually providing new and updated policies based on up-to-date evidence of the current levels of provision for minerals and waste facilities in the Plan Area. Plan making is currently at the initial [Regulation 18 draft plan consultation stage](#) (for 12 weeks between the 8 November 2022 and 31 January 2023). The update to the Plan and its associated policies are only emerging policy. As stated in Paragraph 48 of the [National Planning Policy Framework \(2021\)](#) (NPPF), this means that the policies cannot be given any weight in decision making at this early stage. However, where proposed changes relate to making current policies more consistent with the NPPF then these NPPF changes should be given consideration.

75. The following draft and emerging policies are of the relevance to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 2 (Climate change - mitigation and adaptation);
- Policy 3 (Protection of habitats and species);
- Policy 5 (Protection of the countryside);
- Policy 8 (Water resources);
- Policy 9 (Protection of soils);
- Policy 10: Restoration of minerals and waste developments;
- Policy 11: Protecting public health, safety, amenity and well-being;
- Policy 12: Flood risk and prevention;
- Policy 13: Managing traffic;
- Policy 13: High-quality design of minerals and waste developments
- Policy 17: Aggregate supply – capacity and source;

- 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; and
- Policy 30: Construction, demolition and excavation waste development.

**[Test Valley Borough Revised Local Plan \(2011 - 2029\) \(2016\) \(TVBRLP \(2016\)\)](#)**

76. The following policies are relevant to the proposal:

- Policy COM2: Settlement Hierarchy;
- Policy E1: High Quality Development in the Borough;
- Policy E2: Protect, Conserve and Enhance the Landscape Character of the Borough;
- Policy E5: Biodiversity;
- Policy E7: Water Management;
- Policy E8: Pollution;
- Policy LHW4: Amenity;
- Policy T1: Managing Movement; and
- Policy T2: Parking Standards.

77. Other areas of policy and guidance of relevance of to the proposal include:

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

78. The following paragraphs are relevant to this proposal:

- Paragraphs 10-12: Presumption in favour of sustainable development;
- Paragraphs 38, 47: Decision making and determination;
- Paragraphs 55 – 56: Planning conditions;
- Paragraphs 81: Support of sustainable economic growth;
- Paragraphs 84-85: Rural economy;
- Paragraphs 110-113: Sustainable transport;
- Paragraphs 126-136: Design;
- Paragraphs 174: Contributions and enhancement of natural and local environment; and
- Paragraphs 183-188: Ground conditions and pollution.

### National Planning Policy for Waste (2014) (NPPW)

79. 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)

80. The following paragraphs are relevant to the proposal:

- Paragraph 07 (Self-sufficient and proximity principle) (16 October 2014);
- Paragraph 046 (Need) (16 October 2014);
- Paragraph 050 (Planning and other regulatory regimes) (16 October 2014); and
- Paragraph 051 (Role of Environmental Permit) (16 October 2014).

### **Consultations**

81. The following responses have been received from consultees. A summary is provided below. A full record of all consultation responses is available to view on the [planning application webpages](#) under 'consultee responses'.

82. **County Councillor Adams-King:** Has no objection subject to concerns regarding highway safety, particularly potential conflict with the Lee Lane cycle route, being addressed, the introduction of a system by which the number of lorry movements to and from the site can be controlled by the applicant (other than vehicles being turned away from the site) and continuation of the Liaison Panel.

83. **Test Valley Borough Council:** Objects to the proposal as the proposed recycling centre and car park extension is contrary to Policy COM2 of the Local Plan and therefore, consider that the proposal represents unjustified development of countryside land.

84. **Test Valley Borough Council Environmental Health Officer (EHO):** Has no objection to the proposal. Requested conditions to ensure:

- existing conditions for the protection of amenity is retained;
- to ensure site lighting is turned off when the site is not in use;
- amenity bund surrounding extension area be completed as soon as is practicable;
- application of dust management to construction of bund around extension area; and
- Compliance with noise management plan.

Initial consultation response identified potential air quality impacts from the proposed increase in vehicles, in particular along Station Road - an Air Quality Assessment was recommended. Noted that the increase in traffic noise would likely be insignificant in terms of cumulative average traffic noise but additional vehicle movements themselves may well be noticed by residential properties on Station Road to the south. Considered risk of noise and dust emissions from the site to residential amenity as unlikely to be significant. Also noted site currently operates under an Environmental Permit issued by the Environment Agency. Raised issue of potential for contaminated land in area to be excavated for new workshop given apparent fill history of the site.

Later confirmed potential concerns over air quality impact were addressed in Air Quality Assessment subsequently submitted by applicant.

**85. Nursling and Rownhams Parish Council:** Has objection due to:

- loss of countryside due to expansion of site;
- impact of additional traffic in particular on Lee Lane and Station Road with concerns raised about suitability of road to withstand weight and frequency of traffic. Referenced narrowness of actual or effective width on Station Road (once parked cars are taken into account) and noise and vibration impacts on quality of life. Noted other commercial traffic also used the route along Station Road;
- impact on noise and air pollution in area; and
- environmental impact on wildlife and water quality noting location of River Test SSSI.

Considered it was not possible to mitigate against impacts of site expansion.

**86. Romsey Extra Parish Council:** Has objection due to:

- inappropriate expansion for the location;
- proposal infringes on the amenities of Lee Lane; and
- traffic will increase for those living to south of application site.

Response was not received directly by Minerals and Waste Planning Authority from Parish Council but was summarised via the Test Valley Borough Council consultation response.

**87. Natural England:** Has no objection. Based on the plans submitted, Natural England considered that the proposed development will not have significant adverse impacts on designated sites.

Initial response stated that without appropriate mitigation the application would impact the River Test SSSI. Recommended utilisation of a Sustainable Drainage System (SuDS) and adherence to the submitted drainage plan, the environmental mitigation plan and the dust management plan. Additional

drainage details were submitted including a SUDS. These revised drainage plans were reviewed by the Local Lead Flood Authority (see below).

88. **Environment Agency:** Has no objection subject to a condition requiring remediation actions necessary if contamination is found. Noted the site is located on ground that has previously been infilled, which means it is possible that some contamination may be encountered during the development. Also noted:

- infiltration drainage features should not be located in any areas of contaminated land;
- refuelling activities and storage of pollutants should protect groundwater including controlling and containing drainage from refuelling facility areas; and
- Any storage or processing of any non-inert waste stream that may be brought onto the site should take place on hardstanding and drain to a sealed drainage system with adequate capacity.

89. **National Grid:** Has no objection. Based on the location entered into the system for assessment, the area has been found to not have transmission apparatus.

90. **Southern Electric:** Was notified.

91. **Local Highway Authority:** Has no objection and is satisfied that with the proposed mitigation measures, the highway impacts of the proposal are acceptable subject to a Section 106 Agreement to secure the a Financial contribution of £15,000 to be used to bring forward enhanced on Station Road as well as planning conditions relating to widening works, HGV vehicle movements, sheeting of vehicles, preventing mud and debris on the road and the submission of a Construction Traffic Management Plan.

Initial response requested Personal Injury Accident (PIA) taken from Hampshire Constabulary for the previous 5 years. Also requested Swept Path Analysis to understand impact of increased number of HGVs passing on narrow sections of Lee Lane (between site entrance and junction of Upton Lane/Church Lane) noting the use of the road as by cyclists (10% of recorded movements from Transport Statement).

Subsequently, additional PIA data was submitted as well as Swept Path Analysis. The latter demonstrated sections of Lee Lane (south of the site) which would not allow two 16.5m articulated HGVs to pass one another without overrunning the verge. It was also noted there were sections of the existing site bellmouth and on Lee Lane (south of the site) with overrunning on the grass verge of the highway.

Based on the PIA and Swept Path Analysis data the applicant was requested to submit a road improvement scheme proposals for mitigating the likelihood of

HGVs coming into conflict with one another (or other road users) and minimize the likelihood of excess mud being tracked on to the road in wet weather.

The applicant submitted the required information at which point the Highway Authority required some additional passing places to be provided. The applicant has submitted further topographical survey information showing four locations for road widening to allow HGVs to pass, and an associated Stage 1 - Road Safety Audit. The proposal was acceptable to the Highways Authority.

92. **Lead Local Flood Authority (LLFA):** Has no objection. Initially requested additional information on infiltration rates to support use of the proposed permeable gravel surfaces, swales, and soakaways. Also requested a more detailed drainage strategy. These details were provided by the applicant.

93. **County Landscape Architect (Hampshire County Council):** Has no objection. Initially stated main landscape reservation related to the proposed extension of this site relates to the impact on the surrounding rural roads and the further downgrading of their rural character along with the direct impacts on verges and vegetation either side of Lee Lane, from increased numbers of large vehicles using this rural lane.

Noted the proposed layout and mitigation of the proposal should allow the development to be absorbed on the immediate site with little visual or landscape impact. The main area of concern are views from Church Lane and Nursling Churchyard. Stated that additional planting along the southern boundary of the site should be able to reduce these views.

Requested proposed planting to have additional trees added to the mixes, around the bunds of the extension site, in front of the new building and along the southern boundary.

A revised planting plan was submitted by the applicant to address the above request and was acceptable to the County Landscape Architect.

94. **County Ecologist (Hampshire County Council):** Has no objection subject to a condition that requires implementation of the revised Environmental Mitigation Management Plan and revised Landscape Ecological Mitigation and Enhancement Plan.

Initially noted that survey work for reptiles, badgers, and bats were complete but further surveys for Great Crested Newts and nesting birds were required. Also recommended an amend proposed planting plan and inclusion of measures to protect dormouse from harm or injury. These were addressed in further submissions by the applicant.

95. **County Arboriculture (Hampshire County Council):** Has no objection subject to condition that requires submission of arboricultural method statement that would demonstrate how the bund would be constructed without causing wider harm to the nearby vegetation. Further stated any arboricultural mitigation must include how the root protection areas of retained trees will be

protected and preserved, how the site levels will be managed, what tree pruning is required, how issues such as contaminated run-off and dust suppression are to be achieved.

Initially commented on potential impact of development on mature woodland to west and had questions on ownership of woodland. Asked for additional information on proposed planting stock.

The applicant provided additional details to clarify the ownership and a planting plan.

96. **Public Health (Hampshire County Council):** Was notified.

### **Representations**

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

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

- Published a notice of the application in the [Hampshire Independent](#);
- Placed notices of the application at the application site 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 100 metres of the boundary of the site and additional properties on Church Lane to the west of the site.

99. As of 3 January 2023, a total of 22 representations (16 respondents) to the proposal have been received and objected to the proposal. A petition was also received with 20 names objecting to the application. The main areas of concern raised in the objections related to the following areas:

- impact on wildlife;
- impact of the site and its activities on the rural location;
- the development is out of character in the rural area and should be located in an industrial, not a rural location;
- impact of lighting associated with the development especially at night;
- Impact on the amenity of local residents;
- noise and vibration impacts from traffic (in particular on Station Road) and site operations;
- impact on air quality;
- local roads not suitable for additional HCV movements (in particular Weston Lane, Station Road, Lee Lane);

- lack of environmental net gains (habitat and landscaping);
- increase in traffic and HCV traffic using local roads (especially regarding Station Road);
- impact on vulnerable road users (pedestrians and cyclists) using Lee Lane/Station Road;
- lack of public consultation;
- inaccurate information submitted as part of the planning application (i.e. the access route stated in the planning statement); and
- impact on house prices.

100. The above issues will be addressed within the following commentary, (except where identified as not being relevant to the decision).

### **Habitats Regulation Assessment [HRA]**

101. The [Conservation of Species and Habitats Regulations 2017](#) (otherwise known as the 'Habitats Regulations') transpose European Directives into UK law.
102. In accordance with the Habitats Regulations, Hampshire County Council (as a 'competent authority') must undertake a formal assessment of the implications of any new projects we may be granting planning permission for e.g. proposals that may be capable of affecting the qualifying interest features of the following European designated sites:
- Special Protection Areas [SPAs];
  - Special Areas of Conservation [SACs]; and
  - RAMSARs.
103. 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.
104. It is acknowledged that the proposed development includes environmental mitigation essential for the delivery of the proposed development regardless of any effect they may have on impacts on European designated sites.
105. The applicant submitted a shadow HRA to screen for the possible impacts from the development. The shadow HRA did not identify any pathways with the potential to result in likely significant effects on European Sites
106. The HRA screening hereby carried out by the MWPA considers the proposed development to have **no likely significant effect** on the identified European designated sites due to:

- It is not located at a distance to be considered to have proximity to directly impact on the European designated sites;
- The site is not considered to have any functional impact pathways connecting the proposed works with any European designated sites; and
- The proposal does not have any significant increase on any adverse impacts the wider site may have.

## Climate Change

107. 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.
108. *Policy 2 (Climate change - mitigation and adaption)* of the [HMWP \(2013\)](#) states that developments should minimize their impact on the causes of climate change and vulnerability and resilience to the impacts of climate change. This includes through the selection of location and design to reduce emission, utilisation energy recovery facilities and low carbon technologies, and avoiding areas vulnerable to climate change and flood risk if the risk cannot be mitigated.
109. The Planning Statement briefly addresses climate change. In particular, the statement emphasises the reduction in CO<sub>2</sub> that would result from reduced transportation miles. The applicant states that material previously processed at the Rookery Farm inert recycling facility (Swanwick) is currently being hauled for processing at their A303 Enviropark site before being hauled to the Nursling site for sale to the Southampton area market. It states that processing on the Southampton site would result in a reduction in vehicle mileage although no estimates of mileage saved have been provided and so this claim cannot be scrutinized. Officers are aware of some processing of secondary aggregate currently occurring at the existing Nursling site although the amount of material able to be stockpiled and processed is constrained by the size of the existing site.
110. The supporting text for Policy 2 (Paragraph 4.7) notes that the location of development adjacent to local markets may provide opportunities to reduce emissions from transport.

111. In general, the proposal is considered to be in accordance with Policy 2 (Climate Change – mitigation and adaptation) of the [HMWP \(2013\)](#) though the extent to which this influences the overall recommendation is limited due to lack of specific evidence.

## **Commentary**

### Principle of the development

112. *Policy 27 (Capacity for waste management development)* of the [HMWP \(2013\)](#) supports additional capacity to be created in order to maintain and provide additional capacity for the non-hazardous recycling and recovery. The policy identifies four potential locations categories for recycling sites and includes Part a) the use of existing waste management sites, and Part b) extension of suitable sites. When considering the extension of suitable sites, the extension must be ancillary to the operation of the existing site and improve current operating standards. The supporting text (paragraph 6.180) states that in cases of developments on existing waste management sites, cumulative impacts will need to be taken into account, and applicant should explain how proposals will enhance operating standards or reduce the amount of waste sent for landfill.
113. *Policy 25 (Sustainable waste management)* of the [HMWP \(2013\)](#) supports developments that will result in movement of wastes up the hierarchy, reduce the amount of residual waste sent to landfill, be located near sources of waste and markets for use opportunities, and to share infrastructure at existing sites. However, it also states co-location of activities should not result in intensification of uses that would cause unacceptable harm to the environment or communities in a local area (including access routes), or prolong unacceptable impacts associated with the existing developments.

### *Picking station:*

114. The extant planning application for the site allows for the importation and processing of waste (e.g. skip waste). Before the introduction of the picking station subject to retrospective planning permission, the waste was imported to the existing MRF building where it was subject to a primary sorting before being bulked for collection and removal offsite. The picking station allows for a more specific sorting of the imported waste. The applicant states that this provides numerous benefits, including health and safety (through a reduction in manual handling), operational efficiency, an increase in onsite processing and therefore a reduction in vehicle movements to transfer waste, and improved recycling rates.

### *Extension of site:*

115. The proposed extension area would host the processing of waste concrete and soils, and manufacture of concrete. The expansion would allow more space for additional concrete and soils to be screened or crushed on site. These activities are also currently allowed at the existing site under the

extant planning permission. The new access driveway and parking area for the adjacent paintball facilities are required to mitigate the impact of the proposed extension on the existing parking and access to the paintball facility. The proposal would see the existing parking facility incorporated into an access driveway or be landscaped as part of the bund/restored grassland on the east of the expansion area.

*Increase in capacity limits (vehicles and tonnage):*

116. The extant planning permission includes conditions which limit the waste processing capacity of the existing site through maximum limits on the number of vehicles trips and the tonnage of waste and materials. The proposal seeks to increase both the number of vehicle trips (including HGVs over 7.5 tonnes) and the waste and material throughput. The applicant has provided figures for 2020 that suggests the daily vehicle limit is close to being reached but that there is still some headroom before the maximum number of HGVs <7.5 tonnes is reached. However, the number of vehicles <7.5 tonnes would have to decrease to accommodate the allowable HGV limit. The extant planning permission also limits the amount of concrete that can be exported from the site in a day to 60 tonnes and 60 concrete blocks (equivalent to one HGV load) – the applicant has requested that this limit be removed entirely.
117. The extant planning permission states that limits on the number of vehicles, including by size, was for highway safety and for policies relating to public amenity and traffic impacts (Policies 10 and 12 of [HMWP \(2013\)](#) respectively). The reason for the limit on tonnage was in order to control the scale of the development and policy relating to public amenity impacts (Policy 10 of the [HMWP \(2013\)](#)). The reason for the limit on concrete production was stated as being to prevent intensification of activities at the site in the interests of local amenity and to ensure the development is in accordance with Policy 10 of [HMWP \(2013\)](#). These conditions were first added under Planning Permission [10/02266/CMAS](#) which consolidated all site activities under one planning permission.
118. Prior to the granting of planning permission [10/02266/CMAS](#), the site was operating under a number of planning permissions (both temporary and permanent) addressing the various activities occurring on the site and also a Certificate of Lawful Use (CLU). The granting of [10/02266/CMAS](#) consolidated all permitted activities and saw the CLU surrendered through a legal agreement. The latter was of particular importance in considering that earlier application since the lack of planning control over the uses already permitted by the CLU meant there were no restrictions on hours of working or lorry movements (although there were such restrictions for waste recycling permitted under the previous temporary consents which were soon to expire).
119. The elements of the proposal to expand the site and the addition of the picking station are in accordance with Policies 25 (Sustainable waste management and 27 (Capacity for waste management development) of the

[HMWP \(2013\)](#). However, as described in the above policies, the impacts of the proposed increase in vehicle numbers, increase in tonnage of waste and materials, and removal of the limitation on concrete exported must be further analysed to determine if they are in accordance with other policies. This analysis is provided in the relevant sections of the commentary below. Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of emerging Policies 25 and 27.

120. Whether the proposal is considered to be a sustainable waste development, in accordance with Policy 1 (Sustainable waste development) of the [HMWP \(2013\)](#) will also be considered.

#### Demonstration of need and capacity for waste management

121. Policies 17 (Aggregate supply – capacity and source) and 18 (Recycled and secondary aggregates) of the [HMWP \(2013\)](#) both support developments, which will contribute to and invest in infrastructure for the provision of alternative sources of aggregate to marine and land-won. Policy 30 (Construction, demolition, and excavation waste development) also supports the recovery of construction, demolition and excavation waste for high quality/secondary aggregates.
122. The **Planning Statement** explains that the Rookery Farm inert recycling facility has recently closed and the hardcore material (around 10,000 tonnes per annum) that was taken to Rookery Farm had to be diverted for processing near Andover and then typically hauled back down to the main Southampton market. The applicant indicates that the proposed extension would allow for this material to be brought into the Nursling site and would be recycled on site. This is stated as lowering haulage requirements on Hampshire's roads and allow for an increased amount of material to be recycled in the existing site. The applicant also states inert soil and stone is currently sent to inert landfill at Brickworth and consider that up to 95% of that material is recyclable. They explain that the expansion will enable this material to be brought to Nursling with an anticipated 5,000 tonnes per annum reduction in material being disposed of at landfill.
123. It should be noted that the use of the landfill referenced above would be associated with the required restoration activities for existing quarries, and are serving a necessary role in the extraction of high quality land-won aggregates.
124. The proposal is in accordance with Policies 17 (Aggregate supply – capacity and source), 18 (Recycled and secondary aggregates) and 30 (Construction, demolition and excavation waste development) of the [HMWP \(2013\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of emerging Policies 17, 18 and 30.

## Development in the countryside and location

125. *Policy 5 (Protection of the countryside)* of the [HMWP \(2013\)](#) states that minerals and waste development in the open countryside, outside the National Parks and Areas of Outstanding Natural Beauty, will not be permitted unless it is a time-limited mineral extraction or related development; or the nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location; or the development provides a suitable reuse of previously developed land, including redundant farm or forestry buildings and their curtilages or hard standings. The policy also includes an expectation that the highest standards of design, operation and restoration will be met and there will be a requirement that it is restored in the event it is no longer required for minerals and waste use.
126. *Policy 29 (Locations and sites for waste management)* of the [HMWP \(2013\)](#) provides the framework for the location of new waste sites in Hampshire. Parts 1 of the policy addresses proximity to urban areas, strategic road corridors or major new or planned development, and Part 2 relates to the status of the land to be developed. Parts 1 and 2 of the policy are read together. Sites which do not meet the requirements of Parts 1 and 2 should be considered against the requirements of Part 3. Part 3 requires good transport connection to sources and markets for waste, and a special need for the specific location. Appropriateness of the proposal in the setting is also a consideration under the policy.
127. Policy COM2 (Settlement Hierarchy) of the [TVBRLP \(2016\)](#) identifies boundaries of existing settlements in the Borough and states that development outside of the identified settlement will only be permitted if it is either appropriate to the countryside as set out under exception policies, or it is essential for the proposal to be located in the countryside.
128. The location of the existing site is located in an area of former mineral working and landfill. This was then redeveloped for other waste uses including the consolidated planning permission [10/02266/CMAS](#).
129. Nursling and Rownhams Parish Council (N&RPC) have stated that the proposed development would result in loss of countryside and result in further urbanisation of the Parish.
130. The Test Valley Borough Council (TVBC) consultation response note that the proposed workshop building would be permitted under Policy COM2 if it was found to meet exception Policy LE17 (Employment sites in the countryside). Policy LE17 allows redevelopment, extension of buildings or erection of new buildings on existing employment sites for employment use provided that it is contained within a lawful employment site; the proposal is well related to any retained building, and does not include outside storage where this could be visually intrusive. TVBC did not further comment

following inclusion of the picking station in the application, but this would be subject to the same criteria as the workshop.

131. TVBC do not consider the site expansion to meet any of the required exceptions under COM2. The exception policies are silent on situations where existing sites wish to expand. However, Paragraph 6.92 of [TVBRLP \(2016\)](#) which supports Policy LE17 acknowledges that there are existing employment sites in the countryside and proposals for redevelopment or intensification can take place within the boundary provided that it does not result in significant harm to the landscape and deals with the whole site. It goes on say that proposals which involve extension of the site boundary into the countryside should be considered on their individual merits and that open storage can be permitted if it is not visually intrusive.
132. The principle of the addition of the picking station and construction of the new workshop building on the existing site is acceptable provided other policies related to design and operation are satisfied. The workshop and picking station would be located on Previously Developed Land (PDL) and therefore satisfy Part c) of Policy 5 of the [HMWP \(2013\)](#).
133. Paragraph 4.37 of the supporting text for of Policy 5 of the [HMWP \(2013\)](#) identifies that some large-scale waste uses that require open sites are difficult to accommodate in urban areas. It states that while waste uses that are not linked to natural occurrence of minerals should be located in urban areas, it also acknowledges that it is not always feasible on amenity grounds. Paragraph 4.38 of [HMWP \(2013\)](#) also acknowledges that appropriately managed waste developments are important to support employment and services in rural areas. The applicant states that the increased capacity would generate an additional 9 jobs in addition to the 21 existing jobs on the site.
134. The extension of the site will use land currently considered to be countryside. While the extension area is described as a previously a restored quarry site (although it does not appear in the Defra database of former landfills), based on the NPPF definition of previously development land (PDL) it is considered an undeveloped, greenfield site. However, the existing site is well established and currently serving the Southampton area in terms of waste processed and recycled aggregate and concrete sold. The concrete crushing/screening activity would be of a scale that would benefit from a more isolated location and it is therefore considered to meet a local need/isolated location therefore meeting Part b) of Policy 5 of the [HMWP \(2013\)](#).
135. The consistency with the [HMWP \(2013\)](#) on development in the countryside also provides weight in determining the merits of expansion of the site under Policy COM2 of the [TVBRLP \(2016\)](#). The Borough Council have objected indicating that the proposal does meet the exceptions directly in the policy. However, no reference has been made by Borough Council to the supporting text of the policy which recognises site expansions and says they should be treated on their own merits having particular regard to visual intrusion.

136. Regarding Policy 29 of the [HMWP \(2013\)](#), the addition of the picking station and development of the workshop will take place on the existing site and so meets the locational requirements of Policy 29 Part 1(ii) and Part 2(c). The extension site is located along a Strategic Road Corridor (the M27), meeting Part 3a of the policy, and in terms of proximity to urban areas is just outside the urban area of Southampton and in relatively close proximity to Romsey. The site also has good proximity to sources of waste and in particular the Southampton urban area market. Paragraphs 6.205 of the [HMWP \(2013\)](#) recognises that recycling and recovery activities '*will largely take place in the open*' and such activities are not '*easily assimilated in built areas*'. As an extension to an existing site on the urban fringe, making use of the existing infrastructure in a relatively isolated setting suitable for open air recycling of inert waste, it is considered that a special need for the location required by Policy 29, Part 3b is on balance met. The proposed ancillary development facilitates the operations of an existing facility, thereby reducing amenity impacts.
137. The applicant has also submitted an Alternative Sites Assessment which reviews other potential locations for the proposed site expansion. The assessment initially searches for sites that would comply with the locational requirements of Policy 29 (Locations and site for waste management) of [HMWP \(2013\)](#). A short-list of six sites was identified for more detailed investigation. For reasons of site size, cost, suitability for CDE waste operations, distance from existing site, and surrounding land uses, the Assessment concluded the proposal for the extension of the existing site was justified. The Minerals and Waste Planning Authority has reviewed this assessment and is satisfied with its findings.
138. On balance, the proposal is considered to be in accordance with Policy 5 (Protection of the Countryside) of the [HMWP \(2013\)](#) as well as Policy COM2 (Settlement Hierarchy) (including supporting text) of the [TVBRLP \(2016\)](#). The extension element of the proposal is in accordance with the relevant parts of Policy 29 of the [HMWP \(2013\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policy 5.

#### Visual impact and landscape

139. *Policy 13 (High-quality design of minerals and waste development)* of the [HMWP \(2013\)](#) requires that minerals and waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape. The design should be appropriate and should be of high-quality and contribute to sustainable development. This reinforces the requirement of *Policy 5 (Protection of the countryside)* of the [HMWP \(2013\)](#) for highest-quality design. In addition, *Policy 10 (Protecting public health, safety and amenity)* of the [HMWP \(2013\)](#) protects residents from unacceptable adverse visual impact.

140. Policies E1 (High quality development in the Borough) and E2 (Protect, Conserve and Enhance the Landscape Character of the Borough) of the [TVBRLP \(2016\)](#) address visual impacts of the proposed developments.
141. The development site sits within the 'Lower Test Floodplain' Landscape Character Area. The relevant parts of the Landscape Character Assessment describe this area as:
- 'South of Romsey there is a strong rural character around the hamlet of Lee with a lack of development on the valley floor which also continues down to the M27',*
142. The applicant has submitted a **Landscape and Visual Appraisal** which assess the impact of the proposal on the character of the landscape. A **Landscape and Ecological Mitigation and Enhancement Plan (LEMEP)**, and **Proposed Planting Plan (PPP)** was also submitted by the applicant.
143. The County Landscape Architect has reviewed the proposal, and subject to the additional screening of the site by the proposed 3m bunds and site planting, the proposal is considered acceptable. The colour of the workshop building is proposed to be olive green to reduce the visual impact and would be in keeping with the colour of the existing office, weighbridge and MRF buildings – a condition to this effect is recommended. A condition requiring the implementation of the proposed planting is also recommended in **Appendix A**.
144. The County Arboriculturist has also reviewed the proposal and no objection has requested a condition be added that requires submission of an Arboricultural Method Statement and Tree Protection Plan to ensure new planting is maintained and existing planting on the site is adequately protected. A pre-commencement condition to this effect and addressing specific areas of concern provided in the consultation response is set out in **Appendix A**.
145. The existing Woodland Management Plan (as set out under planning permission ([14/00024/CMAS](#)) for woodland to the west of the existing site will be continued and will be added as an advisory note to the applicant in **Appendix A**.
146. A condition requiring implementation of the LEMEP is set out in **Appendix A**.
147. Based on the proposed mitigation and planning conditions proposed, the proposal is in accordance with Policies 13 (High-quality design of minerals and waste development), 5 (Protection of the Countryside) and 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#), and Policies E1 (High quality development in the Borough) and E2 (Protect, Conserve and Enhance the Landscape Character of the Borough) of the [TVBRLP \(2016\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in

the process), the proposal is considered to meet the requirements of updated Policies 5, 11 (Protecting public health, safety, amenity and well-being) and 14 (High-quality design of minerals and waste development).

### Soil Protection

148. *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. *Policy 5 (Protection of the Countryside)* requires that sites within open countryside are restored once the waste use ceases.
149. The majority of the surface of the operational area within the extension area would be rolled aggregate, which would require replacement of the existing top soil. The applicant has stated that the bunds would be created from soils currently in-situ in the extension area, and if needed, imported to the site.
150. A condition on the handling of existing soils is recommended and is set out in **Appendix A**.
151. On the basis of the recommended condition, the proposal is in accordance with Policy 8 (Protection of soils) of the [HMWP \(2013\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policy 9 (Protection of soils).

### Cultural and Archaeological Heritage

152. *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.
153. While some Listed Buildings are identified in the wider area around the site, they will be sufficiently distant and screened from the site for their setting not to be adversely impacted by the proposed development.
154. The proposal is in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the [HMWP \(2013\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policy 7.

## Ecology

155. *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.
156. *Policy E5 of the TVBRLP (2016)* aims to ensure that development conserves, and where possible restore and/or enhance biodiversity.
157. N&RPC and some public representations raised concerns about potential ecology impacts from the proposed development. The potential impact to the Test Valley SSSI, net losses in habitat and concern over the appropriateness of the mitigation methods were specifically mentioned. These concerns are acknowledged.
158. The applicant has submitted an **Ecological Appraisal**, and a number of species specific reports (reptiles, bats, plant communities, Great Crested Newts). The Ecological Appraisal focusses on the extension area as the existing site including where the workshop and picking station will be located is fully developed.
159. The achievement of Biodiversity Net Gain (BNG) is not currently mandatory, although maximising the net gain from all developments is encouraged by the Minerals and Waste Planning Authority. Specific Biodiversity Net Gain calculations using the DEFRA BNG Metric were not included in the Ecological Appraisal and there is currently no requirement to use the DEFRA Metric to quantify the level of net gain delivered. Additional habitat is being created as part of the mitigation/enhancements measures proposed. The County Ecologist and Natural England did not cover any BNG requirement in their responses and as there is not specific policy requirement for it (within the HMWP and TVBCLP at this stage) and BNG is not mandatory, BNG does not formally need to be delivered.
160. A site wide **Environmental Mitigation Management Plan (EMMP)** was also submitted which describes management and mitigation actions to be implemented during the construction of the extension area. A **Landscape and Ecological Mitigation and Enhancement Plan (LEMEP)** and associated Planting Plan were also submitted. The LEMEP shows a number of habitat to be created (e.g. log piles, bad boxes, Hibernaculum, bird boxes, harvest mouse tennis ball nests, and insect housing). There will also be new additional planting of species rich grasses, shrubs, and trees will also

provide additional habitat. Receptor sites for translocation of species are also shown.

161. The Ecological Appraisal states the current habitats in the extension area are common, widespread and of low value comprising of semi-improved grassland, scrub and tall ruderal vegetation. The appraisal notes a high density of slow worms across which will be relocated with reptile fencing added to prevent them moving back and eventually a destructive search when the grassland top layer /scrub/tree roots are removed.
162. Bats were recorded in the area with trees around the periphery used the most and these will be retained. It is stated in the EMMP that lighting will be controlled with no lighting between 7pm and 6.30am and when lighting is used it is intended to be designed to ensure no more than an increase of 1 Lux during times they are switch on. A condition requiring a lighting plan demonstrating this is recommended in **Appendix A**.
163. No badger setts were identified though foraging works were identified and setts will be checked for during pre-works.
164. The site vegetation and condition of the vegetation was determined to be unsuitable for ground nesting birds. The extension site is considered to have limited suitability for dormouse habitat. Mitigation of potential harm and injury to dormouse and protect any retained suitable habitat has been included in the EMMP.
165. The County Ecologist has reviewed the proposal and has no objection subject to the implementation of the EMMP and LEMEP – this has been included in **Appendix A**.
166. Natural England also have no objection subject to conditions that require adherence to the submitted plans relating to drainage and surface water management, the EMMP and the Dust Management Plan. These are included in **Appendix A**.
167. As mentioned above, the woodland area immediately west of the existing site is subject to an existing Woodland Management Plan which will be continued forward. This requirement is set out in **Appendix A**.
168. On the basis of the proposed mitigation and proposed planning conditions, the proposal is in accordance with Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) and Policy E5 (Biodiversity) of the [TVBRLP \(2016\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policy 3 with the exception of the 10% BNG requirement, which for the reasons outlined is not currently a mandatory requirements at the time of the decision.

## Impact on amenity and health

169. *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.

170. *Policy E8 (Pollution)* of [TVBRLP \(2016\)](#) seeks to ensure that development does not adversely impact the general amenity of the area. In addition, *Policy LHW4 (Amenity)* of the [TVBRLP \(2016\)](#) aims to ensure that the proposed development will not give rise to a negative impact on the living conditions of residential property.

### *a) Light pollution*

171. No lighting plan has been submitted but the **Planning Statement** states that lighting is only turned on during the approved operating hours. As mentioned above under 'Ecology' a condition is recommended that requires submission of a lighting plan to ensure site does not unnecessarily illuminate the tree areas around the perimeter of the site. A planning condition will also cover its usage.

172. The extant planning permission includes a condition requiring adherence to an existing approved plan showing the lighting on the MRF building and will be carried forward in the new lighting condition as set out in **Appendix A**.

### *b) Noise and vibration*

173. N&RPC and public representations raise concerns about increased noise as a result of the development – both site noise and traffic noise.

174. No Noise Assessment has been submitted with the application but the Planning Statement explains that the activities in the extension area will only be those already allowed on the site. The proposed 3m bunds around the extension will provide some noise mitigation and the EHO recommends the bund is secured within a reasonable timeframe. The site is relatively remote with the nearest residence located adjacent to the Delvallie Kennels approximately 200m south west of the proposed extension area and 120m west from the existing site boundary with dense woodland located between the kennels and the site.

175. The extant planning permission includes a condition that requires all vehicles, plant, and machinery on the site to be maintained and the use of white noise reversing alarms. In addition, a **Noise Management Plan** has been submitted (which is also a requirement of the Environmental Permit – see 'Pollution' below). A condition requiring adherence to the Noise Management Plan and the existing noise condition is also recommended.

176. The EHO has reviewed the application and has raised no objection. The EHO specifically references transport noise at residential properties on Station Road in their response and bases their assessment of the potential noise impact on the increase in traffic stated in the **Transport Statement**. The EHO concludes that while the additional vehicle movements may be noticeable (e.g. at receptors along Station Road), these movements will be insignificant in terms of cumulative average traffic noise experienced at the receptors.
177. Concerns raised about noise from HGV movements have been submitted to the Minerals and Waste Planning Authority during the processing of this planning application. Investigations have shown that a pot hole was located on Station Road, impacting noise and vibration. This will be addressed by highway maintenance.
178. In terms of noise from the site, the EHO notes its remoteness from residential receptors. Moving screening and crushing activities into the extension area would move it further from residential properties on Church Lane but inevitably close to properties to the north on Lee Lane. However, the nearest property to the north (at the junction of Coldharbour and Lee Lane) would be 600m from the extension boundary.
179. Noise management will also be covered by the Environmental Permit.

*c) Air quality*

180. An **Air Quality Assessment** has been submitted in response to concerns raised by the EHO regarding potential impacts of the additional traffic on the receptors along Station Road.
181. The Air Quality Assessment shows that the additional road traffic would result in negligible effects on Nitrogen Dioxide (NO<sub>2</sub>), and PM<sub>10</sub> or PM<sub>2.5</sub> levels at receptors on Station Road.
182. The Air Quality Assessment also examined ecology impacts from Oxides of Nitrogen (NO<sub>x</sub>), and determined the development would not exceed a level that would require a detailed assessment. The EHO confirmed that the assessment addressed their concerns and was acceptable.

*d) Dust*

183. A **Dust Management Plan** has been submitted with the application that covers all operations on site. The EHO has commented that adherence to the Dust Management Plan should be required by condition in the interests of public amenity and that it should also apply to the construction phase of the new bund. This is set out in **Appendix A**.
184. Some public representations have commented on dust that was being produced by the picking station which was blowing into the adjacent woodland. These are noted. The operator has undertaken modifications to

the plant since these complaints to enclose potential routes for dust to escape from picking station conveyors and screeners.

185. The County Arboricultural Officer has requested that protection of adjacent woodland is protected from dust as part of the Arboricultural Method Statement. This is set out in **Appendix A**.

186. Dust management will also be covered by the Environmental Permit.

*e) Odour*

187. Inert waste recycling sites rarely emit any odours due the type of material being processed. Odour issues would be covered by the Environmental Permit.

*f) Cumulative Impacts*

188. Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) states that a proposal should not cause an unacceptable cumulative impact arising from the interactions between minerals and waste developments, and between mineral, waste and other forms of development. It also states that the potential cumulative impacts of minerals and waste development and the way they relate to existing developments must be addressed to an acceptable standard.

189. The site is relatively isolated in setting and is not adjacent to other land uses that produce adverse amenity impacts and there are no proposed developments in the vicinity that would be impacted.

190. Public representations have raised concerns about the impact of additional traffic on residential properties on Station Road. These concerns are acknowledged. The additional noise, emissions, or vehicles resulting from the development or its associated traffic are not expected to cause adverse public health and safety impacts, or unacceptable amenity effects.

191. Taking all matters into account, with the proposed mitigation and proposed planning conditions, the proposal is considered to be accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy NBE11 of the [TVBRLP \(2016\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policy 11 (Protecting public health, safety, amenity and well-being).

Potential pollution associated with the development

192. 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](#)).

193. 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.
194. The site already operates under an Environmental Permit (GB3406LN/V/002) from the Environment Agency (EA) which amongst other things considers the waste material being stored and the manner in which it is stored, noise and dust management, and prevention of water pollution. This permit will need to be amended to cover the extension area.
195. According to NPPG for Waste (Paragraph 51), the aim of the permit is to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health.
196. 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.
197. The scope of an Environmental Permit is defined by the activities set out in the Environmental Permitting Regulations (England and Wales) 2016 (EPR).
198. The regulations define 'pollution' as:
  - other than in relation to a water discharge activity or groundwater activity, means any emission as a result of human activity which may—*
  - (a) be harmful to human health or the quality of the environment,*
  - (b) cause offence to a human sense,*
  - (c) result in damage to material property, or*
  - (d) impair or interfere with amenities or other legitimate uses of the environment.*
199. The aim of the EPR regime is to protect the environment from potential impacts associated with certain liable facilities or installations. The permitted activities may form a part of, but not all, of the development needing planning permission. In these cases, the planning application will need to address environmental considerations from those parts of the development that are not covered by the permit.
200. The scope of an Environmental Permit is defined by the activities set out in the Environmental Permitting Regulations (England and Wales) 2016 (EPR).

The aim of the EPR regime is to protect the environment from potential impacts associated with certain liable facilities or installations. The permitted activities may form a part of, but not all, of the development needing planning permission. In these cases, the planning application will need to address environmental considerations from those parts of the development that are not covered by the permit.

201. The existing site already has an Environment Permit and this will need to be updated to include the extension area should the proposed facility be acceptable in terms of planning. Should a permit be granted for the proposed operations, 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.
202. In terms of pollution aspects of amenity and health, the proposal is accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy NBE11 of the TVBRLP (2020).

#### Flooding and drainage

203. *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.
204. *Policy E7 (Water management)* of the [TVBRLP \(2016\)](#) aims to prevent development from resulting in an adverse flood risk or detrimental impact on the quality of water supply assets.
205. A **Flood Risk Assessment, Drainage Assessment and Surface Water Management Plan** and supporting technical note has been submitted with the application.
206. Regarding flood risk, the site is located in Flood Zone 1 (lowest risk of flooding) and there is no flood risk to the site from Fluvial, Marine, Pluvial or Groundwater sources. The assessment identifies a nearby interurban flood source which is the consequence of under capacity highway drains. However, there is no flood risk to the proposed development on account of its elevated nature above the potential flood source.
207. Except for amendments to the drainage around the new workshop, the existing drainage design of the existing site will not be altered. The extension area will be surfaced with pervious rolled hardcore except for the concrete pad that the concrete plant will be located on. The concrete pad will drain to a soakaway system.

208. Two drainage plans have been submitted, one in the Flood Risk, Drainage Assessment and Surface Water Management Plan which addressed the workshop site and the extension area, and a second which provides an updated plan for the extension area. As a result, a condition is recommended which requires adherence to the site wide drainage plan except as amended by the revised plan submitted for the extension area. This will also include adherence to the maintenance schedule for the drainage infrastructure. This condition is set out in **Appendix A**.
209. The extant planning permission includes a condition that addresses the storage of fuels, oils, chemicals etc to ensure they do not pollute water courses. A further condition also requires no sewage or effluent to be discharged to water courses.
210. The Lead Local Flood Authority (LLFA) has no objection to the drainage proposal.
211. The Environment Agency has no objection subject to a condition that any land that is found to be contaminated during the development then no further development should occur until a strategy on remediation is approved. This condition is set out in **Appendix A**. It also highlights other drainage requirements associated with the Environmental Permit.
212. Natural England have no objection subject also commented that to protect the River Test SSSI, a Sustainable Drainage System (SuDS) and adherence to the mitigation measures in the Flood Risk, Drainage Assessment and Surface Water Management Plan.
213. Based on the proposed mitigation and planning conditions, the proposal is in accordance with Policy 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) and Policy E7 (Water Management) of [TVBRLP \(2016\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policies 8 (Water resources) and 12 (Flood risk and prevention).

#### Highways impact

214. *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.
215. *Policy T1 (Managing movement)* of the [TVBRLP \(2016\)](#) seeks to ensure development does not have an adverse impact on the highway safety of all users of the local road network.

216. The [Test Valley Cycle Strategy and Network SPD \(2015\)](#) identifies Lee Lane as a proposed on-road cycle route linking Romsey and Nursling.
217. Councillor Adams King raised the possibility of introducing system by which the number of lorry movements to and from the site can be controlled by the applicant (other than vehicles being turned away from the site). This is acknowledged. Conditions are included on the submission of a construction traffic management plan as well as an operational traffic management plan are included in **Appendix A**.
218. N&RPC and a number of public representations raise concerns about the impact of the additional traffic to residents of Station Road where the housing is relatively close to the road and it is also used for on-street parking. The concerns relate to both safety and amenity and are noted.
219. The **Planning Statement** describes the access to the site as coming from the north section of the M271 and then via Coldharbour and Lee Lane, this is not a correct reflection of the route HGVs use to access the site. Coldharbour Lane and Upton Lane, while offering general vehicle access to Lee Lane, would require the use of rail bridges with weight restrictions (3.5 tonnes). The Transport Statement which assess the transport impact in detail correctly considers Station Road to Lee Lane as the established route. The application has been considered on this basis.
220. The applicant has submitted a **Transport Statement** to assess the impact on highway safety. Additional information on accident statistics and a Sept Path Analysis along Lee Lane was submitted. They demonstrated a road improvement scheme to facilitate the passing of vehicles and other road users on the section of Lee Lane (between Church Lane and the site entrance), and improvements to the site bellmouth. Traffic count data for a week period was also provided for a location on Lee Lane between Church Lane and the site entrance. This count data shows an average of 913 weekly movements.
221. The proposal would see an increase in the number of vehicles allowed to enter and leave the site from 240 vehicles (160 of which can be >7.5 tonnes) to 350 vehicles per day (200 of which could be >7.5 tonnes). The count data indicates that the proposed increase in vehicle movements would represent a 12% increase in the currently recorded traffic levels – this would be a lower percentage increase at Station Road once additional vehicles related to other sites are taken into account (e.g. Crescent Estates or Church Lane). Based on the approach used in the report to estimate the additional frequency of vehicles over the current situation (i.e. an additional 110 vehicle movements over an 11 hour period = an additional vehicle every 6 minutes) it is possible to understand the change in frequency if the existing and proposed limits on HGVs >7.5 tonnes were being met. The current 160 HGV limit would result, on average, in an HGV in just over every 4.1 minutes while the proposed HGV limit of 200 HGVs would result, on average, in an HGV just over every 3.3 minutes.

222. On the same basis the frequency of all commercial vehicles coming to or from the site would be just under every 1.9 minutes. It is recognised that other vehicles (including HGVs) travel along Station Road including to the Crescent Estates industrial estate immediately adjacent to the M27 which is accessed directly off Station Road.
223. Planning Permission [10/02266/CMAS](#) had an associated legal agreement where the site operator provided a contribution for construction of traffic calming 'gates' along the section of Station Road and the speed limit was reduced to 30 mph.
224. In addition to limits on the number of vehicles, the extant planning permission includes conditions regarding highway safety. These require the sheeting of vehicles, ensuring vehicles are free from mud, a concrete or metalled surfacing of the existing site's access driveway and MRF yard, and submission of a Construction Traffic Management Plan. These conditions are recommended to be brought forward.
225. While comments regarding the use of Station Road are acknowledged, paragraph 11 of the NPPF (2021) is clear that planning permission can only be turned down on highways grounds if there is an unacceptable impact on highway safety, or the impact on the road network would be severe.
226. The Highways Authority had initial concerns about the ability of two HGVs being able to pass each other on the stretch of Lee Lane between Church Lane and the site entrance. An increase in allowed HGV would increase the likelihood of this occurring. The applicant subsequently undertook a topographic survey of the section of road in question and submitted a proposal for a marginal widening of the existing highway at four points to accommodate passing vehicles. The Highways Authority has found these to be acceptable and, should planning permission be granted, a Section 278 agreement with the applicant would need to be completed prior to any decision notice being issued. On this basis, the Highways Authority has no objection to the application subject to conditions and the completion of a legal agreement addressing works to Lee Lane and a financial contribution for highway safety measures. These conditions are included in **Appendix A**.
227. On the basis of the legal agreement and condition proposed, the proposal is in accordance with Policy 12 (Managing traffic) of the [HMWP \(2013\)](#) and Policy T1 (Managing movement) of the [TVBRLP \(2016\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policy 13 (Managing traffic).

#### Restoration

228. *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. Furthermore,

*Policy 5 (Protection of the countryside)* of the [HMWP \(2013\)](#) requires 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.

229. To ensure restoration of the site when the proposed use ceases, a condition has been recommended requiring a restoration scheme to be approved and ultimately restoration back to agriculture use implemented. This is included in **Appendix A**.
230. On the basis of the planning conditions included on restoration, the proposal is in accordance with Policies 5 (Protection of the countryside) and 9 (Restoration of minerals and waste developments) of the [HMWP \(2013\)](#). Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policy 10 (Restoration of minerals and waste developments).

#### Retrospective nature of the picking station

231. A number of public representations have raised the issue that the current application is retrospective. These are noted.
232. Paragraph 3 of the 'Enforcement and post-permission matters NPPG' states there are a range of ways of tackling alleged breaches of planning control, and local planning authorities should act in a proportionate way. Local planning authorities have discretion to take enforcement action when they regard it as expedient to do so, having regard to the development plan and any other material considerations. Paragraphs 12 and 13 of the states that local Planning Authorities can invite retrospective applications when they consider it an appropriate way forward to regularise the situation.
233. The Minerals and Waste Planning Authority was first made aware of the installation of the picking station in May 2022 following its mention in public representations while the application for the extension area and workshop were under consideration. An amendment to the application to regularise the picking station was submitted together with the additional information required for the existing application.

#### Other matters

234. Some public representations from residents on Station Road raised that they felt they were not adequately consulted when the application was first submitted. Consultation on the planning application has been undertaken in accordance with the adopted [Statement of Community Involvement \(2017\)](#). The notification area for the application was extended beyond 50m to capture the two nearest residential properties on Church Lane. During the application process residents from Station Road approached the MWPA

regarding their concerns about the impact of the additional traffic and complaints about current HGV traffic and they have been invited to make representations. All representations received have been considered in this Officer Report. The residents have been invited to participate in the re-established Liaison Panel and a number did so in the November meeting.

235. The impact of the additional vehicle movements on house prices along Station Road has been raised as a concern by residents. Impact on private property value is not a material planning consideration.

#### Planning conditions

236. Although the subject application is not a Section 73 planning application, it does subsume the existing site and associated existing activities. As a result, many conditions from the extant planning permission for the exiting site ([14/00024/CMAS](#)) are recommended to be brought forward should the current application be granted. These are set out in **Appendix A**.
237. A number of the existing conditions have also been updated to reflect updated site layout plans and the approved Woodland Management Plan
238. New or updated planning conditions are proposed on the following matters:
- HGV movements (update);
  - Construction Traffic Management Plan;
  - Tonnages of material handled by the site;
  - Operational Traffic Management Plan.
239. An informative is also included on plans and particulars showing the detailed proposals for the road widening works.
240. A condition on the use of the concrete plant, as permitted under planning permission [14/00024/CMAS](#) has not been included in the proposed decision notice. The updated condition on HGV movements and tonnage of materials is considered to control the intensity of site use.

#### Community involvement and benefits

241. Paragraph 5.59 of the [HMWP \(2013\)](#) states that there is an expectation that all 'major' minerals and waste development will be accompanied by a site Liaison Panel. The site already has a Liaison Panel established which meets on an as needed basis.
242. Changes of site ownership and COVID has meant the Liaison Panel had not met for at least three years prior to the latest meeting on 28 September 2022. **Appendix A** includes an informative on continuation of the liaison

panel to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community.

## Conclusions

243. The proposed development has a number of elements:

- An extension area to provide additional space for recycling of inert CDE waste in particular concrete crushing and soil screening. It would see the relocation of the existing RMC plant to a new concrete pad in the extension area;
- Construction of a vehicle, plant and skip repair maintenance workshop on the current location of the RMC plant within the existing site;
- Retrospective planning application for a picking station attached to the existing MRF;
- Increase in the maximum number of allowed vehicle movements entering or leaving the site from 240 vehicles per day (up to 160 of which HGVs >7.5 tonnes) to 350 vehicles per day (up to 200 of which can be HGVs >7.5 tonnes);
- Increase in the maximum amount of imported waste and materials to the site from 75,000 tonnes per annum to 125,000 tonnes per annum; and
- Removal of the concrete production limit placed on on-site concrete production of 30m<sup>3</sup> (60) tonnes and no more than 20 concrete blocks (one lorry load) per day.

244. The principle of the development is supported by Policies 17, 18, 25, 27 and 30 of the [HMWP \(2013\)](#) in that the movement of waste materials up the waste hierarchy is encouraged to divert them from landfill, and recycling of CDE waste to produce beneficial aggregate products can provide an alternative to marine-won or land won sand and gravel for certain purposes.

245. The extension would be to an existing, safeguarded waste site taking advantage of existing infrastructure albeit in a countryside side. The site meets the locational requirements of Policy 5 of the [HMWP \(2013\)](#). The construction of the workshop and location of the picking station would be on the existing site which is Previously Developed Land (PDL). The scale of the proposed concrete crushing and soil screening requires an open location which has been shown to be hard to find in nearby urban areas. The countryside setting of the extension area would also mitigate amenity impacts from the activity that might be result from being in an urban location. Restoration of the site would be required if the granted use ceases. The proposal is considered to meet the requirements of Policy COM2 when considering the associated supporting text on site extensions.

246. The addition of the picking station and development of the workshop will take place on the existing site and meets the requirement for use of PDL under

Policy 29. The extension site located along the strategic road network (the M27), and just outside the urban area of Southampton and in relatively close proximity to Romsey so has good proximity to sources of waste and in particular the market. Regarding the extension area, it is utilising the existing site infrastructure and takes advantage of the remote location of the existing site. It is located within the Strategic Road corridor and is considered to demonstrate a special need as required by Policy 29.

247. The proposal has been demonstrated to have low visual impact once design features like the screening bund and planting, and building colour are accounted for (Policy 13). The extension area will be developed on relatively low value grassland/scrub habitat. The existing woodland management plan covering the woodland immediately west of the existing site will remain in effect. With the proposed mitigation and management measures including higher value habitat created through new planting the proposal has been determined to be in accordance with Policy 3.
248. The development is in Flood Zone 1 (lowest risk) and the proposed drainage plan for the extension area and workshop building area are suitable. (Policy 11). Remediation of any contaminated land will be required if identified during the development any impact on the drainage design addressed (Policy 3).
249. Health, safety, and amenity impacts will not be unacceptably adverse (Policy 10). As the activities proposed for the extension area are allowed on the existing site it is not anticipated to result in any unacceptable noise impacts. The bunding around the extension area will also provide noise attenuation. Noise and dust management plans will provide adequate control of the operation, and these are further controlled by the site Environmental Permit. The extra vehicles movements have been shown to result in negligible air quality impacts along the route and are not expected to result in a significant increase in noticeable noise increase in cumulative average traffic noise (though the additional vehicle movements may be noticeable). The picking station has been improved to ensure dust from the plant does not escape into the adjacent woodland. Lighting hours (except for limited security lighting) will be limited to operational hours and light spill beyond the site will be minimal.
250. The increase in allowed traffic to the site has been determined to not result in unsafe traffic situations (Policy 12). Some improvements to the access route along Lee Lane will be required and would be secured through a legal agreement.
251. Paragraph 3.5 of the [HMWP \(2013\)](#) describes how, in making a planning decision judgement should be used in the weight given to the various elements of the plan and other material considerations when concluding whether the balance of evidence shows the development to be sustainable and should be granted planning permission. Taking all matters into account, on balance, the proposal is considered to be in accordance with the relevant national and local planning policy and is considered to be sustainable in

accordance with Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#). It is therefore recommended that permission be granted. Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the requirements of updated Policies.

### **Recommendation**

252. It is recommended that planning permission be GRANTED subject to the recommended conditions set out in **Appendix A** and the completion legal agreements for a financial contribution for highway safety improvements and road widening scheme to section of Lee Lane between Church Lane and the site entrance.

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Layout Plan

Appendix D – Elevations of new workshop

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2021/0784>

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy and independent lives:</b>	No
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	No

**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.

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u>	<u>Date</u>
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>

**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>

HCC/2021/0784

Hampshire County Council

TV055

Nursling Recycling Centre, Lee Lane, Nursling  
Southampton SO16 0AD

(Proposed extension to Nursling Recycling  
Centre, variations to existing site layout,  
erection of a new workshop building and  
the upgrade of parking arrangements at  
the adjacent paintball centre

## **EQUALITIES IMPACT ASSESSMENTS:**

### Equality Duty

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

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

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

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

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

## CONDITIONS

### Reasons for approval

It is considered that the proposal would be in accordance with the relevant policies of the development plan and would not materially harm the character of the area or the cause and unacceptable adverse amenity of local residents (Policy 10). The proposal to recycle CDE waste to produce beneficial aggregate products means the proposal meets Policies 17, 18, 25, 27 and 30 of the [HMWP \(2013\)](#). The site meets the locational requirements of Policy 5 of the [HMWP \(2013\)](#). The construction of the workshop and location of the picking station would be on the existing site which is Previously Developed Land. The scale of the proposed concrete crushing and soil screening requires an open location. The picking station and development of the workshop will take place on the existing site and meets the requirement for use of PDL (Policy 29). The extension area would utilise existing site infrastructure and is considered to demonstrate a special need (Policy 29). The proposal has been demonstrated to have low visual impact once design features are installed (Policies 10 and 13). The extension area will be developed on relatively low value grassland/scrub habitat. The proposed mitigation and management measures ensure the proposal is in accordance with Policy 3. The proposed increase in allowed traffic has been determined to not result in unsafe traffic situations (Policy 12). Improvements to the access route along Lee Lane will be required and would be secured through a legal agreement. Taking all matters into account, on balance, the proposal is considered to be in accordance with the relevant national and local planning policy and is considered to be sustainable in accordance with Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#).

### Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

### Pre-commencement - Arboriculture

2. Prior to commencement of the development hereby permitted, an Arboricultural Method Statement and Tree Protection Plan in accordance with BS5837: 2012 and BS3998:2010 shall be submitted to, and have approved in writing by, the Minerals and Waste Planning Authority.

The Arboricultural Method Statement and Tree Protection Plan should include details of how the root protection areas of retained trees will be protected and preserved, how the site levels will be managed, what tree pruning is required, how issues such as contaminated run-off and dust suppression are to be managed.

The development hereby permitted shall then be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan, including implementation of tree protection prior to any activity effecting arboriculture.

Reason: In the interests of biodiversity, landscape character and visual amenity in accordance with Policies 3 (Protection of habitats and species), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013). This condition is pre-commencement to ensure sufficient precautions are taken to prevent damage and/or loss of arboriculture from excavation and soil storage hereby permitted and thus goes to the heart of the permission.

### **Hours of Working**

3. Unless otherwise agreed in writing by the Minerals and Waste Planning Authority, no commercial vehicles shall enter or leave the site except between the following hours: 0630-1930 Monday to Friday and 0700-1300 Saturday and no plant or machinery shall be operated except between the following hours: 0700-1800 Monday to Friday and 0700-1300 Saturday. There shall be no working on Sundays or recognised Public Holidays.

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

### **Highways**

4. There shall be no more than 350 commercial vehicle movements per day to and from the site, of which there shall only be a maximum of six between 0630 and 0700 Monday to Friday. No more than 200 of these movements shall be by vehicles exceeding 7.5 tonnes gross vehicle weight. Records of vehicle movements to and from the site shall be kept and made available for inspection at the request of the Minerals and Waste Planning Authority.

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

5. No lorry shall leave the site unless its wheels and chassis have been cleaned sufficiently to prevent mud being carried onto the highway.

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

6. All lorries shall be sheeted to prevent material being spilt onto the road.

Reason: In the interest of highway safety and to ensure the development is in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan 2013.

7. Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan, to include details on provision to be made on site for contractor's parking, access and parking arrangements for the paintball site, construction traffic access, the turning of delivery vehicles and lorry routing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the Minerals and Waste Planning Authority.

The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interests of highway safety and to ensure the development is in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan 2013. This is a pre-commencement condition to ensure the safe use of the highway ensuring construction and thus goes to the heart of the permission.

8. Within 2 months of the date of the permission hereby approved, an Operation Traffic Management Plan shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. This Plan should include details of the management vehicle numbers, their use of the highway, driver education measures and a complaints procedure.

The approved Management Plan shall be implemented for the duration of development.

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

## **Tonnage**

9. The combined throughput of waste and materials at the site shall not exceed 125,000 tonnes per annum. A record of the tonnage of material handled shall be kept at the site and be made available to the Minerals and Waste Planning Authority on request.

Reason: In order to control the scale of the development and to ensure that the development is in accordance with Policy 10 (Protecting public health, safety, and amenity) of the Hampshire Minerals & Waste Plan 2013.

10. The concrete plant relocated to the Extension Area as shown on Drawing 277/12 Rev J 'Proposed Layout Plan' Dated 25 November 2021 shall be that shown on Drawing 8MX150 'SCD 8M-150MX' dated 21 January 2009 approved under planning permission 10/02266/CMAS.

Reason: In the interests of visual amenity 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.

## **Protection of Water Environment**

11. Surfacing and drainage of the Existing Site shall be as shown on Drawing number N6/RB/25 Rev A 'Revised Layout' Dated 04 June 2016, as approved under Non-Material Amendment NMA/2016/0297 of Planning Permission 14/00024/CMAS.

Excepting that drainage around the workshop area shall be modified as shown on the following drawings in Appendix F of the 'Flood Risk, Drainage Assessment and Surface Water Management Plan' dated 15 December 2021:

- Drawing B031539-TTE-00-ZZ-DR-S-W003/P01 'Indicative Drainage Layout' dated December 2021; and
- Drawing B031539-TTE-00-ZZ-DR-S-W011/P01 'Indicative drainage details' dated November 2021

Drainage of the Extension Area shall be according to the according to the following drawings in the 'Surface Water Discharge PCR Technical Note' dated 05 July 2022:

- B031539-TTE-00-ZZ-DR-S-W010/P02 'Drainage Layout' July 2022;
- B031539-TTE-00-ZZ-DR-S-W011/P02 'Drainage Details' July 2022

Maintenance of the drainage shall be performed according to the maintenance schedule in Section 4.5.7 of Flood Risk, Drainage Assessment and Surface Water Management Plan, dated 15 December 2021.

No operational use of the Workshop Building or the Extension area shall be allowed until the approved drainage has been constructed.

Once constructed the drainage shall be implemented for the duration of the development hereby permitted.

Reason: To prevent pollution of the water environment and risk of local flooding and to ensure the development is in accordance with Policies 10 (Protecting public health, safety, and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013).

12. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with, has been produced and agreed in writing with the Minerals and Waste Planning Authority.

No infiltration drainage features shall be located in any area of ground found to be contaminated.

Reason: To prevent unacceptable levels of water pollution from previously unidentified contamination sources at the development site and to ensure the development is in accordance with Policies 3 (Protection of habitats and species) and 10 (Protecting public health, safety, and amenity) in the Hampshire Minerals & Waste Plan (2013).

13. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To prevent pollution of the water environment and to ensure the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan 2013.

14. No sewage or trade effluent (including vehicle wash or vehicle steam cleaning effluent) shall be discharged to any surface water drainage system.

Reason: To prevent pollution of the water environment and to ensure the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan 2013.

## **Storage**

15. No stockpiles shall exceed 6 metres in height. No machinery shall operate on top of the stockpiles.

Reason: In the interests of visual amenity 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 and Dust**

16. The Dust Management Plan, dated June 2022, shall be implemented for the duration of the permission.

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

17. The Noise Management Plan, dated June 2022, shall be implemented for the duration of the permission.

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

18. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times, and shall be fitted with and use effective silencers and white noise, or similar, reversing alarms.

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

19. Prior to the operational use of the Extension Area, the 3m screening bund shall be constructed as shown on Drawing 277/12 Rev J 'Proposed Layout Plan' Dated 25 November 2021, and Drawing 277/14 Rev A 'Proposed development area: East - West Cross-section' 02 November 2022.

Reason: To minimise noise disturbance from operations at the site and in the interests of visual amenity, and to ensure the development is 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.

## **Ecology**

20. Development shall proceed in accordance with the measures set out in the 'Environmental Mitigation Management Plan' dated June 2022 and 'Landscape Ecological Mitigation and Enhancement Plan' (July 2022), and be implemented as approved for the duration of the use of the land hereby permitted.

Reason: To ensure no net loss of biodiversity, and protection of local ecology and biodiversity from unacceptable impacts in accordance with Policies 3 (Protection of habitats and species) and 5 (Protection of the countryside) in the Hampshire Minerals & Waste Plan (2013).

21. The approved Woodland Management Plan approved under Condition 17 of Planning Permission 14/00024/CMAS, approved on 19 September 2014, for the retention and management of the woodland within the blue line shown on Drawing 277/19 Rev A 'Application Plan' Dated 13 December 2021, shall be implemented as approved for the duration of the use of the land hereby permitted.

Reason: In the interests of visual amenity 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**

22. The weighbridge facility, site office, MRF building, and proposed new workshop shown on plan Drawing 277/12 Rev J 'Proposed Layout Plan', dated 25/11/21 shall all be coloured/painted olive green and maintained as such for the duration of the permission.

The dust covers on the exterior conveyor and screeners associated with the picking station shall be dark green or black in colour and maintained as such for the duration of the permission.

Reason: In the interests of visual amenity and to ensure the development is in accordance with Policies 5 (Protection of the countryside) and 13 (High quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

23. Additional landscaping for the internal bund of the extension area, strengthening the southern hedgerow, and planting around the proposed workshop shall be implemented as shown and specified in the planting scheme on Drawing 277/25 Rev B 'Proposed Planting Plan', dated 28/02/2022. Other trees, hedgerows and grass areas shown on the plan shall be retained.

Any trees or shrubs 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.

The planting of the extension area and around the workshop shall be implemented in the first planting season following their construction with measures to strengthen and improve the density and height of southern hedgerow to be implemented immediately.

Reason: In the interests of visual amenity and to mitigate loss of habitat in accordance with Policies 3 (Protection of habitats and species) and 13 of the Hampshire Minerals & Waste Plan (2013).

## **Lighting**

24. Within 2 months of the date of this permission, an updated Lighting Plan, for the existing site and extension area shall be submitted to, and approved in writing by, the Minerals and Waste Planning Authority.

The lighting design shall result in zero upward light spill and light spill of less than 1 lux onto retained and created boundary habitats and features with lighting directed inward from the boundary features. LED lamps shall be used with a colour temperature of below 3500K.

The scheme shall be implemented as approved for the duration of the development hereby permitted.

Reason: In the interest of visual amenity and to protect wildlife, in accordance with Policies 3 (Protection of habitats and species), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

25. Lighting shall only be switched on in periods of darkness during the approved operating hours except for security lighting in the vicinity of the existing office as shown on the lighting plan approved under Condition 24.

Reason: In the interest of visual amenity and to protect wildlife, in accordance with Policies 3 (Protection of habitats and species), 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**

26. In the event of the cessation of the uses hereby permitted, within 3 months, a Restoration Scheme shall be submitted and approved in writing by the Mineral and Waste Planning Authority detailing the return of the site to agricultural uses.

The scheme 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.

Reason: To ensure satisfactory restoration in accordance with Policies 4 (Protection of the designated landscape), 5 (Protection of the countryside) and 9 (Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

27. All topsoil and overburden stripped from the Extension Area shall be removed and stored separately before operations commence for use in site restoration. Topsoil shall only be handled when dry and friable.

Reason: To ensure the satisfactory restoration of the land to agriculture in accordance with Policies 5 (Protection in the Countryside), 8 (Protection of soils), and 9 (Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

## Plans

28. The development hereby permitted shall be carried out in accordance with the following approved plans: 277/21, 277/19 Rev A, 277/12RevJ, 277/13RevA, 277/14RevA, 277/22Rev A, 277/25RevB

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

## Note to Applicants

1. 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.
2. In determining this planning application, the Minerals and 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.
3. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 7.5 tonne un-laden).
  4. The existing Liaison Panel set up between the site operator, Minerals and Waste Planning Authority, interested parties and community representatives should continue to meet at a suitable frequency to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community. The County Council's [guidance](#) on the establishment of panels is available to the applicant.
  5. The Environmental Permit for the site will need to be varied to account for the development hereby approved.

# HAMPSHIRE COUNTY COUNCIL

## Regulatory Committee Meeting 11 January 2023

### Update Report from Assistant Director of Waste & Environmental Services

**Item No: 7**

Proposed extension to Nursling Recycling Centre, variations to existing site layout, erection of a new workshop building and the upgrade of parking arrangements at the adjacent paintball centre at Nursling Recycling Centre, Lee Lane, Nursling Southampton SO16 0AD (Application No. 22/00174/CMAS Site Ref. TV055)

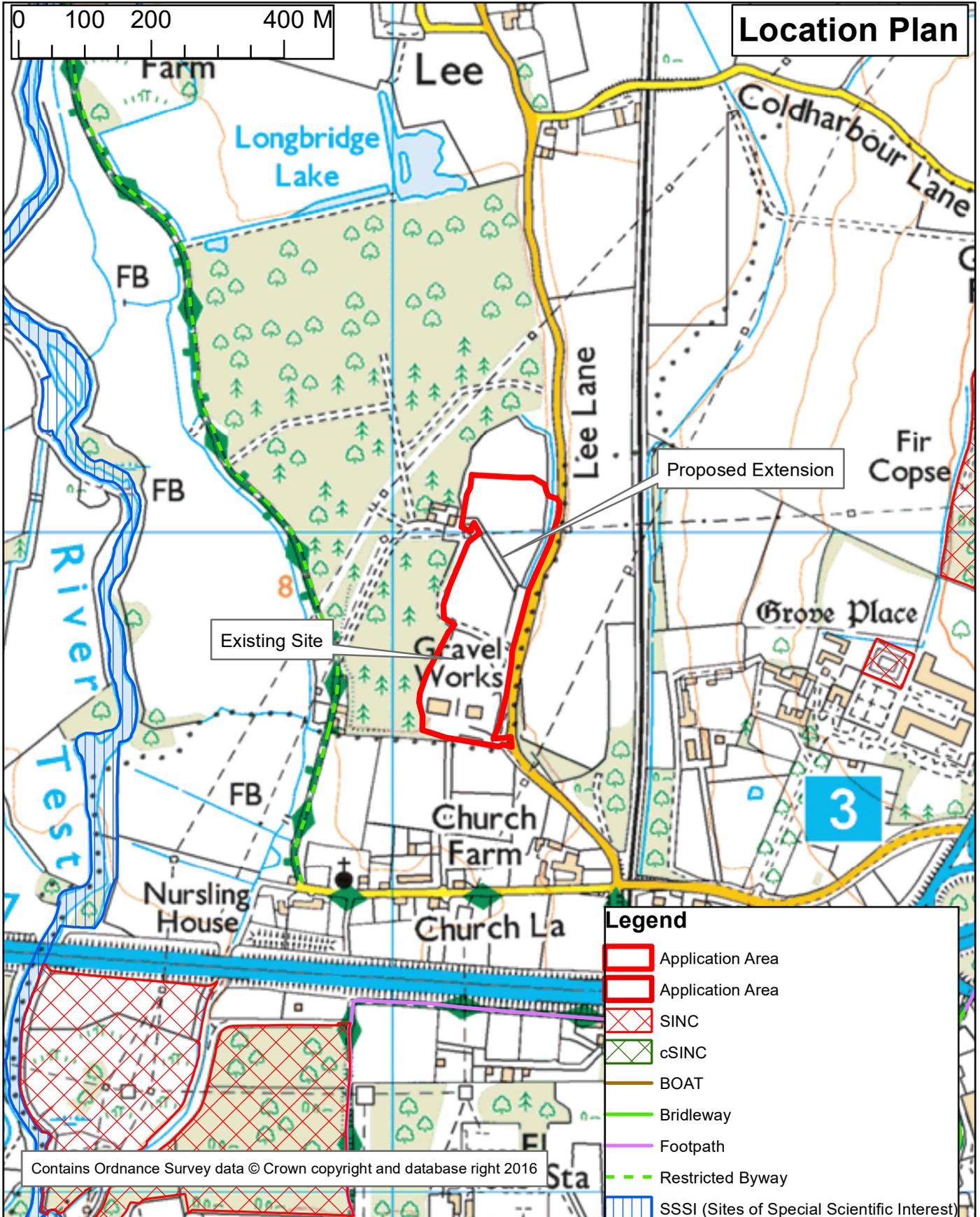
**1) Representations:**

A further public representation has been submitted from an existing respondent. This further representation restates their current objection to the proposal.

This amends Paragraph 99 to read '*23 representations from 16 respondents*'.

The Committee has also received an email directly from one respondent who attached a letter of objection which was already on the planning record.

**END**



**Proposed extension to Nursling Recycling Centre, variations to existing site layout, erection of a new workshop building and the upgrade of parking arrangements at the adjacent paintball centre at Nursling Recycling Centre, Lee Lane, Nursling Southampton SO16 0AD**

**Regulatory Committee**

**Date 19 July 2023**

**1:8,000**



**Hampshire  
County Council**

**Economy, Transport and Environment**

**Application No: 22/00174/CMAS**

**Page 93**

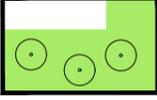
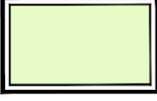
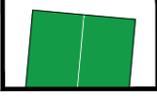
**Site Reference: TV055**

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Key:

-  Submitted application boundary
-  Access Roads and Hardstanding and Proposed Operational Areas
-  Proposed Bund with native tree and shrub planting
-  Existing Trees and Hedgerows
-  Proposed Tree and Shrub Planting
-  Proposed grassland restoration
-  Material Stockpiles
-  Proposed Workshop
-  Cross Section (see drwg. 277/14A)

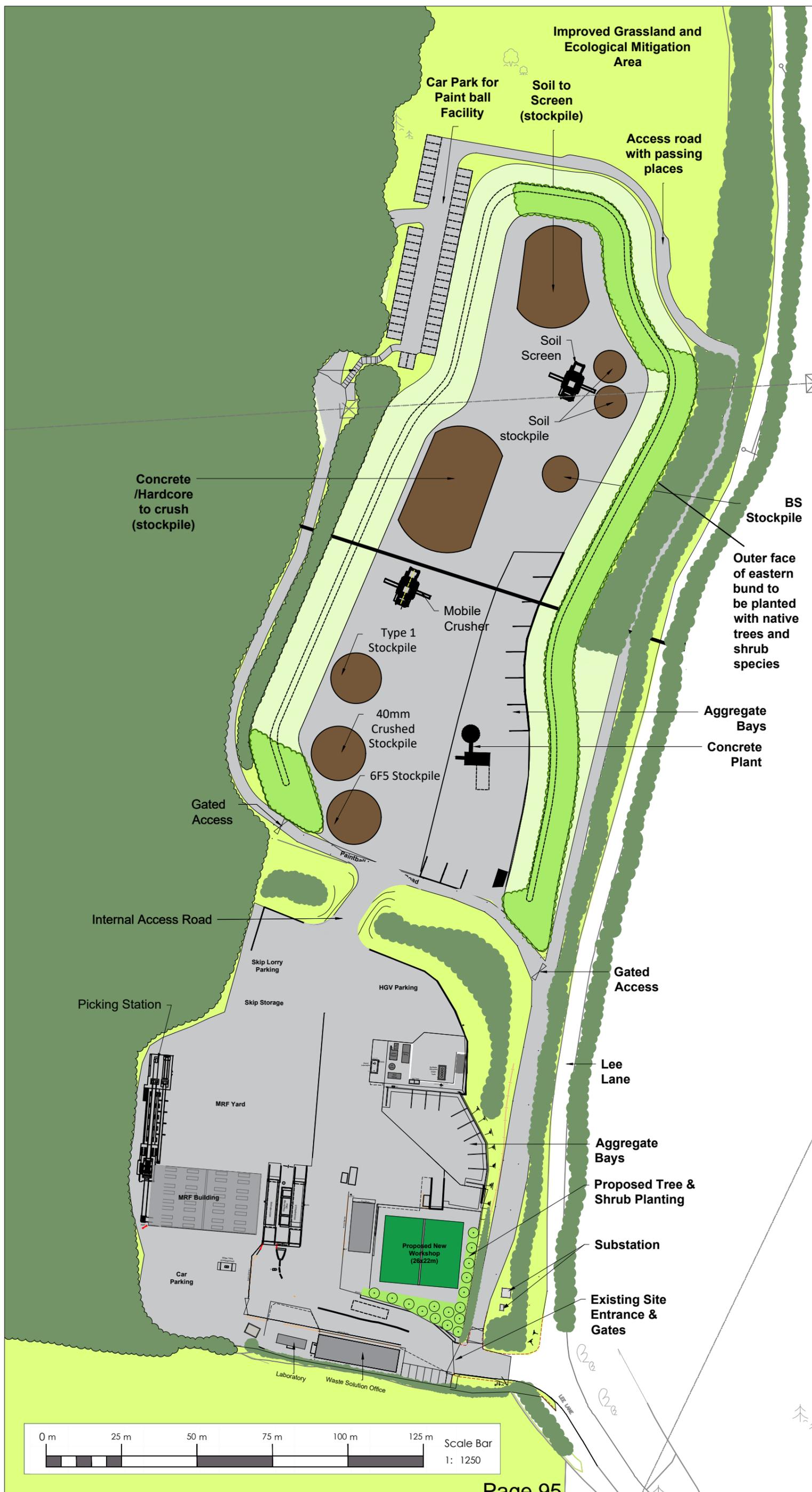
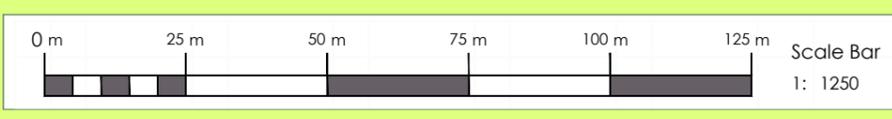


Figure 2

rev.	date:	Details
K	08/06/23	Amendment to planting scheme
J	29/06/22	Addition of sub station
I	27/06/22	Minor amendment to plan
H	15/06/22	Minor amendment to plan
G	10/06/22	Addition of picking station
F	16/12/21	Proposed bund shrub planting added
E	29/11/21	Rotation of car park and bund
D	26/11/21	Design for paintball car parking

**corylus**  
 Planning & Environmental Ltd.  
 The Old Dairy, Yanworth, Cheltenham, Gloucestershire, GL54 3LQ  
 tel: 01285 721072

client:	Collard Group		
project:	Nursling Recycling Centre		
title:	Proposed Layout Plan		
scale:	1:1250	date:	25/11/21
drawn by:	SJ	checked by:	AW
sheet:	A3	project ref.:	277
dwg no.:	277/12	rev.:	K



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rev: B  
 date: 15/03/23  
 details: Minor amendment to other land under the applicant's control  
 Minor amendment to plan



The Old Dairy  
 Yanworth  
 Cheltenham  
 Gloucestershire  
 GL54 3LQ  
 tel: 01285 721072

client:  
**Collard Group**

project:  
**Nursing Recycling Centre**

title:  
**Application Plan**

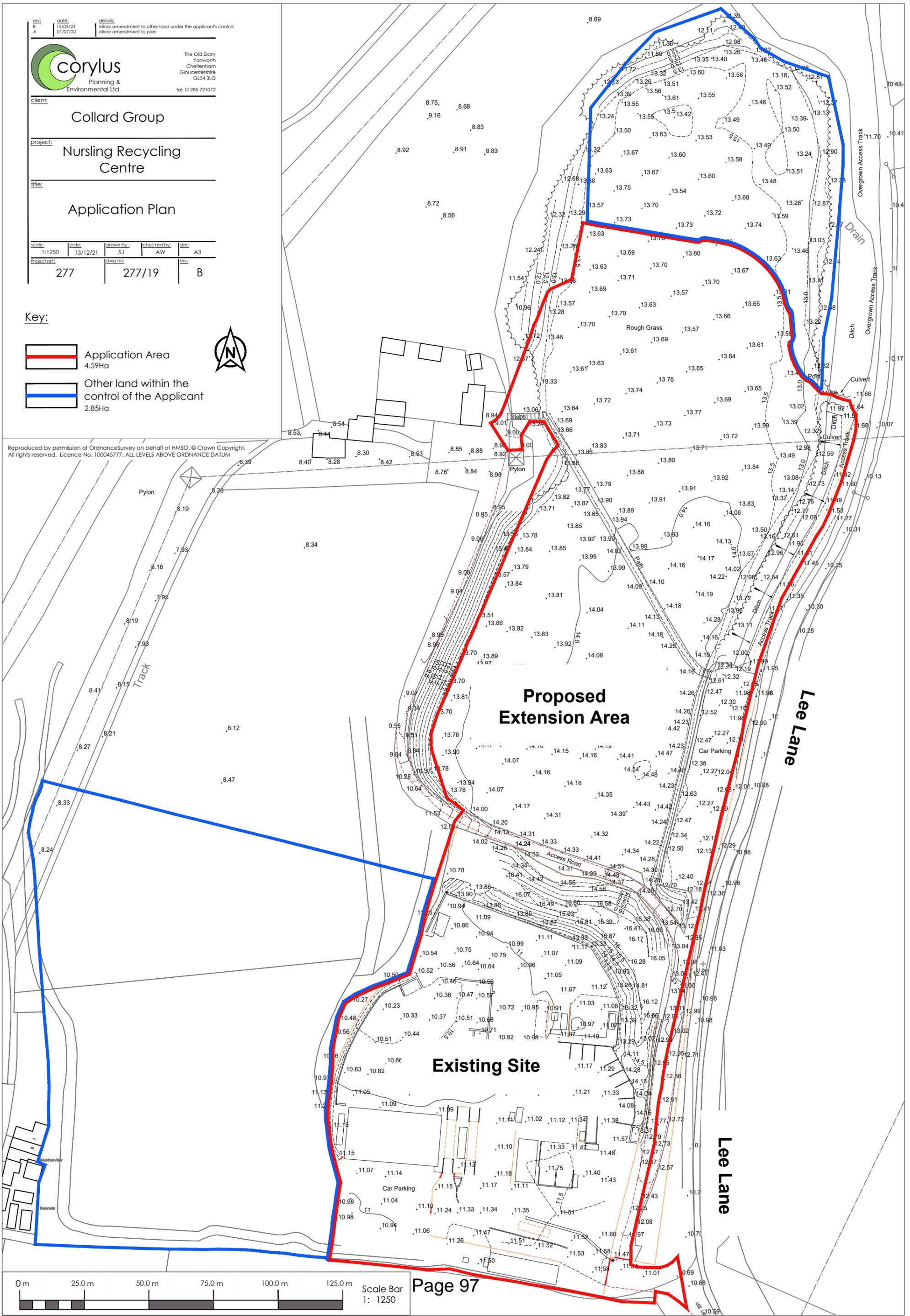
scale:	date:	drawn by:	checked by:	size:
1:1250	13/12/21	SJ	AW	A3
Project ref.:	dwg no.:	rev.:		
277	277/19	B		

**Key:**

- Application Area  
4.59Ha
- Other land within the control of the Applicant  
2.85Ha



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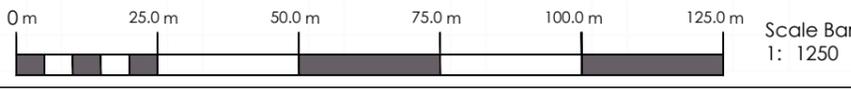


**Proposed Extension Area**

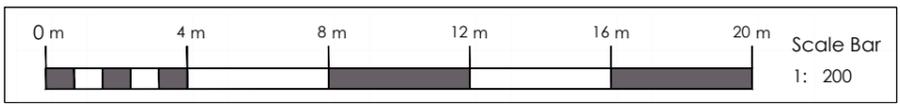
**Existing Site**

**Lee Lane**

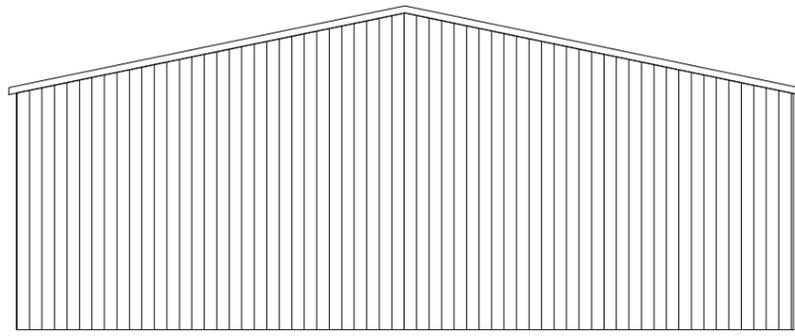
**Lee Lane**



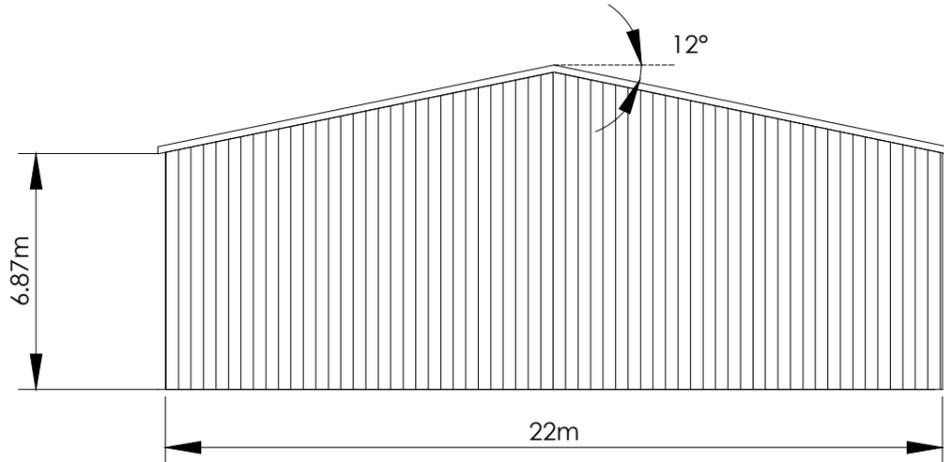
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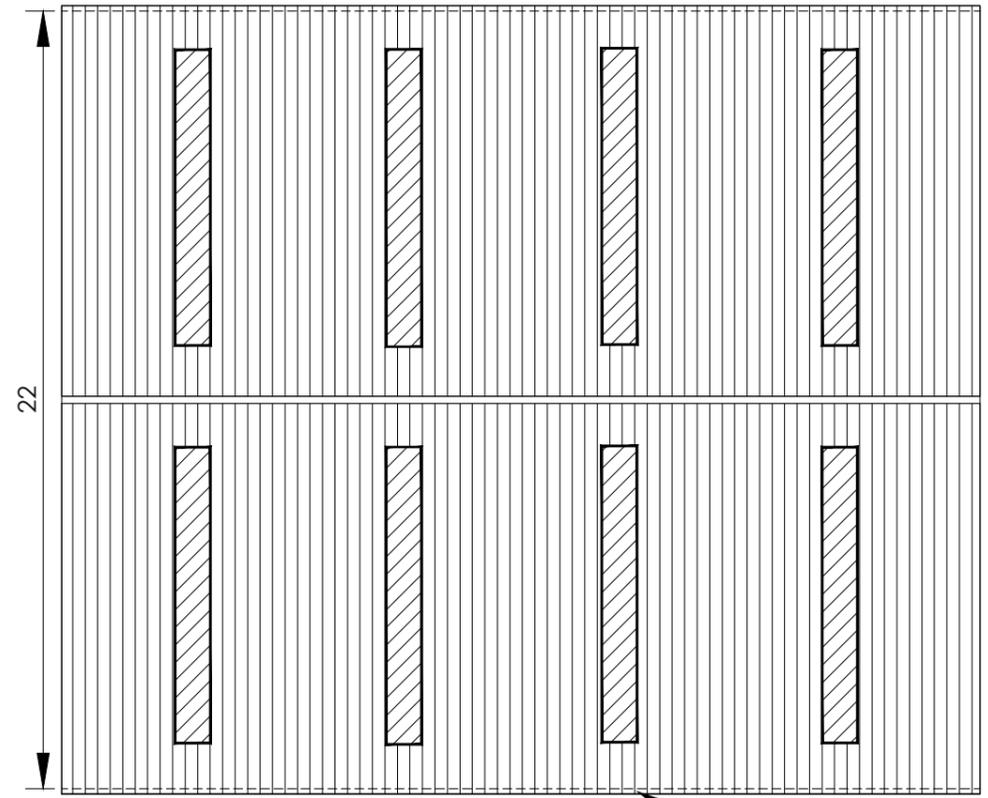
West Elevation



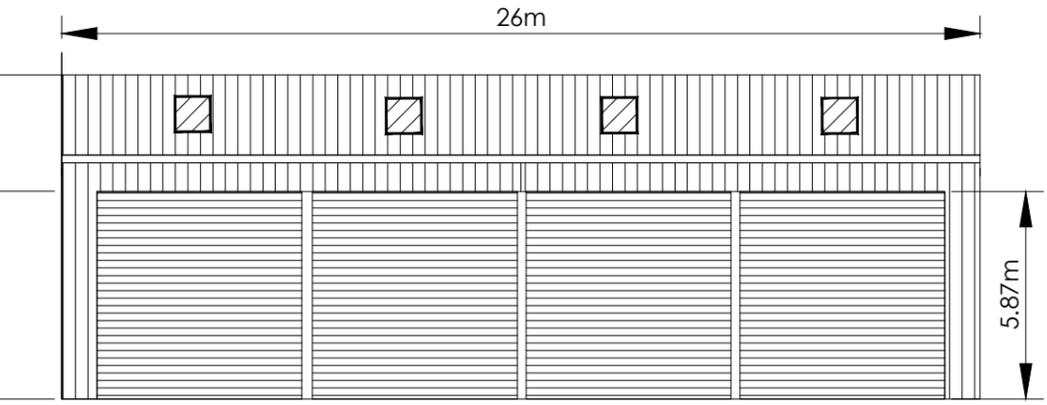
East Elevation



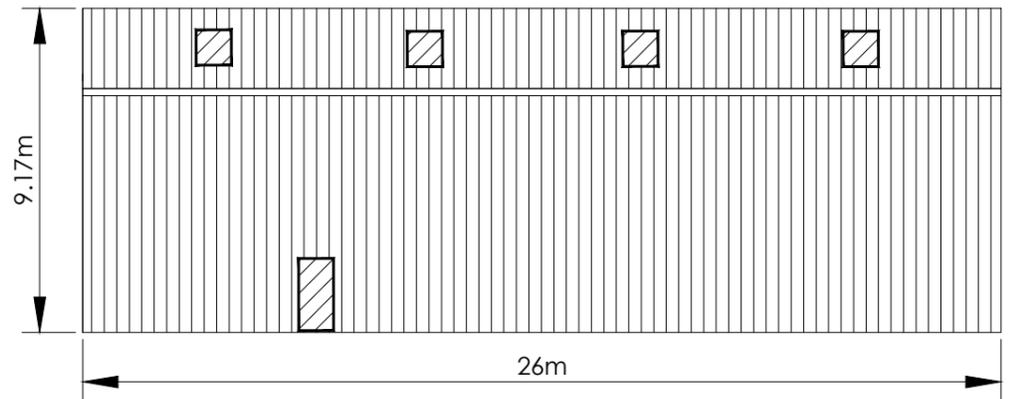
Roof Plan



North Elevation



South Elevation



rev: A | date: 15/12/21 | details: Increasing height of doors & building

**corylus**  
Planning & Environmental Ltd.  
The Old Dairy  
Yanworth  
Cheltenham  
Gloucestershire  
GL54 3LQ  
tel: 01285 721072

client: Collard Group

project: Nursling Recycling Centre

title: Proposed Workshop - Plan and Elevations

scale: 1:200	date: 28/09/21	drawn by: NG	checked by: AW	size: A3
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project ref: 277	dwg no: 277/13	rev: A
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## HAMPSHIRE COUNTY COUNCIL Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	19 July 2023
<b>Title:</b>	Retrospective planning application for a Waste Transfer Station (Sui Generis) at Avery B, Shedfield Equestrian Centre, Botley Road SO32 2HN (No. 22/01797/HCS) (Site ref: WR228)
<b>Report From:</b>	Assistant Director of Waste & Environmental Services

**Contact name:** Sam Dumbrell

**Tel:** 0370 779 7412      **Email:** [planning@hants.gov.uk](mailto:planning@hants.gov.uk)

### Recommendation

1. That planning permission be REFUSED for the reasons set out below and as outlined in **Appendix A:**
  - a) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in landscape impact contrary to the requirements of Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013), Policy CP13 (High Quality Design) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM23 (Rural Character) of the Winchester City Council Local Plan Part 2 (2017);
  - b) The location of the proposal has not been adequately justified in terms of its need for being located in the countryside, contrary to the requirements of Policies 5 (Protection of the countryside) and 29 (Location of waste management development) of the Hampshire Minerals & Waste Plan (2013), Policy MTRA4 (Development in the Countryside) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM10 (Essential Facilities and Services in the Countryside) of Winchester City Council Local Plan Part 2 (2017); and
  - c) On the basis of the information submitted, the development is contrary to the requirements of Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013) and Policy DM18 (Access and Parking) of the Winchester City Council Local Plan Part 2 (2017) as it does not have a safe and suitable access to the highway network and does not include suitable mitigation measures to mitigate any significant adverse effects on highway safety.
2. On the basis of the above reasons, the proposal is considered to be contrary Policy 1 (Sustainable minerals and waste development) of the

Hampshire Minerals & Waste Plan (2013) as the proposal does not constitute a sustainable minerals and waste management development.

### **Executive Summary**

3. The application seeks retrospective planning permission for a waste transfer station (WTS) on the site. This planning application seeks to regularise this unauthorised waste management development.
4. The proposed development is not an Environmental Impact Assessment (EIA) development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
5. Key issues raised are:
  - The need for the proposal;
  - Site suitability and location;
  - Visual impact on the local landscape;
  - Impacts on local ecology;
  - Impacts on the local water environment;
  - Impacts on the local highway network; and
  - Impacts on local amenity and local communities.
6. The planning application is being considered by the Regulatory Committee at the request of Councillor Lumby.
7. A committee site visit by Members took place on 30 January 2023 in advance of the proposal being considered by the Regulatory Committee.
8. Based on the information before the Waste Planning Authority, and on balance, a clear and demonstrated 'site-specific' and 'special' need for the new, unauthorised development proposed within this planning application has not been made (Policies 5 and 29), and the landscape (Policies 5, 10 and 13) and traffic (Policy 12) impacts of the proposal are considered to be unacceptable and do not outweigh the need for waste management capacity (Policy 27). The proposal is therefore considered to be contrary to Policy 1 (Sustainable minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) and paragraph 11 of the [NPPF \(2021\)](#) as the proposal does not constitute a sustainable minerals and waste development. Therefore, it is therefore recommended that permission is **REFUSED**.
9. Based on the information before the Waste Planning Authority, it is considered that the proposal would not be in accordance with the relevant policies of the development plan in relation to countryside, highway and landscape impacts. It is therefore recommended that planning permission be refused, with the reasons for refusal as set out in **Appendix A** which are as follows:

- a) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in landscape impact contrary to the requirements of Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013), Policy CP13 (High Quality Design) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM23 (Rural Character) of the Winchester City Council Local Plan Part 2 (2017);
  - b) The location of the proposal has not been adequately justified in terms of its need for being located in the countryside, contrary to the requirements of Policies 5 (Protection of the countryside) and 29 (Location of waste management development) of the Hampshire Minerals & Waste Plan (2013), Policy DM10 (Essential Policy MRTA4 (Development in the Countryside) of the Winchester City Council Local Plan Part 2 (2017); and
  - c) On the basis of the information submitted, the development is contrary to the requirements of Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013) and Policy DM18 (Access and Parking) of the Winchester City Council Local Plan Part 2 (2017) as it does not have a safe and suitable access to the highway network and does not include suitable mitigation measures to mitigate any significant adverse effects on highway safety.
10. On the basis of the above reasons, the proposal is considered to be contrary to Policy 1 (Sustainable minerals and waste development) of the [Hampshire Minerals and Waste Plan \(2013\)](#) (HMWP) as the proposal does not constitute a sustainable minerals and waste management development.
  11. If the recommendation for refusal is adopted the Minerals and Waste Authority intend to instigate appropriate and expedient enforcement action to secure planning control of the unauthorised development.

### **The Site**

12. The application site forms part of the Shedfield Equestrian Centre, which is situated on Botley Road (A334) to the south-west of the main village centre of Shedfield in southern Hampshire, and in the countryside (see **Appendix B - Committee Plan**).
13. The application site occupies approximately 0.3 hectares of hardstanding/tarmac and is located within a mixed-use commercial, industrial and agricultural/equestrian site (i.e. the Equestrian Centre) (see **Appendix C - Site Location Plan**).
14. The wider Equestrian Centre site is characterised by numerous buildings, areas of hardstanding/ access roads and equestrian facilities including fields. Uses adjacent and close to the application site include a vehicle

repair and MOT test centre, a dog training facility, a marine sales company, and a ground-mounted solar farm.

15. The application site and wider Equestrian Centre site are situated within the countryside.
16. The wider site is well established and as all uses have been non-waste (or mineral or County Council related), Winchester City Council have been and are the relevant Local Planning Authority to date.
17. The nearest residential properties to the site are situated approximately 60 to 80 metres (m) south-east of the site's vehicular access with the A334 (on both sides of the A334) (see **Appendix C - Site Location Plan**). The nearest properties to the proposed transfer station itself are located approximately 170 to 215m due east and south-east.
18. The site itself is not subject to any landscape, heritage or nature conservation designations.
19. There are no European or Nationally designated ecological or biodiversity sites within 1 kilometre of the proposed development. The Locally designated Horse Wood and Triangle Row SINC's (Sites of Importance of Nature Conservation value) are situated within 250m to the south and west of the site respectively. Three areas of ancient woodland lie within 160 to 310m of the proposed site, to the south-west, due north, south-west and south-east respectively.
20. The site is not located in a sensitive surface water area being in Flood Zone 1, the lowest risk zone. It is not situated in a designated sensitive groundwater area either.
21. The Site is not an allocated site in the adopted [HMWP \(2013\)](#) or a safeguarded waste management site.

### **Planning History**

22. The site has no minerals and waste planning history. The application site and the wider site is well established and as all uses have been non-waste (or mineral or County Council related), Winchester City Council have been and are the relevant Local Planning Authority to date.
23. A planning application ([21/03074/HCS](#)) for a new waste transfer station was submitted in 2021 but that was withdrawn by the applicant to correct errors within that submission on 17 January 2022. The application sought to regularise this same proposed development.
24. The application seeks retrospective planning permission for a new waste transfer station (WTS) on the site. This planning application seeks to regularise this unauthorised waste management development.

27. According to the applicant the WTS receives municipal solid waste and dry recycles from kerb-side, household and skip collections, as well as commercial waste. The waste is delivered to site directly by cage vans, commercial vans and 7.5 tonnes (t) (max) skip trucks.
25. The station has been operational as an unauthorised development (without any planning approvals) for approximately 18 months.
26. Only inert and non-hazardous waste is received, managed and processed at the facility. The facility has been granted an Environmental Permit (EPR/WE1474AB) by the Environment Agency, which allows up to 75,000 tonnes per annum of waste to be accepted. The total waste storage capacity of the facility is approximately 100 tonnes.
27. The proposal itself would be undertaken on a hardstanding/ tarmac area, within several semi-sealed, open-topped storage bays (see **Appendix D - Site Layout Plan**). A **Drainage Strategy** was submitted to support the application. The site's existing drainage system consists of gullies draining into a full retention interceptor connected to a 10,000-litre storage tank, which subsequently drains into a swale at the eastern site edge.
28. The application site is gated and surrounded by 1.5 metre high concrete walls. It includes 2 portacabins (ground floor used as a store and the first floor as offices), waste and sorted materials sorting areas and storage bays and a gas bottle storage cage. A baler is stored and used as necessary on the site.
29. The waste sorting and storage areas would be partially covered with metal roofing.
30. The proposed development generates approximately 60 vehicle movements per day (120 two-way movements) to and from the site. This can be attributed to 40 van / cage van / skip truck (7.5t) movements, and 20 refuse vehicle movements.
31. The site's operating hours would be 07:00 to 18:00 on Monday-Friday and 07:00 to 13:00 on Saturdays for core operations, waste deliveries and the collection and export of materials. There is no processing of waste material at the site on Sundays, during night-time hours or on recognised Public Holidays.
32. A **Fire Prevention Plan**, **Dust Management Plan**, **Odour Management Plan** and **Noise and Vibration Assessment** have all been submitted to support the planning application. These were all required as part of the applicant's successful application for an Environmental Permit (EPR/WE1474AB) issued by the Environment Agency.

33. All documents associated with the planning application can be found on the planning application [webpage](#).

### **Environmental Impact Assessment**

34. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). The proposal is not an Environment Impact Assessment (EIA) development under the Regulations 2017. An Environmental Statement (ES) was not required to support this application.

### **Development Plan and Guidance**

35. Section 38(6) of the [Planning and Compulsory Purchase Act 2004](#) requires that applications are determined in accordance with the statutory '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.
36. The key policies in the development plan which are material to the determination of the application, are summarised below. In addition, reference is made to relevant national planning policy and other policies that guide the decision-making process and which are material to the determination of the application.
37. For the purposes of this application, the statutory development plan comprises the following.

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

38. The following policies are relevant to the proposal:
- Policy 1 (Sustainable minerals and waste development);
  - Policy 2 (Climate change – mitigation and adaptation);
  - Policy 3 (Protection of habitats and species);
  - Policy 5 (Protection of the countryside);
  - Policy 7 (Conserving the historic environment and heritage assets);
  - Policy 10 (Protecting public health, safety and amenity);
  - Policy 11 (Flood risk and prevention);
  - Policy 12 (Managing traffic);
  - Policy 13 (High-quality design of minerals and waste development);
  - Policy 14 (Community benefits);
  - Policy 25 (Sustainable waste management);
  - Policy 26 (Safeguarding - waste infrastructure);
  - Policy 27 (Capacity for waste management development);
  - Policy 29 (Locations and sites for waste management); and

- Policy 30 (Construction, demolition and excavation waste development).

### [Update to the Hampshire Minerals and Waste Plan \(emerging\)](#)

39. Hampshire County Council and its partner Authorities (Southampton City Council, Portsmouth City Council, New Forest National Park Authority and South Downs National Park Authority) are working to produce a partial update to the Hampshire Minerals and Waste Plan (2013) which will guide minerals and waste decision making in the Plan Area up until 2040. The partial update to the Plan will build upon the adopted Hampshire Minerals and Waste Plan (2013), eventually providing new and updated policies base on up-to-date evidence of the current levels of provision for minerals and waste facilities in the Plan Area. Plan making is currently at the [Regulation 18 draft plan consultation stage](#). The update to the Plan and its associated policies are only emerging policy. This means that the policies can only be given limited weight at this stage.
40. The following emerging policies are of the relevance to the proposal:
- Policy 1: Sustainable minerals and waste development;
  - Policy 2: Climate change - mitigation and adaptation;
  - Policy 3: Protection of habitats and species;
  - Policy 4: Protection of the designated landscape;
  - Policy 5: Protection of the countryside;
  - Policy 7: Conserving the historic environment and heritage assets;
  - Policy 8: Water resources;
  - Policy 11: Protecting public health, safety, amenity and well-being;
  - Policy 12: Flood risk and prevention;
  - Policy 13: Managing traffic;
  - Policy 14: High-quality design of minerals and waste development;
  - Policy 25: Sustainable waste management;
  - Policy 26: Safeguarding - waste infrastructure;
  - Policy 27: Capacity for waste management development;
  - Policy 29: Locations and sites for waste management; and
  - Policy 30: Construction, demolition and excavation waste development.

### [Winchester City Council Local Plan Part 1 – Joint Core Strategy \(2013\)](#)

(WCCLPpt1)

41. The following policies are relevant to the proposal:
- Policy MRTA4: Development in the Countryside;
  - Policy CP8 - Economic Growth and Diversification;
  - Policy CP10: Transport;
  - Policy CP11 - Sustainable Low and Zero Carbon Built Development;

- Policy CP13: High Quality Design;
- Policy CP14 - The Effective Use of Land;
- Policy CP16: Biodiversity;
- Policy CP18: Settlement Gaps;
- Policy CP20: Heritage and Landscape Character; and
- Policy DS1 - Development Strategy and Principles.

**Winchester City Council Local Plan Part 2 – Development Management & Allocations (2017)** (WCCLPpt2)

42. The following policies are relevant to the proposal:

- Policy DM1: Location of New Development;
- Policy DM10: Essential Facilities and Services in the Countryside;
- Policy DM16: Site Design Criteria;
- Policy DM17: Site Development Principles;
- Policy DM18: Access and Parking;
- Policy DM19: Development and Pollution;
- Policy DM20: Development and Noise;
- Policy DM23: Rural Character;
- Policy DM24: Special Trees, Important Hedgerows, and Ancient Woodlands;
- Policy DM26 (Archaeology); and
- Policy DM29 (Heritage Assets).

43. Other areas of policy and guidance of relevance of to the proposal include:

**National Planning Policy Framework (2021)** (NPPF)

44. The following paragraphs are relevant to this proposal:

- Paragraphs 10-12: Presumption in favour of sustainable development;
- Paragraphs 38, 47: Decision making;
- Paragraphs 81: Support of sustainable economic growth;
- Paragraphs 84-85: Rural economy;
- Paragraph 92: Healthy, inclusive and safe places;
- Paragraphs 104, 110-113: Sustainable transport;
- Paragraph 120: Types of land;
- Paragraphs 126-136: Design;
- Paragraphs 153-158: Planning and climate change;
- Paragraphs 159-169: Planning and flood risk;
- Paragraphs 174, 176-178: Contributions and enhancement of natural and local environment;
- Paragraphs 180-181: Biodiversity and planning;

- Paragraphs 183-188: Ground conditions and pollution; and
- Paragraphs 194-208: Heritage assets.

#### **National Planning Policy for Waste (2014) (NPPW)**

45. The following paragraphs are relevant to the proposal:
- Paragraph 1: Delivery of sustainable development and resource efficiency; and
  - Paragraph 7: Determining planning applications.

#### **National Planning Practice Guidance (NPPG)**

46. The following paragraphs are relevant to the proposal:
- Paragraphs 005, 006 and 008: [Air quality](#) (November 2019);
  - Paragraphs 001, 002, 004, 009: [Climate change](#) (March 2019);
  - Paragraphs 001, 009, 012, 016: [Design](#) (October 2019);
  - Paragraphs 001-024: [Determining a planning application](#) (June 2021);
  - Paragraphs 001-007: [Effective use of land](#) (July 2019);
  - Paragraphs 001-068: [Flood risk and coastal change](#) (March 2021);
  - Paragraphs 001-012: [Healthy and safe communities](#) (August 2022);
  - Paragraphs 001-002, 006-064: [Historic Environment](#) (July 2019);
  - Paragraphs 001-007: [Light pollution](#) (November 2019);
  - Paragraphs 001-043: [Natural environment](#) (July 2019);
  - Paragraphs 001-017: [Noise](#) (July 2019);
  - Paragraph 001-038: [Planning obligations](#) (September 2019);
  - Paragraph 001-015: [Travel plans, transport assessments and statements](#) (March 2014); and
  - Paragraphs 001-0055: [Waste](#) (October 2015).

#### **National Planning Policy for Waste (2014)**

47. The following are paragraphs relevant to the proposal:
- Paragraph 5 (Assessment of the suitability of sites and/or areas for new or enhanced waste management facilities);
  - Paragraph 7 (Determination of waste planning applications);
  - Appendix A - the 'Waste Hierarchy';
  - Appendix B - Locational Criteria.

#### **Planning Practice Guidance for Waste (15 October 2015) (Live) (PPGW)**

48. The following are paragraphs relevant to the proposal:

- Paragraph 001 - Who is the planning authority for waste development?
- Paragraph 002 - What matters come within the scope of 'waste development?;
- Paragraphs 008 and 009 - Who contributes to moving waste up the Waste Hierarchy?;
- Paragraph 045 - How are counties and districts expected to work together in respect of waste development planning applications;
- Paragraph 046 - When can unallocated sites be used?; and
- Paragraph 050 - What is the relationship between planning and other regulatory regimes.

### Waste Management Plan for England (2021) (WMPE)

49. The following are sections are relevant to the proposal:

- The Waste Management Plan and the objectives of the Waste (England and Wales) Regulations 2011;
- Waste management in England;
- Waste Hierarchy; and
- Waste arisings.

### Waste (England and Wales) Regulations (2011)

50. The following is of relevance to the proposal:

- Part 1 General;
- Part 2 Waste prevention programmes;
- Part 3 Waste management plans;
- Part 5 Duties in relation to waste management and improved use of waste as a resource;
- Part 6 Duties of planning authorities;
- Part 9 Transfer of waste;
- Part 10 Enforcement.

### **Consultations**

51. The following responses have been received from consultees. A summary is provided below. A full record of all consultation responses is available to view on the planning application webpages under 'consultee responses' <https://planning.hants.gov.uk/Planning/Display/HCC/2022/0384>
52. **County Councillor Lumby:** Requested the item be heard and determined by the Regulatory Committee.

53. **Winchester City Council:** Objected to the proposal as it would be contrary to Local Plan Policies MTRA4 and DM23, through its proposed location within and impacts on the countryside and rural area, and those living and occupying properties there. It also fails to justify the locational need in regard to the HMWP Policy 5. Also, provided further comments in relation to WCC enforcement activities at the site, the location of a group TPO area of Upper Dagwells Copse, the location of a priority habitat pond immediately adjacent to the site.
54. **Winchester City Council Environmental Health Officer (EHO):** Initially recommended refusal on noise grounds but following receipt of requested updates to the acoustic report, the concerns were removed and no objection now raised.
55. **Shedfield Parish Council:** Objection on the following grounds:
- The application site is situated in a fundamentally unsustainable location and is not in accordance with Policy 25 of the HMWP;
  - Shortcoming of the Venta Acoustics noise assessment including a lack of cumulative assessment, a representative baseline level of 35dB(A) would have been more appropriate and should have been used in the BS4142 assessment, lack of assessment of the residential receptor locations within the Shedfield Equestrian Site. On this basis, the proposal is not in compliance with Policy DM20 of the Local Plan which requires that “A noise generating or noise sensitive development should include an assessment to demonstrate how it prevents, or minimises to an acceptable level, all adverse noise impacts” as well as paragraph 4.4.2 of Winchester City Council’s Technical Guidance for noise;
  - Lack of consideration of other residential accommodation is scattered and livestock uses on site;
  - Impact on TPO woodland;
  - Application fails to describe all surrounding use and planning. IT Autos adjacent to the site, is subject to enforcement action by Winchester City Council (WCC). We understand further enforcement action near this site is also being considered by WCC. Caged livestock are kept directly opposite the business entrance.;
  - Contrary to Policy 5 of the HMWP – it has not been demonstrated that it is related to countryside activities, meets local needs or requires a countryside or isolated location, provides a suitable reuse of previously developed land, including redundant farm or forestry buildings and their curtilages or hard standings;
  - Contrary to MTRA4 of the Winchester Local Plan;
  - The EA permit provided does not match the application location plan;
  - On a parish visit to the site, we were advised that some waste is transported to another site within SEC for processing. No details are provided of this arrangement. There is no transport statement included with the application.

- There appears no detail of lighting, considering the working hours declared.
  - The application is contrary to HMWP (2013), contrary to Winchester City Local Plan and inconsistent with NPP for Waste (2014).
  - Impact on ancient woodland areas plus two SSSI areas identified by Natural England.
  - Impact on ecology and wildlife including the pond to the rear of the site, a priority habitat.
  - Impact on controlled Waters.
  - Speed of vehicles on the A334.
  - Continuous noise complaints have been made by residents to Environmental Health Officer, the Environment Agency and Hampshire County Council.
  - Other complaints about operations at the site.
56. **Southern Planning Practice (on behalf of Shedfield Parish Council):** The main issues raised being broadly the same but focusing on the relevant policies that the proposal does not comply with in terms of locational need and its countryside and rural setting.
57. **Natural England:** Initially requested further information in relation to air quality. At the time of writing this report, Natural England have not responded to additional information provided by the applicant. This, if received, will be reported to the Committee by way of an update.
58. **Environment Agency:** No objection. Confirmed that the site has an Environmental Permit and that they would control any activity that may pose a significant risk to the environment through the sites permit.
59. **Local Highway Authority:** Initially raised concerns due to a lack of information and requested the submission of a Transport Statement containing information related to road safety, including vehicular site access/junction geometries and visibility, accident data on the A334 and confirmation on waste vehicle numbers.
- Following receipt and review of the applicant's updated Transport Statement, the local Highway Authority has recommended that planning permission be refused on road safety grounds. They concluded that site access/junction geometries and visibility with the public highway (A334) were inadequate for associated vehicular movements, with widening required. The submitted accident data for this section of public highway (A334) indicated the accident rate between 2017 and 2022 included 26 collisions - 5 of which were classified as 'severe' and 21 classified as 'slight' - and including one involving a car turning into the wider Equestrian Centre site from the A334) being hit from behind.
60. **Landscape Planning and Heritage (Landscape) (Hampshire County Council):** No further information supplied and therefore, the objection is sustained on the grounds of the lack of a topographic survey, a tree survey

(many trees have been removed as stated by WCC and a Landscape mitigation plan (to include replacing removed trees).

61. **Landscape Planning and Heritage (Archaeology) (Hampshire County Council):** No objection.
62. **County Ecologist (Hampshire County Council):** Initial concerns raised over lighting and air quality removed following receipt of updated information and no objection raised subject to the imposition of a condition related to the development being carried out in accordance with the measures set out in the NVMP (June 2021), Dust Management Plan (March 2021) and Drainage Strategy (October 2021) by Hampshire Waste Disposal and a requirement for reptile hibernaculum and nesting bird box.
63. **County Arboriculturist (Hampshire County Council):** Acknowledges the comments of Winchester City Council on TPOs and related matters. Further arboricultural mitigation is required and must include how the root protection areas of retained trees will be protected and preserved, how the site levels will be managed and what tree pruning and planting is being offered.

## Representations

64. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications. In complying with the requirements of the SCI, Hampshire County Council:
  - Published a notice of the application in the [Hampshire Independent](#);
  - Placed notices of the application at the application site 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 / properties within 100 metres of the boundary of the site and at the discretion of the case officer those situated in close proximity to the wider Equestrian Centre's vehicular junction with the A334.
65. All additional information received on the planning application, during its processing have been consulted upon and made publicly available in the same manner as the initial application was.
66. As of 07 July 2023, a total of 22 representations (6 were further representations from the same representors) to the proposal have been received. The main areas of concern raised in the objections related to the following areas:
  - Impacts on a peaceful, rural and safe countryside setting;
  - Industrialisation of the countryside;

- Inappropriate local roads for HGVs;
- Highway safety (impacts of HGVs and other goods vehicles);
- Impact on ancient woodland;
- Impact on Upper Dagwells Copse and Bigg's Copse;
- The site does NOT have mixed use approval. The only approval it has is for the use of agricultural and equestrian;
- Noise and vibration;
- Lanning application supporting information is inaccurate;
- Impact on nearby nature conservation designations;
- Not compliant with Policies 3, 5, 12, 25, 27 and 29 of the HMWP (2013);
- Requirement for a noise and vibration assessment;
- Lack of an adequate Transport Assessment;
- Possibility of toxic or flammable materials in the area;
- Possible environmental issues as a result of waste materials in the area i.e. danger to animals, plants and waste seeping into the land;
- Lack of adequate, specific monitoring of the area to protect the area. ie air, noise, soil pollution;
- Impacts on pedestrians;
- The whole local area is being changed to accommodate an ever growing business park. As with any area of development there are restrictions and regulations about the limit. Having so many businesses intensely located in a greenbelt area is difficult to understand;
- Impact on nearby residents' amenity;
- Criminal offence has taken place;
- The issuing of an Environment Agency permit without planning;
- The site entrance to any large heavy vehicle entering or leaving causes congestion; and
- Poor enforcement history of the site.

67. The above issues will be addressed within the following commentary except where identified as not being relevant to the decision). Such matters may be covered in [Non-material planning issues raised in representations](#).

#### **Habitats Regulation Assessment:**

68. In accordance with [Conservation of Species and Habitats Regulations 2017](#) (the Habitats Regulations), Hampshire County Council (as a 'competent authority') must undertake a formal assessment of the implications of any new projects we may be granting planning permission for e.g. proposals that may be capable of affecting the qualifying interest features of the following European designated sites:
- Special Protection Areas [SPAs];

- Special Areas of Conservation [SACs]; and
  - RAMSARs.
69. 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.
70. It is acknowledged that the proposed development includes environmental mitigation essential for the delivery of the proposed development regardless of any effect they may have on impacts on European designated sites.
71. Whilst the application does not include a shadow HRA, following assessment, the Minerals and Waste Planning Authority considers the proposed development to have **no likely significant effect** on the nearest identified European designated sites due to:
- It is not located at a distance to be considered to have proximity to directly impact on the European designated sites.
72. Links to the emerging requirements for Biodiversity Net Gain (BNG) requirements, as well as other ecological mitigation, are covered in the [Ecology](#) section of the commentary section of this report, where they are relevant to the proposal.

## Climate Change

73. 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.
74. In terms of the carbon impact of the proposal, the applicant advises that Paragraph 152 in the [NPPF \(2021\)](#) notes that the planning system should support the transition to a low carbon future in a changing climate it should help to: shape places in ways which contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure.

75. Whilst mitigation is limited, the application through the proposed collection, sorting and onward transfer of waste materials for reuse, recycling and recovery (there will inevitably be some that has to be disposed of), does 'encourage' the reuse of waste as a resource and as a consequence would have a proportionate positive impact through avoiding the use of raw materials to make a product that can be made/sourced through reusing and/or recycling waste materials. Looking at recovery, a less preferable option than reuse and recycling, this process could involve the generation of energy through the burning of waste materials and contributing to the promotion of renewable energy sources and less reliance on fossil fuels, albeit a minor contribution but one that would be proportionate to the scale of the proposed development.
76. Therefore, this proposed development has been subject to consideration of Policy 2 (Climate change – mitigation and adoption) of the [HMWP \(2013\)](#) and Paragraph 152 of the [NPPF \(2021\)](#).

### **Commentary**

77. The commentary section provides more information on the key planning issues in relation to the proposal. The remaining commentary covers these issues.

### Principle of the development

78. This first section of the commentary summarises the main policy context for the proposal.
79. Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#) supports development which encourages sustainable waste management and reduces the amount of residual waste currently sent to landfill. The application of the waste hierarchy in relation to this site is considered later in the commentary and this will guide whether the proposal is considered to meet the provisions of Policy 25.
80. Policy 27 (Capacity for waste management development) of the [HMWP \(2013\)](#) states that "*proposals will be supported where they maintain and provide additional capacity for non-hazardous recycling and recovery through new sites to provide additional capacity*", subject to meeting locational criteria for this type of development, as set out in Policy 29. The proposal subject of this application is a 'new' site in accordance with policy 27 part d. This is considered in more detail in the sections of the commentary relating to need and site location.
81. Policy 29 (Locations and site for waste management) of the [HMWP \(2013\)](#) identifies the details of appropriate locations for waste management sites. Whether this proposal - a new waste transfer station - meets the requirements of Policy 29 is considered in more detail in the remaining part of this commentary.

82. Whether the proposal is considered to be in accordance with paragraph 11 of the [NPPF \(2021\)](#) and Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#) will be considered in the remaining sections of this commentary section.

#### Demonstration of need and capacity for waste management

83. Paragraph 5 of the [National Planning Policy for Waste \(2014\)](#) sets out that waste planning authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against the following considerations:
- *“The extent to which the site or area will support the other policies set out in the document;*
  - *Physical and environmental constraints on development, including existing and proposed neighbouring land uses and having regard to the locational criteria to the appropriate level of detail needed to prepare the Local Plan;*
  - *The capacity of existing and potential transport infrastructure to support the sustainable movement of waste and products arising from resource recovery, seeking when practicable and beneficial, to use modes other than road transport; and*
  - *The cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential”.*
84. Furthermore, paragraph 7 requires that in the determination of waste planning applications, local authorities should:
- *“Only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*
  - *Recognise proposals for waste management facilities that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;*
  - *Consider the likely impact on the local environment and on amenity against locational criteria and the implications of any advice on health from relevant health bodies. Waste planning authorities*

*should avoid carrying out their own detailed assessment of epidemiological and other health studies;*

- *Ensure that waste management facilities are well-designed so they contribute positively to the character and quality of the area in which they are located; and*
- *Concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”.*

85. Appendix B of the NPPW identifies a range of locational criteria which should be considered by local authorities when considering waste planning applications. These include the following:
- a. *Protection of water quality and resources and flood risk management;*
  - b. *Land instability;*
  - c. *Landscape and visual impacts;*
  - d. *Nature conservation;*
  - e. *Conserving the historic environment;*
  - f. *Traffic and access;*
  - g. *Air emissions, including dust;*
  - h. *Odours;*
  - i. *Vermin and birds;*
  - j. *Noise, light and vibration;*
  - k. *Litter; and*
  - l. *Potential land use conflict.*
86. The original planning application ([21/03074/HCS](#)) was withdrawn in 2022 and was very light in its consideration of what the need or justification of the development is. In summary, the applicant concludes that *‘the site is suitable for continued used as a waste transfer facility because it is well connected, having good transport links to both local and regional road networks, as well as to sources of and/or markets for the type of waste currently being managed. Further, the due to the ecologically constrained nature of the region, the site’s location is suitable because not only is it not within any ecological or environmentally important designations, but it does also not cause harm to any sensitive environmental designations nearby. A further benefit of the scheme is that it makes an important contribution to reducing fly-tipping in the local area’.*
87. The acceptability of the scheme in relation to highway and ecological impacts is considered later in this commentary section. There is no evidence provided to support the assertion that the proposal will result in a reduction in fly tipping and indeed this conclusion is questioned.
88. Further information was requested of the applicant in relation to need and this was submitted. The applicant stated that there is no quantitative

assessment of the need for this type of facility in the local area but indicates that the facility plays an important role in reducing fly-tipping in the area by providing a cheaper, more convenient service than alternative opportunities to dispose of waste. It was indicated that the HMWP supports this position and that these factors weigh heavily in favour of the proposal.

89. The applicant also indicated that the opportunities to rent suitable land at an affordable price in urban areas are rare. It was stated that the facility is small and cannot operate with significant overheads, such as rent in urban locations.
90. Whilst the applicant has not provided specific details of any commercial customers or examples of local settlements/population centres where waste materials are commonly and regularly collected from, the site (of a new waste transfer) is well located in terms of access to the Strategic Road Network, and therefore has good access to commercial and residential areas within this area of Hampshire. The acceptability of the scheme in relation to highway impacts is considered later in this commentary section.
91. As previously stated, Policy 27 (Capacity for waste management development) of the [HMWP \(2013\)](#) states that “*proposals will be supported where they maintain and provide additional capacity for non-hazardous recycling and recovery through new sites to provide additional capacity*”, subject to meeting locational criteria for this type of development, as set out in Policy 29. Therefore, this proposal is supported by Policy 27 (Capacity for waste management development) of the HMWP as a new waste transfer station will contribute to the Plan objective of dealing with 2.62 mtpa of non-hazardous waste by 2030.
92. The site is not currently a safeguarded site under Policy 26 (Safeguarding – waste infrastructure) of the [HMWP \(2013\)](#) as it is currently without the benefit of planning permission.
93. On the basis of the recycling provision provided, the proposal is considered to contribute to and be in accordance with the requirements of Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development) of the [HMWP \(2013\)](#).
94. Whilst the emerging update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development).

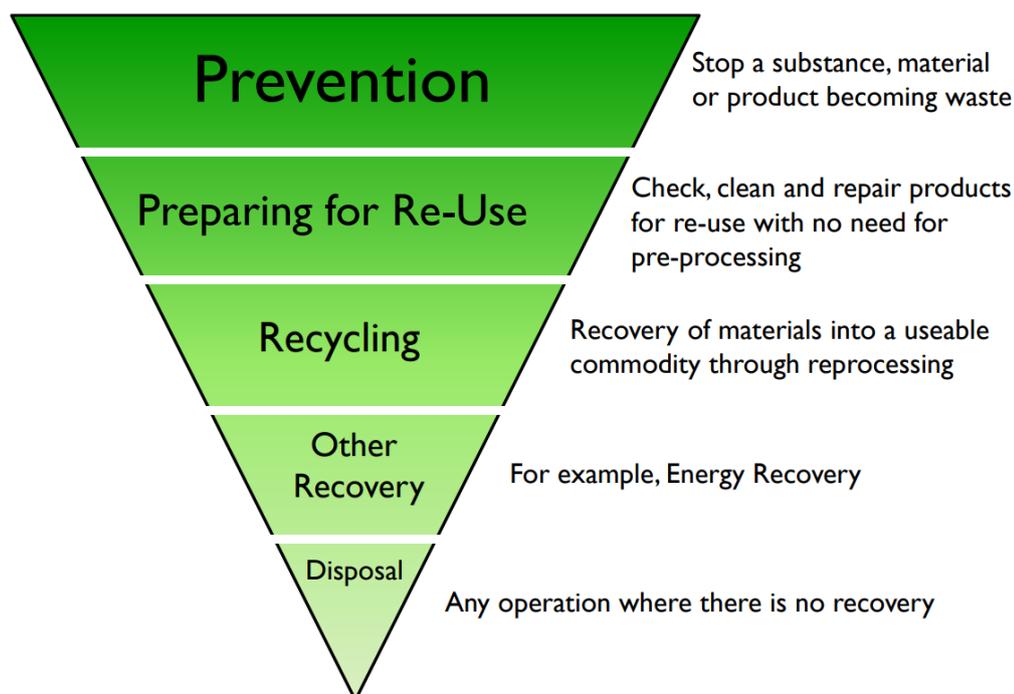
#### Application of the waste hierarchy

95. Article 4 of the [Waste Framework Directive](#) sets out the appropriate means of waste management. Driving waste up the waste hierarchy is an integral

part of the [Waste Management Plan for England \(2021\)](#) as well as national planning policy for waste. The ‘waste hierarchy’ gives order and priority to waste management options, from prevention through to disposal (e.g. landfill). When waste is created, it gives priority to preparing it for re-use, followed by recycling, recovery, and lastly disposal (e.g. landfill). The waste hierarchy is a material consideration when making a decision on a planning application. The requirement to apply the waste hierarchy is set out in the Waste (England and Wales) Regulations 2011 and the amendments laid out in [The Waste \(England and Wales\) \(Amendment\) Regulations 2012](#). The Waste Management Plan includes a key thread to encourage and promote the delivery of sustainable waste management underpinned through the application of the waste hierarchy.

96. Appendix A of the [National Planning Policy for Waste \(2014\)](#) outlines the key principles of the waste hierarchy as:
- Prevention – the most effective environmental solution is often to reduce the generation of waste, including the re-use of products;
  - Preparing for re-use – products that have become waste can be checked, cleaned or repaired so that they can be re-used;
  - Recycling – waste materials can be reprocessed into products, materials or substances;
  - Other recovery – waste can serve a useful purpose by replacing other materials that would otherwise have been used; and
  - Disposal – the least desirable solution where none of the above options is appropriate.
97. To achieve compliance with the waste hierarchy, waste management policy has incentivised the prevention and re-use of waste as far as practical and driven a major increase in recycling and composting. The waste hierarchy is shown in Figure 1.
98. Paragraph 016 of the [NPPG \(Waste\)](#) is clear that everyone involved in waste management is expected to use all reasonable methods to apply the waste hierarchy, except where, for specific waste streams, departing from the hierarchy is justified in life cycle on the overall effects of generations and the management of waste to assist and ensure that waste should be recycled and is not sent to landfill. This legal obligation on waste producers and transferors provides over-arching controls within the waste industry and assists in ensuring that waste that should be recycled is not sent to a recovery facility or landfill for treatment or final disposal. It also seeks to ensure that planning decisions are made in the context of the waste hierarchy.

Figure 1: The Waste Hierarchy



99. The principles of the waste hierarchy are translated into Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#). As the site would allow for the transfer of wastes for onward recycling in the main, it would sit within the 'recycling' level of the hierarchy, above recovery and disposal. On this basis, the proposal is considered to meet the provisions of Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#) in relation to the waste hierarchy.
100. Whilst the emerging update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policy 25 (Sustainable waste management).

#### Suitability of site location and alternatives

101. The site is located within a mixed-used commercial, recreational and industrial site adjacent to the A334 Botley Road, which provides road access from both the A32 and Junction 10 of the M27 which are approximately within a 10-minute journey time from the site.
102. Paragraph 2.1 and 6.6 of the applicant's planning statement states that the site has an approved mixed use with specific industrial businesses. Winchester City Council have advised that they are currently enforcing against the industrial uses on the site (and within the wider Equestrian Centre) as they are not authorised. The site has a confirmed use of agriculture and equestrian activity by the City Council.

103. From looking at City Council aerial photographs of the site, the site appeared to be 'undeveloped' and marked by trees in 2013 (see **Appendix E – WCC Aerial Photograph (2013)**). The removal of woodland and installation of hardstanding and other infrastructure at the application site and on adjoining land has been undertaken in the interim period (see **Appendix F – WCC Aerial Photograph (Latest version)**). Exact dates are not known to the Mineral and Waste Planning Authority but do relate to the City Council's enforcement investigations.
104. Policy 29 (Locations and sites for waste management) of the HMWP (2013) is of relevance to the acceptability of the site location. The Waste Planning Authority considers that the proposal fails to meet the provisions of Policy 29. The proposal does not meet part 1 of the policy, meaning part 2 is not relevant. Only part 3 can therefore be considered. Part 3 states that '*development in other locations will be supported where it is demonstrated that:*
- a) the site has good transport connections to sources of and/or markets for the type of waste being managed; and*
  - b) a special need for that location and the suitability of the site can be justified'.*
105. In relation to 3 (a), the application site is located outside the Strategic Road Corridor1 (located a short distance to the south-west). The applicant argues that whilst outside of this corridor, the site is located within the Partnership for Urban South Hampshire (PfSH) area. Whilst this is recognised, for the purposes of compliance with this policy, only the road corridor is of relevance. Therefore, the site does not meet part (a).
106. In relation to 3 (b), the applicant provided further information on how the site may help to serve a need. It was noted that a significant number of homes are planned (or are under construction) in the PfSH area, including Welborne (6000), North Whiteley (3500), Waterlooville (3000), Boorley Green (1500). The applicant has stated that 'these areas provide sources of material and markets for the recycled materials produced. The recycled products are of relatively low value and it is unlikely to be cost effective to haul them long distances. The majority of material processed at the application site is to or from sites within a radius of about 10 miles from the site'. The applicant has indicated that the main types of waste to be processed at the site would be largely household waste and recyclable materials.
107. Whilst the potential market area is acknowledged by the Waste Planning Authority, and paragraph 6.196 of the supporting text sets out that the HMWP (2013) expects market led delivery and therefore it does not identify and allocate any individual sites for waste development, the application lacks any specific detail on the need for this exact facility, in this exact location. It is therefore difficult to ascertain if there is a 'special need' for this development in this location.

108. On the basis of the above, it is the Waste Planning Authority's view that the application is not in compliance with Policy 29 (Locations and sites for waste management) of the [HMWP \(2013\)](#).
109. The acceptability of the site in relation to landscape, ecology, highways and other matters are covered in other sections of this commentary.
110. The applicant has indicated that due the limited number of appropriate locations for a waste transfer facility in the broader HMWP plan area, the location of the site has been carefully considered. This, it has been indicated, included the consideration of the absence of ecological designations and other environmental constraints in close proximity to the site and the wider Equestrian Centre site against other sites that were more environmentally sensitive.
111. The original submission ([21/03074/HCS](#)) that was withdrawn in 2022 did not include a lot of information on site location and suitability beyond that which has been submitted here. This additional information has done little to change the Mineral and Waste Planning Authority's opinion on the consideration of site location as part of the planning application.
112. The Mineral and Waste Planning Authority does not consider that a suitable assessment of alternative sites has been undertaken (or demonstrated satisfactorily) in this regard due to the unauthorised nature of this development. Whilst it is acknowledged that the appropriate locations for waste transfer sites can be constrained by international, national and local ecological and environmental designations (as stated by the applicant), there is no evidence presented within the planning application that supports their conclusion that this *'leaves very few suitable sites which could be considered capable of fulfilling the strong demand for a waste transfer facility in the area which is able of serving the needs of the rural towns and villages which make up a large proportion of the market for the type of waste being managed by the existing facility'*.
113. Whether this site is considered to be a suitable location for a waste transfer station is covered by the remaining sections of this commentary.

#### Development in the countryside

114. The application site is situated in the countryside for planning purposes. With it being a retrospective application for planning permission, the proposal has to be assessed as if it is not present and operational, and based on the extant use class, which is not an industrial and/or waste use. The site has a confirmed use of agriculture and equestrian activity by Winchester City Council.
115. As previously stated, nearly all planning history within the wider Equestrian Centre site has been under the jurisdiction of Winchester City Council (WCC) as the relevant Local Planning Authority. This has meant that the

site was not considered to include or involve any mineral or waste-related development proposals until very recently.

116. Paragraph 130 of the [NPPF \(2021\)](#) requires that planning decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by (amongst other considerations) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
117. Policy 5 (Protection of the countryside) of the [HMWP \(2013\)](#) states that minerals and waste development in the open countryside, outside the National Parks and Areas of Outstanding Natural Beauty, will not be permitted unless it is a time-limited mineral extraction or related development or the nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location or the development provides a suitable reuse of previously developed land, including redundant farm or forestry buildings and their curtilages or hard standings. The policy also includes an expectation that the highest standards of design, operation and restoration will be met and there will be a requirement that it is restored in the event it is no longer required for minerals and waste use.
118. The site lies outside the settlement boundary defined within the Winchester District Local Plan (2013) and as such is located in the countryside. Policy DM1 (Location of New Development) specifies that outside of these areas, countryside policies will apply and only development appropriate to a countryside location will be permitted. Policies MTRA4 (Development in the Countryside) and DM10 (Essential Facilities and Services in the Countryside) in the [WCCLP Pt 1 \(2013\)](#) will only permit new development that has an operational and essential need for such a location.
119. The applicant has indicated that the site is however located within an *'enterprise zone comprising a range of industrial, commercial and recreational uses'* and for that reason *'it cannot reasonably be described as being within 'open' countryside'*. Whilst the Waste Planning Authority are aware that discussions between the City Council and the landowners/ interested parties at the wider Equestrian Centre site/s are taking place on the future use of the wider site, there is no formal site allocation or designation of an 'enterprise zone'.
120. With the City Council objecting to this proposal on the basis of it being new development that has neither demonstrated the need for a countryside location nor a local need through not demonstrating their investigations for

other sites, and therefore inappropriately located in the countryside (and contrary to Policy MTRA4 (Development in the Countryside) of the [WCCLP Pt 1](#) (2013), the applicant's '*enterprise zone*' assertion and '*the site not being in the open countryside*' does not meet policy requirements and is strongly opposed.

121. Furthermore, the City Council advise that ongoing enforcement action against other unauthorised uses to the north of the application site will require the removal of buildings, and therefore the proposal would result in new and additional visual impacts to the countryside setting as no screening is proposed to mitigate, thus reinforcing its inappropriateness in being situated here. Impact on local landscape, design principles and visual impact will be covered by other sections of this commentary.
122. Development Policy DM10 (Essential Facilities and Services in the Countryside) of [WCCLP Pt2 \(2017\)](#) does allow essential facilities and services in the countryside, subject to its compliance with a number of criteria including the necessity to minimise harmful impacts on landscape character and ensuring traffic impacts can be addressed satisfactorily. The Mineral and Waste Planning Authority does not view the proposed waste transfer station as an 'essential facility or service' in this countryside and rural setting. As stated previously, in relation to Policy 29 (Locations and sites for waste management) of the [HMWP \(2013\)](#), the applicant has not justified the site's need for this location.
123. Policy DM23 (Rural Character) of the [WCCLP Pt2 \(2017\)](#) is also of relevance here, with regards to the effect on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment.
124. Concerns have been raised as part of the consultation process in relation to impacts on the countryside and rural setting and these are acknowledged.
125. Whilst it is acknowledged that the application site is not visible from the main settlement area, and that there are no specific landscape or heritage assets impacted by the proposal, the City Council have advised that ongoing enforcement action on adjoining sites and land will involve the removal of unauthorised buildings and infrastructure, which are presently providing screening of the application site. Once removed, impacts on the local landscape will be created and will need to be assessed. Landscape and visual impacts are covered in a separate section of this commentary.
126. The proposal has not demonstrated that the nature of the waste management development is related to countryside activities, meets local needs or requires a countryside or isolated location in the open countryside, and therefore is not considered to meet the provisions of emerging Policies 5 (Development in the countryside) and 29 (Locations

and sites for waste management) in the [HMWP \(2013\)](#), Policy MTRA4 (Development in the Countryside) of the [WCCLP Pt 1 \(2013\)](#) and Policy DM10 (Essential Facilities and Services in the Countryside) of [WCCLP Pt2 \(2017\)](#).

127. Whilst the emerging update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is not considered to meet the provisions of emerging Policies 5 (Development in the countryside) and 29 (Locations and sites for waste management).

### Ecology

128. Paragraph 174 of the [NPPF \(2021\)](#) states that planning decisions ‘*should contribute to and enhance the natural environment*’. In addition, paragraph 180 of the [NPPF \(2021\)](#) states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
129. 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.

130. Policy CP16 (Biodiversity) of the [WCCLP Pt 1 \(2013\)](#) states that the Local Planning Authority will support development which maintains, protects and enhances biodiversity across the District, delivering a net gain in biodiversity, and has regard to a number of factors such as the protection of sites of international, European, and national importance, new development showing how biodiversity can be retained, protected and enhanced through its design and implementation, for example by designing for wildlife, avoiding adverse impacts, maintaining a District wide network of local wildlife sites and corridors and supporting and contributing to the targets set out in the District's Biodiversity Action Plan (BAP).
131. The site does not fall within any local, national or international landscapes with ecological or environmental designations and/or protections. The applicant asserts that the site has been located to avoid any impact upon protected sites, habitats and species but this is not supported by any evidence in relation to site location and alternatives. Indeed, as an unauthorised site, this assertion is questioned.
132. The retrospective waste facility to bare ground and in use buildings and storage materials is unlikely to have had ecological impacts during construction. The wall appears to be in a reasonable distance from the woodland edge and was installed onto bare ground. There will be an increase in noise, vibrations and dust operationally. However, these appear to be mitigated via a wall and watering down methods and suds has or will be created. The dust and noise levels will be monitored and are considered to not be significant to the woodland adjacent to the proposed recycling facility.
133. Initially the County Ecologist responded asking for clarification on lighting. It was also noted that they did not consider the proposal to have a significant impact to the nearby woodlands, providing that all dust, noise and drainage mitigation and monitoring is conditioned. Following further clarification, the County Ecologist indicated that their concerns had been addressed.
134. In the response from the County Ecologist, it was noted that the development provides opportunities to enhance biodiversity. It was suggested, in this case that the most appropriate enhancement would be for the applicant to create a reptile hibernaculum and install a nesting bird box. It was therefore advised that in the event that planning permission were granted that a condition should be attached in relation to the provision of a reptile hibernaculum and nesting bird box alongside a condition on the development being undertaken in accordance with the measures set out in the NVMP (June 2021), Dust Management Plan (March 2021) and Drainage Strategy (October 2021).
135. There was no other specific Biodiversity Net Gain requirement requested by consultees in relation to this site.

136. On the basis of the proposed conditions, the proposal is considered to be in accordance with Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) and Policy CP16 (Biodiversity) of the [WCCLP Pt 1 \(2013\)](#).
137. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policy 3 (Protection of habitats and species).

#### Visual impact and landscape

138. Part D of Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) states that waste developments should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. It states that developments should not have an unacceptable visual impact. There are also links here to Policy 13 (High quality design of minerals and waste development) of the [HMWP \(2013\)](#).
139. Policy DM23 (Rural Character) of the [WCCLP Pt2 \(2017\)](#) states that development will be permitted where they do not have an unacceptable effect on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment. Policy DM16 – Site Design Criteria Development of the [WCCLP Pt2 \(2017\)](#) also sets out further design criteria
140. The operational Waste Transfer Station (WTS) element itself within the application site is situated within the ‘Whiteley Woodlands’ Landscape Character Area (LCA) that comprises ‘mixed farmland and woodland’ but it borders (on its eastern boundary) and its access road runs through, the ‘Shedfield Heathlands’ LCA, which comprises ‘Hort and small holdings’. Both landscape character types are synonymous with countryside settings and as evidenced by the extant land use classes not only at the application site but throughout the wider Equestrian Centre site, as recorded by the City Council and informing their ongoing enforcement activities against unauthorised land uses, including some due north of the application site.
141. The applicant has asserts that Policy 13 of the [HMWP \(2013\)](#) is fulfilled as The WTS does not cause unacceptable adverse visual impact by virtue of:
- the small-scale nature of the facility;
  - its location nestled between existing buildings and woodland;
  - the absence of public rights of way nearby; and
  - the absence of nearby residential uses.
142. The applicant has also indicated that the WTS is only appreciated within the context of other commercial development and the solar farm. Its visual impact on the surrounding area is therefore negligible. The planning application is very limited in its consideration of landscape design and this

is largely based on this assumption. No further information has been provided on this.

143. In relation to Policy DM23 and the applicant's view that the proposal will have only a negligible visual impact. However, as already noted, Winchester City Council has indicated that the enforcement action being taken on the unauthorised uses to the north of the site will require the removal of the buildings, therefore the proposal would result in visual impacts to the countryside and no screening is proposed to mitigate. The design and materials of the buildings are not considered to enhance or preserve the rural characteristics and would present an incongruous addition to this location, and adversely affecting the 'countryside feel' and character expected in this rural setting within the local landscape. This view is endorsed by the Mineral and Waste Planning Authority.
144. In terms of landscape aspects, initially, the County Landscape Architect requested additional information in relation to a topographic survey, a tree survey and constraints drawing, a Landscape mitigation plan and details of planting. As it stands, the documents submitted are currently unacceptable and additional information is still required to make an informed judgement.
145. Whilst the visual impact of the development could be considered to be low, the impact on the landscape is not considered to be so. On the basis of the information before the Waste Planning Authority at this time, the proposal is considered to have an unacceptable landscape impact and is therefore not considered to be in accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy DM16 – Site Design Criteria Development of the [WCCLP Pt2 \(2017\)](#) in this regard.
146. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is not considered to meet the provisions of emerging Policy 11 (Protecting public health, safety, amenity and well-being).

#### Arboriculture

147. Policy 13 (High quality design of minerals and waste development) of the [HMWP \(2013\)](#) and Policies DM15 (Local distinctiveness) and DM24 (Special Trees, Important Hedgerows and Ancient Woodlands) of the [WCCLP Pt2 \(2017\)](#) in relation to ensuring all protected trees (TPOs) from unnecessary damage and destruction.
148. There are no existing trees or other vegetation on the application site. However, there are established trees beyond the boundary of the application site and concerns have been raised as part of the consultation process in relation to these areas. These concerns are acknowledged.
149. The site is immediately adjacent to a group TPO area of Upper Dagwells Copse according to Winchester City Council's TPO records, which is

currently subject to prosecution for unauthorised works to remove trees. However, whilst this is outside of the planning application area, it would have formed part of the application up until 2013 (see **Appendix E – WCC Aerial Photograph (2013)**).

150. The County Arboriculturist requested further information in order to be able to provide meaningful comments on the application. No further response has been received to the applicant's additional information (although the additional information has altered their submission materially).
151. The applicant provided further information on arboricultural issues which confirmed that the comments received from the arboricultural team September 2022 refer to ongoing prosecution case for unauthorised tree removal. This case has concluded with no prosecution. The applicant has confirmed that no operations take place within the root zones of the nearest trees. Whilst this is concurred with, the group TPO area of Upper Dagwells Copse boundary does appear not to border the operational area of then application site directly (see **Appendix G – WCC TPO area of Upper Dagwells Copse**).
146. Despite the lack of detailed tree and TPO-related information having been provided by the applicant, it is believed that conditions relating to tree and planting mitigation would ensure no adverse impacts would be caused should planning permission be granted.
152. On this basis, the proposal is in accordance Policies 10 (Protection of public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the [HMWP \(2013\)](#) and Policies DM15 (Local distinctiveness) and DM24 (Special Trees, Important Hedgerows and Ancient Woodlands) of the [WCCLP Pt2 \(2017\)](#) in relation to ensuring all protected trees (TPOs) from unnecessary damage and destruction.
153. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policies 11 (Protecting public health, safety, amenity and well-being) and 13 (High quality design of minerals and waste development).

#### Design and sustainability

154. The [Planning Act 2008](#) places great importance on good design and sustainability. Paragraph 126 of the [NPPF \(2021\)](#) confirms that good design is a key aspect of sustainable development and helps create better places in which to live and work to make development acceptable to communities. Paragraph 130 of the [NPPF \(2021\)](#) requires that planning decisions ensure that developments 'will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built

environment and landscape setting'. Paragraph 134 of the [NPPF \(2021\)](#) also advises that permission should be refused for development that is not well designed.

155. 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.
156. Policy CP13 (High Quality Design) of the [WCCLP Pt 1 \(2013\)](#) states that new development will be expected to meet the highest standards of design. It sets out criteria for new development including factors such as demonstrating an analysis of the constraints and opportunities of the site and its surroundings have informed the principles of design and how the detailed design responds positively to its neighbours and the local context, the proposal making a positive contribution to the local environment and creates an individual place with a distinctive character and the accompanying landscape framework has been developed to enhance both the natural and built environment and maximise the potential to improve local biodiversity. Policy DM16 – Site Design Criteria Development of the [WCCLP Pt2 \(2017\)](#) also sets out further design criteria.
157. The applicant has indicated that the site already comprised a yard when the current operation was established. It is worth noting that the installation of the yard must have taken place after 2013 and without formal planning approval having been secured as reinforced by the City Council's assertions and investigations into enforcing unauthorised development across the wider Equestrian Centre site.
158. The concrete lego-brick bays sit on top of the concrete raft, and it has been indicated require no foundations. Similarly, the concrete panel walls which surround the site require no foundations. The reality is that the development is already on site so the focus here is on whether the design is considered to be acceptable.
159. Whilst the design is considered to be appropriate for the scale and type of the proposal, and not dissimilar from other operations and uses within the wider Equestrian Centre site, it is the officers view that this can not necessarily be concluded to be of a 'high' quality. It has already been concluded that the application fails to address its affect and effects on landscape impact and this is clearly related to design and appearance.
160. The proposed unauthorised development is for a new waste management facility within the countryside. Whilst it is acknowledged that it is a functional and industrial operation, its design, layout and appearance is not high in quality and certainly does not meet the highest standards of design

as required by Policy CP13 (High Quality Design) of the [WCCLP Pt 1 \(2013\)](#) that states new development will be expected to.

161. Furthermore, neither does the proposal demonstrate an analysis (to be undertaken by the applicant) of the constraints and opportunities of the site and its surroundings, and how these have informed the principles of design, how the detailed design responds positively to its neighbours and the local context, and lastly, how the proposal makes a positive contribution to the local environment and creates an individual place with a distinctive character and the accompanying landscape framework has been developed to enhance both the natural and built environment.
162. On this basis, is considered that the proposal is not in accordance with Policies 13 (High-quality design of minerals and waste development) and 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy CP13 (High Quality Design) of the [WCCLP Pt 1 \(2013\)](#).
163. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is not considered to meet the provisions of emerging Policies 11 (Protecting public health, safety, amenity and well-being) and 13 (High quality design of minerals and waste development).

#### Cultural and archaeological heritage

164. Paragraph 130 of the [NPPF \(2021\)](#) relates to developments which are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'. In addition, paragraph 194 of the [NPPF \(2021\)](#) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 200 states that '*any harm to or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*'. Paragraph 201 states that '*where a proposed development will lead to substantial harm to a designated heritage asset planning permission should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm*'. Paragraph 202 states that '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'.
165. 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

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

166. Policy CP20: Heritage and Landscape character of the [WCCLP Pt 1 \(2013\)](#) sets out criteria for conservation and enhancement of the historic environment. Policy DM26 (Archaeology) of the [WCCLP Pt2 \(2017\)](#) sets out Archaeology should be considered through planning applications.
167. The County Archaeologist raised no objection to the proposal. There are no archaeological sites currently recorded at this location. On this basis, the proposal is in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the [HMWP \(2013\)](#) and Policy CP20: Heritage and Landscape character of the [WCCLP Pt 1 \(2013\)](#).
168. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policy 7 (Conserving the historic environment and heritage assets).

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

169. Paragraph 174 of the [NPPF \(2021\)](#) states that planning decisions should *'contribute to and enhance the natural and local environment by: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate'*.
170. In relation to pollution control and associated health issues, Government policy concerning pollution control is most clearly set out within the [NPPF \(2021\)](#) and the [NPPW \(2014\)](#) including its supporting planning practice guidance. Paragraph 185 of the [NPPF \(2021\)](#) states that *'planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'*.

171. Paragraph 005 of the [PPGW](#) states that ‘planning authorities can ensure that waste is handled in a manner which protects human health and the environment through testing the suitability of proposed sites’... against the policies in paragraphs 004 to 007 and the factors in Appendix B of the [PPGW](#)
172. 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. It sets out a number of criteria. This is echoed in Policy DM19 (Development and Pollution) of the [WCCLP Pt2 \(2017\)](#). Also, Policy 10 states that any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development.
173. The site already benefits from an Environmental Permit (EPR/WE1474AB). More information on this is set out later in the commentary. As part of this permit, an Environmental Risk Assessment were approved by the EA.
- a) *Emissions to the atmosphere (air quality) including dust:*
174. It is acknowledged that the main impacts of this proposal would relate to potential dust emissions and emissions from transportation.
175. The site already benefits from an Environmental Permit (EPR/WE1474AB). As part of this permit, a Dust and Emission Management Plan was approved by the EA. This was also submitted to support the planning application.
176. No links between air quality and ecological impacts have been raised by consultees. The County Council’s Ecologist was content that airborne emissions from the proposal would not be considered to have a significant impact to the nearby woodlands, providing that all submitted dust, noise and drainage mitigation and monitoring is conditioned.
177. No concerns have been raised by the EHO in relation to air quality.
178. In the event that planning permission were to be granted, a condition could be included in relation to working in accordance with the approved Dust and Emission Management Plan.
179. On this basis, the proposal is not considered to have any unacceptable air quality impacts.
- b) *Emissions to land:*
180. The site already benefits from an Environmental Permit (EPR/WE1474AB). Storage and handling of waste, litter management and pest/vermin control

is addressed by the permit. No other concerns have been raised by consultees in relation to emissions to land.

*c) Human health:*

181. With the site already benefitting from an Environmental Permit (EPR/WE1474AB), all emissions whether to air, land or water are regulated through the permit. The Environment Agency in granting a Permit can, and usually does, consult the local Environmental Health Officers and local Public Health/NHS advisors. The responses that they receive are used to inform and determine a Permit and, if granted, attaching suitable conditions and controls to emissions and protect human health.

*d) Noise and vibration:*

182. In addition to Policy 10 of the HMWP (2013), Policy DM20: Development and Noise of the [WCCLP Pt2 \(2017\)](#) is also of relevance here.
183. Noise matters are addressed by the site Environmental Permit (EPR/WE1474AB). A **Noise and Vibration Assessment** was submitted to support the planning application.
184. Shedfield Parish Council and other responses received provided detail on noise complaints and concerns that have been made by residents to the EHO, the EA and the Waste Planning Authority. The Waste Planning Authority can only comment on those which are submitted directly to the County Council. In terms of complaints received, the Waste Planning Authority are copied into some of the complaints made to the EHO and the EA about noise, dust, burning, highways and out of hours operations for the wider Equestrian Centre as a whole which may or may not be down to Avery B specifically.
185. Initially, the EHO requested more information in relation to proposed baler and its consideration within the assessment. The response from the applicant resolved previous concerns, and the EHO withdrew their objection.
186. In the event that planning permission were to be granted, a condition could be included in relation to working in accordance with the approved Noise Management Plan with appropriate noise monitoring imposed.
187. On this basis, the proposal is not considered to have any unacceptable noise or vibration impacts from on-site operations.

*e) Lighting:*

188. For the avoidance of doubt, no external lighting is proposed as part of the development. This matter was initially questioned by the County Council's Ecologist but with none being installed, no ecological concerns exist.

f) *Odour:*

189. As part of this Environmental Permit (EPR/WE1474AB), an **Odour Management Plan** was approved by the EA.
190. In the event that planning permission were to be granted, a condition could be included in relation to working in accordance with the approved Odour Management Plan subject to EA approval.
191. On this basis, the proposal is not considered to have any unacceptable odour and air quality impacts from on-site operations.

g) *Cumulative impacts:*

192. Objections received from the local population and interested parties cite the proposal's impacts through emissions to air and through noise and transport-related operations on the locality.
193. The material planning matters raised above have all been considered within the commentary of this report. Should planning permission be granted, matters like noise and dust would be controlled through conditions as would hours of use and associated vehicular movements. The planning permission would work in conjunction with the applicant's Environmental Permit, issued and regulated by the Environment Agency.
194. Taking all matters into account, including the grant of an Environmental Permit (EPR/WE1474AB) by the Environment Agency that controls and regulates all on-site waste-related operations at the site, the proposal is considered to meet the requirements of Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy DM19 (Development and Pollution) of the [WCCLP Pt2 \(2017\)](#).
195. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policies 11 (Protecting public health, safety, amenity and well-being).

Impact on surface or groundwaters and flooding

196. Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) states that minerals and waste development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. This includes not releasing emissions to water (above appropriate standards) (part d).
197. 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.

198. Policy CP17 (Flooding, Flood Risk and the Water Environment) of the [WCCLP Pt 1 \(2013\)](#) requires that development avoids flood risk, does not cause unacceptable deterioration to water quality or have an unacceptable impact on water quantity (including drinking water supplies), is located at a sufficient distance from existing wastewater treatment works to allow adequate odour dispersion, or takes appropriate odour control measures, and ensures that water supply, surface water drainage and wastewater infrastructure to service new development are provided and connect to the nearest point of adequate capacity.
199. A **Drainage Strategy** was submitted to support the application. This concluded that *'the proposed SUDS on site, the proposed development represents no tangible increase in surface water runoff rates into nearby waterbodies'*. Furthermore, it concluded that *'in consideration of the mitigation measures proposed, both flood risk and water quality issues arising from the proposed development have been fully addressed'*.
200. The site is within Flood Zone 1. It is considered to be at a low risk of flooding from all sources and the development will not increase the impermeability of the site.
201. The Environment Agency raised no concerns in relation to surface water and flooding nor any impacts on risk to groundwater. They confirmed that they will control any activity that may pose a significant risk to the environment through the site's permit and suggested that should planning permission be granted an Informative stating the following: *"Area used for storage, sorting and processing of waste with significant polluting risks must be carried out under cover and should not drain to the surface water system Any surface water drainage system as built, must not pose the risk of mobilising any contamination."*
202. The Lead Local Flood Authority (LLFA) was not consulted on this application. Their comments from the original submission ([21/03074/HCS](#)) stated that as the site was a commercial development with less than 1000m<sup>2</sup> of floor space or < 1 hectare in size there is no need for them to comment. With this application being exactly the same in size and scale, they were not consulted.
203. There were some responses received which raised concerns about the developments potential impact on controlled waters, particularly in relation to the adjacent ponds that are situated close to the site's eastern/south-eastern boundaries. No concerns have been raised on this matter by consultees.

204. In the event that planning permission were to be granted, a condition would be included to ensure the development takes place in accordance with the Drainage Scheme.
205. On the basis of the scale of the development and the proposed condition, the proposal is considered to be in accordance with Policies 10 (Protection of public health, safety and amenity) and Policy 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) in relation to surface water or groundwater and flooding.

#### Links to Environmental Permitting

206. 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](#)).
207. Planning and permitting decisions are separate but closely linked. The Environment Agency (EA) has a role to play in both.
208. 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.
209. 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 EA 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.
210. The scope of an Environmental Permit is defined by the activities set out in the Environmental Permitting Regulations (England and Wales) 2016 (EPR). The aim of the EPR regime is to protect the environment from potential impacts associated with certain liable facilities or installations. The permitted activities may form a part of, but not all, of the development needing planning permission. In these cases, the planning application will need to address environmental considerations from those parts of the development that are not covered by the permit.
211. As already noted, the site already benefits from an Environmental Permit (EPR/WE1474AB), issued in 2021, which covers a Household Commercial Waste Transfer Station. As part of this permit, a Dust and Emission Management Plan, Odour Management Plan and an Environmental Risk Assessment were approved by the EA.

212. Schedule 1 of the permit dictates what activities can be undertaken on site and is set out in Figure 2. In addition, Schedule 2 of the Permit sets out the types of waste which can be accepted at the site, as set out in an extract from it in Figure 3.

Figure 2: Schedule 1 of the Permit

## Schedule 1 – Operations

Table S1.1 activities	
Description of activities for waste operations	Limits of activities
R3: Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)	<p>Treatment consisting only of manual sorting/ separation and baling/compaction of non-hazardous waste for disposal (no more than 50 tonnes per day) or recovery.</p> <p>Only wastes specified in table S2.2 shall be shredded at the site in a building.</p> <p>No more than 50 tonnes of intact and shredded waste vehicle tyres (waste code 16 01 03 and 19 12 04) shall be stored at the site.</p> <p>Subject to any other requirements of this permit wastes shall be stored for no longer than 1 year prior to disposal or 3 years prior to recovery.</p> <p>Waste types as specified in Table S2.1</p>
R4: Recycling/reclamation of metals and metal compounds	
R5: Recycling/reclamation of other inorganic materials	
R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where the waste is produced)	
D9: Physico-chemical treatment not specified elsewhere which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12	
D14: Repackaging prior to submission to any of the operations numbered D1 to 13	
D15: Storage pending any of the operations numbered D1 to D14 (excluding temporary storage, pending collection, on the site where the waste is produced)	

Table S1.2 Operating techniques		
Description	Parts	Date Received
Additional information received	Approved Fire Prevention Plan; Revision 1.0	07/06/21
Additional information received	Approved Dust and Emission Management Plan; Revision 1.0	09/07/21
Response to Schedule 5 Notice dated 21/06/21	Approved Odour Management Plan; Revision 1.0	16/07/21

Figure 3: Schedule 2 of the Permit - waste types (1<sup>st</sup> page only)

## Schedule 2 – Waste types

Table S2.1 Permitted waste types and quantities	
Maximum quantity	The total quantity of waste accepted at the site for the above activity shall be less than 75,000 tonnes a year.
Waste code	Description
<b>01</b>	<b>Wastes resulting from exploration, mining, quarrying, and physical and chemical treatment of minerals</b>
<b>01 01</b>	<b>wastes from mineral excavation</b>
01 01 01	wastes from mineral metalliferous excavation
01 01 02	wastes from mineral non-metalliferous excavation
<b>01 03</b>	<b>wastes from physical and chemical processing of metalliferous minerals</b>
01 03 06	tailings other than those mentioned in 01 03 04 and 01 03 05
01 03 09	red mud from alumina production other than the wastes mentioned in 01 03 10
<b>01 04</b>	<b>wastes from physical and chemical processing of non-metalliferous minerals</b>
01 04 08	waste gravel and crushed rocks other than those mentioned in 01 04 07
01 04 09	waste sand and clays
01 04 11	wastes from potash and rock salt processing other than those mentioned in 01 04 07
01 04 12	tailings and other wastes from washing and cleaning of minerals other than those mentioned in 01 04 07 and 01 04 11
01 04 13	wastes from stone cutting and sawing other than those mentioned in 01 04 07
<b>02</b>	<b>Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing</b>
<b>02 01</b>	<b>wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing</b>
02 01 03	plant-tissue waste
02 01 04	waste plastics (except packaging)
02 01 07	wastes from forestry
02 01 10	waste metal
<b>02 02</b>	<b>wastes from the preparation and processing of meat, fish and other foods of animal origin</b>
02 02 03	materials unsuitable for consumption or processing
<b>02 03</b>	<b>wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production, molasses preparation and fermentation</b>
02 03 04	materials unsuitable for consumption or processing
<b>02 04</b>	<b>wastes from sugar processing</b>
02 04 01	soil from cleaning and washing beet
02 04 02	off-specification calcium carbonate
<b>02 05</b>	<b>wastes from the dairy products industry</b>
02 05 01	materials unsuitable for consumption or processing

213. Concerns were raised about the issuing of the Environmental Permit, by the Environment Agency (EA), without the benefit of planning permission. The EA in some instances can grant Permits without planning permission being secured. This is a matter entirely for the EA to consider and address and is not relevant to the planning decision.
214. The Mineral and Waste Planning Authority would notify the EA once a decision has been made on this planning application, and it would up to the EA to decide if this materially affected the extant permit.
215. Furthermore, the Environment Agency carry out unannounced inspection visits to ensure sites are operating in accordance with permit conditions and scrutinise data associated with the development. The Environment

Agency has the powers to suspend any permits it considers are not being fully complied with and are creating an unacceptable risk. 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.

### Highways impact

216. Paragraph 110 of the [NPPF \(2021\)](#) advises that when assessing specific applications for development, it should be ensured that:
- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
  - b) *safe and suitable access to the site can be achieved for all users;*
  - c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
  - d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
217. In addition, paragraph 111 of the [NPPF \(2021\)](#) states that ‘*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*’ Within this context, applications for development should, paragraph 112: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
218. 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.

219. Policy DM18 – Access and Parking of the [WCLP Pt 2 \(2017\)](#) is also of relevance in particular relation to safe access, making provision for access to the site in accordance with any highway requirements on the grounds of safety, of the surrounding area.
220. Concerns have been raised about the highway impact, impact on local roads and highway safety matters as part of the consultation and these are acknowledged.
221. The site is to be served by an existing access onto the A334. If permitted, the proposals would continue to generate around 60 traffic movements, comprising 40 van / cage van / skip truck (7.5t) movements, and 20 refuse vehicle movements. The A334 Botley Road has a posted speed limit of 40mph.
222. The site has an existing access from the A334 Botley Road to the adjacent Equestrian Centre with direct access to the waste transfer site via a tarmacked road. The current access is associated with the permitted use for the site and has not been demonstrated to be suitable for the proposed retrospective use.
223. A **Transport Statement** was submitted with the application. This concluded that the proposed waste transfer station is considered to be acceptable from a highway point of view.
224. Initially, the Highway Authority requested additional information in relation to speed and volumetric data for the A334 in the vicinity of the site, visibility, Personal Injury Accident data, clarification on throughput and the tracking for the largest vehicles accessing the site. The Highway Authority noted in its response that the site is currently only operating at a quarter of the throughput limit of 75,000t a year imposed by the Environment Agency.
225. The applicant updated the information previously provided. It was noted by the Highway Authority that throughput has not been clarified and that tracking information has also not been submitted. The survey submitted information showed that 85th percentile traffic speeds northbound were 45.5mph and south-bound traffic was 44.7mph. However, the volumetric data provided has not been broken down by vehicle type so the Highway Authority was unable to comment on the impact the additional HGVs will have on the current HGV flows on the A334. It was also noted that Visibility Splays Drawing NJC-001 do not appear to include the trees or telegraph poles that are present on both sides of the access and may obstruct sight lines.
226. Personal Injury Accident (PIA) Data submitted showed that there were 26 collisions – 5 of which were classified as ‘severe’ and 21 classified as ‘slight’. One accident occurred at the site entrance where a car travelling northwest along the A334 collided with the rear of a car slowing to turn left into the equestrian centre. Twenty-five of the accidents involved cars and

one involved a cycle, none involved HGVs. The accident involving the cyclist was classified as 'severe' but did not involve any other vehicles. In addition, in terms of vehicle tracking, further diagrams need to be provided to show tracking for two HGVs at the site access 3 simultaneously. It was noted that on-site observations demonstrate over-running of the verge which appears to support the need for widening of the existing junction.

227. It is clear that from the response from the Highway Authority that at this time, not enough information has been submitted to allow the Planning Authority to suitably assess this application in relation to compliance with planning policies. The Waste Planning Authority does not consider a condition on throughout is reasonable at this time as it interrelates to a number of areas which are still outstanding.
228. On the basis of the information before the Waste Planning Authority at this time, the proposal is not considered to be in accordance with Policy 12 (Managing traffic) of the [HMWP \(2013\)](#) and Policy DM18 – Access and Parking of the [WCLP Pt 2 \(2017\)](#) and the [NPPF \(2021\)](#). This is on the basis that the proposed access is inadequate to accommodate the development safely and this would result in an unacceptable impact on the safety of users of the development and adjoining highway.
229. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is not considered to meet the provisions of emerging Policy 12 (Managing traffic).

#### Socio-economic impacts

230. Paragraph 7 of the [NPPF \(2021\)](#) states that achieving sustainable development is the primary objective of the planning system, with paragraph 8 confirming the importance that the economic role of development has in delivering sustainable development. Further to this, the [NPPF \(2021\)](#) incorporates planning policy in relation to the socio economic effects of development. Specifically, paragraph 81 of the [NPPF \(2021\)](#) states that: *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'*.
231. For waste sites, this is built on by paragraph 4.38 of the [HMWP \(2013\)](#) which acknowledges that appropriately managed *'waste development (are) important to support employment and provision of services in rural areas (including more sustainable energy supplies)'*.
232. The application does not provide much detail on the potential socio-economic impacts of the proposal other than to say that the *'WTS forms an important part of the approach to dealing with waste and the Waste*

*Hierarchy* and that the site *'serves as important local facility which also supports the local economy and provides local employment'*. The Mineral and Waste Planning cannot dispute this assertion although employment at the site would only be for 4 people according to the applicant.

#### Monitoring and enforcement

233. If permission were granted, the Site would be inspected by officers in the Minerals and Waste Planning Authority's Monitoring and Enforcement team to ensure compliance with any permission granted.
234. Many responses received related to other complaints about operations at the site and the wider Equestrian Centre site. This included comments made by Shedfield Parish Council. These are noted.
235. As previously stated, before this unauthorised waste management use commenced here, Winchester City Council were, in the main, the relevant Local Planning Authority responsible for regulating the wider Equestrian Centre site. The Waste Planning Authority's Enforcement officers work closely with those at Winchester City Council and are copied in on a lot of complaints (along with WCC and the EA) about the wider Equestrian Centre rather than the unauthorised Avery B site specifically, which is the subject of this planning application.
236. As part of the operations on the application site they are part of any cumulative impact/s being complained about and/or investigated. On an individual basis the application site is located away from any residents and are believed to be unlikely to be the main source of any noise, dust or highway impact. As the application site has an Environmental Permit (to operate) any such complaints would go directly to the EA, to investigate and ensure compliance with conditional requirements and to prevent activities and emissions causing harm to the environment and/or human health.
237. With the exception of being notified of the unauthorised waste management facility and its operations that this planning application seeks to address, any specific complaints received about this site are largely still received via Winchester City Council and are difficult to discern (if it is noise-related for example) from the wider Equestrian Centre, and its multitude of approved and unauthorised uses and operations. There have been no substantiated complaints about noise operations associated with this development to date.
238. The Environment Agency would also inspect the Site as part of monitoring the Environmental Permit. The Environment Agency has the powers to suspend any permits it considers are not being fully complied with and are creating an unacceptable risk.

239. Whilst Waste Planning Authorities work closely with the Environment Agency on regulating waste management facilities, through the Planning and Permitting regimes, only the Environmental Agency can enforce conditions that are not being complied with or where a complaint has been made and has been substantiated, on a site's permit.

#### Non-material matters and other matters

240. Concerns have been raised about the possibility of toxic or flammable materials in the area. All waste handled by the site would be regulated by the site's Environmental Permit and monitored by the Environment Agency for compliance.
241. Concerns were also raised about a criminal offence having taken place. Any allegations made concerning crime and criminal activity should be made to the appropriate enforcing body, whether that is to Hampshire Constabulary or to the Environment Agency's Crime Team.
242. Case law has established that fear of crime can be a material consideration, and this has been broadened to include public concern. Therefore, genuine but unsubstantiated fears may be material considerations but they are likely to be given little weight if there is no objective supporting evidence.
243. Concerns were also raised about the poor enforcement history of the site. These are acknowledged. As already noted, there is an enforcement history on the site through Winchester City Council, who have been the relevant and lead Local Planning Authority for the wider Shedfield Equestrian Centre.
244. Responses, including comments made by Shedfield Parish Council, raised concerns that the applicant's Permit's site plan does not match the planning application's site plan (red line plan). Permitting boundaries do not have to match planning ones (although they often do). This is a matter for the Environment Agency and the applicant to resolve.

#### **Conclusions**

245. The balance of the potential impacts and proposed mitigation has been set out in the commentary section of this report.
246. The County Council in its role as Minerals and Waste Planning Authority is required to determine applications in accordance with the Development Plan unless material considerations dictate otherwise.
247. The planning balance in this case is a matter of weighing the potential impacts of the proposal set against the need for waste capacity.

248. Taking all matters into consideration, based on the information before the Waste Planning Authority, and on balance, a clear and demonstrated 'site-specific' and 'special' need for the new, unauthorised development proposed within this planning application has not been made (Policies 5 and 29), and the landscape (Policies 5, 10 and 13) and traffic (Policy 12) impacts of the proposal are considered to be unacceptable and do not outweigh the need for waste management capacity (Policy 27). The proposal is therefore considered to be contrary Policy 1 (Sustainable minerals and waste development) of the HMWP (2013) and paragraph 11 of the [NPPF \(2021\)](#) as the proposal does not constitute a sustainable minerals and waste development. Therefore, it is therefore recommended that permission is **REFUSED**.

### **Recommendation**

249. That planning permission be REFUSED for the reasons set out below and as outlined in **Appendix A**:
- a) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in landscape impact contrary to the requirements of Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013), Policy CP13 (High Quality Design) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM23 (Rural Character) of the Winchester City Council Local Plan Part 2 (2017);
  - b) The location of the proposal has not been adequately justified in terms of its need for being located in the countryside, contrary to the requirements of Policies 5 (Protection of the countryside) and 29 (Location of waste management development) of the Hampshire Minerals & Waste Plan (2013), Policy MTRA4 (Development in the Countryside) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM10 (Essential Facilities and Services in the Countryside) of Winchester City Council Local Plan Part 2 (2017); and
  - c) On the basis of the information submitted, the development is contrary to the requirements of Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013) and Policy DM18 (Access and Parking) of the Winchester City Council Local Plan Part 2 (2017) as it does not have a safe and suitable access to the highway network and does not include suitable mitigation measures to mitigate any significant adverse effects on highway safety.
250. On the basis of the above reasons, the proposal is considered to be contrary Policy 1 (Sustainable minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) as the proposal does not constitute a sustainable minerals and waste management development.

Appendices:

Appendix A – Reasons for Refusal

Appendix B – Committee Plan

Appendix C – Site Location Plan

Appendix D – Site Layout Plan

Appendix E – WCC Aerial Photograph (2013)

Appendix F – WCC Aerial Photograph (Latest version)

Appendix G – WCC TPO area of Upper Dagwells Copse

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2022/0384>

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy and independent lives:</b>	No
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	No

**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

22/01797/HCS  
WR228

Hampshire County Council

Retrospective planning application for a Waste Transfer Station (Sui Generis) at Avery B, Shedfield Equestrian Centre, Botley Road SO32 2HN

## EQUALITIES IMPACT ASSESSMENTS:

### 1. Equality Duty

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

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

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

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

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

### 2. Equalities Impact Assessment:

See guidance at <https://hants.sharepoint.com/sites/ID/SitePages/Equality-Impact-Assessments.aspx?web=1>

*Inset in full your **Equality Statement** which will either state*

- why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or*
- will give details of the identified impacts and potential mitigating actions*

## Appendix A

### Reasons for Refusal

Taking all matters into consideration, based on the information before the Waste Planning Authority, and on balance, a clear and demonstrated 'site-specific' and 'special' need for the new, unauthorised development proposed within this planning application has not been made (Policies 5 and 29), and the landscape (Policies 5, 10 and 13) and traffic (Policy 12) impacts of the proposal are considered to be unacceptable and do not outweigh the need for waste management capacity (Policy 27). The proposal is therefore considered to be contrary Policy 1 (Sustainable minerals and waste development) of the Hampshire Minerals and Waste Plan (2013) and paragraph 11 of the National Planning Policy Framework (2021) as the proposal does not constitute a sustainable minerals and waste development.

That planning permission be REFUSED for the reasons set out below and as outlined in **Appendix A**:

- a) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in landscape impact contrary to the requirements of Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013), Policy CP13 (High Quality Design) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM23 (Rural Character) of the Winchester City Council Local Plan Part 2 (2017);
- b) The location of the proposal has not been adequately justified in terms of its need for being located in the countryside, contrary to the requirements of Policies 5 (Protection of the countryside) and 29 (Location of waste management development) of the Hampshire Minerals & Waste Plan (2013), Policy MTRA4 (Development in the Countryside) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM10 (Essential Facilities and Services in the Countryside) of Winchester City Council Local Plan Part 2 (2017); and
- c) On the basis of the information submitted, the development is contrary to the requirements of Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013) and Policy DM18 (Access and Parking) of the Winchester City Council Local Plan Part 2 (2017) as it does not have a safe and suitable access to the highway network and does not include suitable mitigation measures to mitigate any significant adverse effects on highway safety.

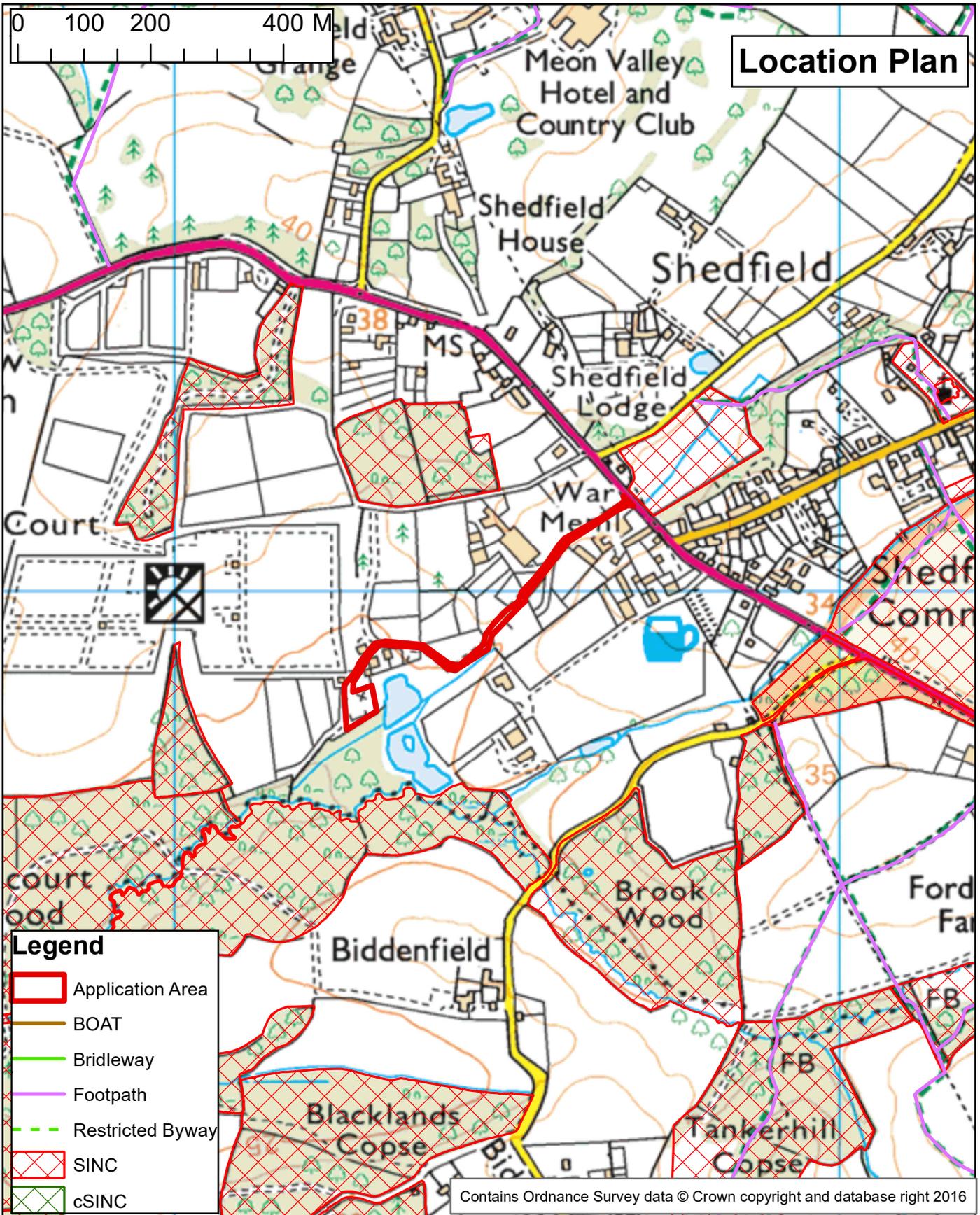
On the basis of the above reasons, the proposal is considered to be contrary Policy 1 (Sustainable minerals and waste development) of the Hampshire

Minerals & Waste Plan (2013) as the proposal does not constitute a sustainable minerals and waste management development.

**Note to Applicant**

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 Act 1990.
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.

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**Retrospective planning application for a Waste Transfer Station (Sui Generis) at Avery B, Shedfield Equestrian Centre, Botley Road SO32 2HN**

**Regulatory Committee Site Visit**

**Date: 30 January 2023**

**1:8,000**



**Application No: 22/01797/HCS**

**Site Ref: WR228**

**Page 153**



**Hampshire  
County Council**

**Economy, Transport and Environment**

**Drawn by: Development Management**

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- 1. Gate
- 2. 2 no. portakabins (ground - fuel store & storage / 1st floor - site office)
- 3. Quarantine skip
- 4. Empty skip storage
- 5. Aggregates bay
- 6. Soil bay
- 7. Waste materials
- 8. Sorting area
- 9. Baler
- 10. Cage for gas bottle storage



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REV:	DATE:	AMENDMENTS:	DRAWN:	CHECKED:
#	02/08/22	First Issue	RO	CF
A	03/08/22	Red line added	RO	CF

CLIENT:  
**Hampshire Waste Disposal**

DRAWING:  
**Site Location Plan**

PROJECT:  
**Avery B  
 Shedfield Equestrian Centre**

DATE:  
**August 2022**

SCALE: **1/500**  
 SIZE: **A3**  
 JOB NO: **51255**  
 DWG NO: **P0-02**  
 REV: **A**

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## HAMPSHIRE COUNTY COUNCIL Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	19 July 2023
<b>Title:</b>	Development and reconfiguration of a Waste Transfer Station (part retrospective) at Westwood, Unit 1, Botley Road, West End Hampshire SO30 3HA (No. CS/23/94884) EA114
<b>Report From:</b>	Assistant Director of Waste & Environmental Services

**Contact name:** Mark Sennitt

**Tel:** 0370 7795509

**Email:** [Mark.Sennitt@hants.gov.uk](mailto:Mark.Sennitt@hants.gov.uk)

### Recommendation

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

### Executive Summary

2. The application seeks to regularise an existing Waste Transfer Station on-site. The site is a receptor for waste Unplasticized Polyvinyl Chloride (UVPC) window frames and non-ferrous metals for onward recycling.
3. The existing operation is unauthorised and the site has a planning consent for residential purposes. However, the existing use, as a Waste Transfer Station (WTS) has been operating on-site since 2018. The application seeks to rationalise the existing use to include setting the compound back from the highway, thereby reducing its visual impact. This will free up space within the site to allow for the more efficient manoeuvring of vehicles on-site and the provision of additional landscaping. In addition, the proposals provide for additional acoustic fencing/noise mitigation measures in recognition of the potential impact on neighbouring residential uses.
4. Retrospective works are required for the change of use of the land to provide a WTS with associated car parking, the provision of a modular building and a weighbridge. Planning consent is required for operational development to include the compound and means of enclosure. Consent has previously been granted for the formation of new access to the highway (application [F/14/74534](#)).

5. The proposed development is not an Environmental Impact Assessment (EIA) development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
6. Key issues raised are:
  - Need for the development;
  - Proximity to residential areas;
  - Visual and amenity impact of the proposal;
  - Impact on the highway; and
  - Unauthorised use and retrospective nature of the planning application.
7. The proposal has been referred to the Regulatory Committee for consideration at Member request.
8. A committee site visit by Members took place on 22<sup>nd</sup> May 2023 in advance of the proposal being considered by the Regulatory Committee.
9. On balance, it is considered that proposed development is considered acceptable. It is in compliance with relevant policy advice, comprises a sustainable form of development, represents an improvement on the existing use of the site in terms of visual impact and highway safety. Whilst it is recognised that a 'special need' for the development in this location has not been fully demonstrated, the proposal and its mitigation makes the development acceptable. The proposal also provides the opportunity to place conditions on any consent in order to mitigate impact in respect of neighbouring residential properties, the neighbouring highway network and on the character of the area.
10. It is therefore recommended that planning permission be granted subject to the conditions listed in **Appendix A**.

### **The Site**

11. The application site measures approximately 0.10 hectares (ha) and is located on the urban edge of West End at Unit 1 Westwood, Botley Road.
12. The site was formerly occupied by a bungalow and its curtilage, which has since been demolished as a consequence of fire damage. A mobile home has been provided (within blue line), whilst a second mobile home has been placed to the rear of the application site.
13. The site is located in a semi-commercial/ semi-residential area with the Ageas Bowl cricket ground and conference centre (and associated third party businesses) located to the south, a Holiday Inn hotel to the west and

residential receptors located to the north and east. The Ageas Bowl complex is accessed off Marshall Drive. There is a small parcel of woodland (Westwood Copse) immediately adjacent to the southern and western boundaries of the application site providing separation from the Boundary Lakes Golf Course and an area used for hotel car parking.

14. Access to the site is direct from Botley Road. There is a bus stop immediately adjacent to the access.
15. The existing (unauthorised) use of the site is as a Waste Transfer Station. On entering the site there is a 2m wall, to the west of the access, that comprises large concrete blocks (painted green) that forms a compound that is used for storing waste UVPC products.
16. At the entrance to the access there is a weighbridge. In the west corner of the site are located a temporary, office, building, and a large single-storey building.
17. The site comprises an irregular shaped parcel of land that formed part of the residential dwelling Westwood (now demolished) on the B3035 (Botley Road). The site links to Junction 7 of the M27 via Tollbar Way (B3342) and the A334 (Charles Watts Way) to the east and south and links to the A27 (Swaythling Road) to the west.
18. The application site is bound to the north by the B3035 with a new housing development accessed off Shaw Road on the northern side of Botley Road. Immediately to the east is the remainder of the Westwood landholding (in the control of the applicant) with the residential property Brookfield and two further properties on the southern side of Botley Road beyond (one of which, Grey Lady, is a dental surgery). The nearest neighbouring dwelling, Brookfield is 25m to the east of the proposed compound.
19. There are no Public Rights of Way (PRoW) that cross or bound the application site. With the nearest public footpath (509) located approximately 175 metres (m) to the east of the site. There are pavements on the southern and northern sides of Botley Road, crossing the site entrance, which provide a pedestrian link from Hedge End to West End.
20. The application site is not located within an ecologically designated area. The closest statutory ecological designation is Moorgreen Meadows Site of Special Scientific Interest (SSSI) which is approximately 350m to the north east at its closest point. There are no other statutory ecological designations within a 2km search radius from the application site. There are locally

designated Sites of Importance for Nature Conservation (SINC) in proximity to the application site. These include Telegraph Woods SINC at 500m to the south and Moorgreen Woodlands at 750m to the north-east.

## Planning History

21. There have been two previous applications, both considered by Eastleigh Borough Council, as follows:

Application No	Proposal	Decision	Date Issued
<a href="#">F/14/74534</a>	Formation of a dropped kerb to create a new vehicular access	Approved	27/06/2014
<a href="#">F/19/85582</a>	Retention of UPVC window recycling facility	Refused	26/06/2019

22. Planning application [F/19/85582](#) was refused by the Borough Council for the following principle issues:
- 1) insufficient information had been submitted to demonstrate that the development would not impact upon the amenities of neighbouring properties through noise disturbance; and
  - 2) that the proposed use and associated storage would result in an unacceptable visual impact, detrimental to the street scene.
23. Planning application [F/19/85582](#) was retrospective and the activity was therefore being carried out on-site at the time of the application. The planning application was dated 26<sup>th</sup> April 2019 and the application is supported by numerous photographs, dated 1<sup>st</sup> May 2019, showing activity on-site to include the open storage of UVPC materials.
24. The relevant local plan at the time considering the application proposals was the adopted [Eastleigh Borough Local Plan Review \(2001-2011\)](#) - which has now been superseded by the [Eastleigh Borough Local Plan \(2016-2036\)](#) (EBLP (2022)). The relevance of the previous local plan is that at the time of consideration of the 2019 application, the application site was located within the countryside and therefore subject to restrictive policies in respect of proposed uses. However, the recently adopted local plan has designated the site as within the settlement boundary (though not allocated for any specific use, such as for residential purposes).
25. During the processing of planning application [F/19/85582](#), the planning officer's report noted that no objections were raised by County Highways. The report also acknowledged that the application sought the retention of the 'UVPC window recycling activity' and references activity carried on at that time consistent with such a use.

26. The County Council, as Waste Planning Authority, was made aware of this site in September 2021 when Eastleigh Borough Council's Enforcement Officer asked us to investigate an unauthorised change of use. They stated that they had refused planning permission in November 2019, but when they had sought to serve an Enforcement Notice they had been advised by their Legal Team that this was a County Matter and that Hampshire County Council should deal with it as the Waste Planning Authority.
27. Clarification was sought, by the Waste Planning Authority, as to why the Borough Council initially dealt with the planning application if it now felt it was a waste matter. Legal advice was sought as to whether the County could take enforcement action on the basis of a planning refusal issued by a District Council. Unfortunately, the Borough Council's Planning Officer who dealt with the original application has subsequently left the authority so there was no clarification as to Borough Council's consideration of the issue. However, Legal advice did confirm that this was a waste issue and should have been considered by the County Council.
28. There is then a question as to the validity of the original planning application and Eastleigh Borough Council's refusal, as the Town & Country Planning Act does prohibit a District acting as the Local Planning Authority for matters that are designated as County matters. However, the fact that the Borough Council's has considered and refused the earlier planning permission does not legally preclude the County Council from issuing a notice for breach of planning control or compel the Borough Council's to take the enforcement action.
29. The County Council therefore began its own investigation into the use of the site. A meeting was held in November 2021 and the applicant explained their understanding of the reasons for the refusal by the Borough Council and the changes that they wanted to propose to overcome those reasons. Other improvements were also suggested and they were advised to submit a planning application to the County Council as Waste Planning Authority if they wanted to continue.
30. There was then a delay as negotiations commenced for the purchase of the site by a number of housing developers, including Eastleigh Borough Council's Property Services. Nothing came of this, and the current application was subsequently submitted with the discussed changes included to address the noise and visual impact concerns and make improvements to highway access.

## The Proposal

31. All documents associated with the planning application can be found on the planning application [webpage](#).
32. The application proposal seeks approval for the development and reconfiguration of a Waste Transfer Station (part retrospective). The application, in effect, seeks approval for two elements, as follows:
  - Retrospective consent for the use of the site as a Waste Transfer Station;
  - Reconfiguration of the site layout to optimise its use.
33. The proposed development principally comprises the creation of Waste Transfer Station. The site has been operating as a WTS since 2018 and this application would regularise that use as well as reconfigure the operational layout of the site. The primary purpose of the WTS is for the reception of UVPV frames which is then collected, on demand, on a weekly basis for ongoing recycling. The proposal seeks consent for the reconfiguration of an existing WTS. In addition, new boundary fencing and landscape planting would visually contain the operation and improve the street scene.  
**Appendix C - Proposed Layout Plan** provides more information on the proposed layout alongside **Appendix D - Planting Proposals (LS2302-LP1RevA)**. **Appendix E** also provides some images of the changes to the site proposed by way of this planning application.
34. The site comprises:
  - a car parking area (for staff and customers), a weighbridge and parking area, a compound for storing UVPC, offices and storage areas; and
  - Machinery on-site comprises a JCB (JS160 Wheeled 360 Excavator - fitted with grab) and electric forklift. The JCB is used for the purpose of packing down the UVPC materials on demand and for loading of lorries collecting the materials.
35. The facility is open 8.00am to 6.00pm Monday to Friday and 8.00am to 12.00midday on Saturday. The applicant has indicated that machinery will not be used before 8.30am and after 5.00pm.
36. The operation at the WTS is undertaken subject to the requirements of an existing Waste Exemption (ref. [WEX283136](#)) as regulated by the Environment Agency. The Waste Exemption allows for the storing of waste in a secure place (S2), the undertaking of preparatory treatments (i.e. sorting) (T4) and recovering scrap metal (T9).

37. The application is supported by a **landscaping scheme** that sets out planting details, particularly to the highway frontage.

*Highways:*

38. The applicant has two vehicles that visit relevant sites to collect waste UVPC on a daily basis. They return site to unload waste UVPC - typically up to three or four times a day. Unloading is undertaken by hand and placed in the compound area. In addition, customers may deliver waste UVPC direct to site – typically three or four times a day.
39. There is an approximate weekly collection of bulked UPVC window frames. These are collected by an HGV which is loaded using the JCB. An HGV visits the site, on demand, to collect waste UVPC – typically once a week. The loading process takes approximately 1 to 1.5 hours. The application site is also a receptor for non-ferrous metals such as aluminium frames. These are also unloaded by hand and placed in the compound.
40. There is a car park to the front of the site that accommodates 9 staff parking spaces.
41. The application provides the opportunity to reconfigure the internal site layout so as to allow greater flexibility for larger vehicles, in particular to turn on-site and enter and leave the site in a forward gear thereby minimising disruption to the local road network. This is set out in the **Transport Technical Note (21 June 2023)**.

### **Environmental Impact Assessment**

42. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) and is not an EIA development.

### **Development Plan and Guidance**

43. Section 38(6) of the [Planning and Compulsory Purchase Act 2004](#) requires that applications are determined in accordance with the statutory '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.
44. The key policies in the development plan which are material to the determination of the application, are summarised below. In addition,

reference is made to relevant national planning policy and other policies that guide the decision-making process and which are material to the determination of the application.

45. Section 171B of [Town and Country Planning Act 1990](#) sets the time limits for enforcement action as four years for building, engineering, mining and other operations. It is ten years for a change of use. In this instance there is the change of use of the site combined with operational development (to include, for example, the construction of the compound). However, where the operational development is an integral part of the change of use, as in this instance, then the four-year rule is not relevant in respect of the operational development – the ten year rule is appropriate.
46. Works that appear to have been undertaken within the last ten years include the change of use of the land, car parking area and garage building to that of a WTS, the provision of a storage compound (to be relocated as part of the application, a weighbridge and the provision of a modular building.
47. The formation of a new vehicular access onto Botley Road has been approved by the Borough Council (application [F/14/74534](#)).
48. For the purposes of this application, the statutory development plan comprises the following.

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

49. The following policies are relevant to the proposal:
  - Policy 1 (Sustainable minerals and waste development);
  - Policy 2 (Climate change – mitigation and adaptation);
  - Policy 3 (Protection of habitats and species);
  - Policy 12 (Managing traffic);
  - Policy 13 (High-quality design of minerals and waste development);
  - Policy 25 (Sustainable waste management);
  - Policy 27 (Capacity for waste management development);
  - Policy 29 (Location and sites for water management).

#### **[Update to the Hampshire Minerals and Waste Plan \(emerging\)](#)**

50. Hampshire County Council and its partner Authorities (Southampton City Council, Portsmouth City Council, New Forest National Park Authority and South Downs National Park Authority) are working to produce a partial update to the Hampshire Minerals and Waste Plan (2013) which will guide minerals and waste decision making in the Plan Area up until 2040. The

partial update to the Plan will build upon the adopted Hampshire Minerals and Waste Plan (2013), eventually providing new and updated policies based on up-to-date evidence of the current levels of provision for minerals and waste facilities in the Plan Area. Plan making is currently at the [Regulation 18 draft plan consultation stage](#). The update to the Plan and its associated policies are only emerging policy. This means that the policies can only be given limited weight at this stage.

51. The following emerging policies are of the relevance to the proposal
- Policy 1: Sustainable minerals and waste development;
  - Policy 2: Climate change - mitigation and adaptation;
  - Policy 3: Protection of habitats and species;
  - Policy 13: Managing traffic; and
  - Policy 14: High-quality design of minerals and waste development.

#### [Eastleigh Borough Local Plan \(2016-2036\) \(EBLP \(2022\)\)](#)

52. The following policies are relevant to the proposal:

- Strategic Policy S1, Delivering sustainable development;
- Strategic Policy S2, Approach to new development;
- Strategic Policy S4, Employment provision;
- Policy DM1, General criteria for new development;
- Policy DM3, Adaptation to climate change;
- Policy DM4, Zero or low carbon energy;
- Policy DM6, Sustainable surface water management and watercourse management;
- Policy DM8, Pollution;
- Policy DM11, Nature conservation;
- Policy DM12, Heritage Assets;
- Policy DM13, General development criteria – transport; and
- Policy DM14, Parking.

53. Other policy and guidance relevant to the proposal includes the following:

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

54. The following paragraphs are relevant to this proposal:

- Paragraphs 7-12: Presumption in favour of sustainable development;
- Paragraphs 38, 47: Decision making;

- Paragraphs 55 – 56: Planning conditions;
- Paragraphs 57: Planning obligations;
- Paragraph 92: Healthy, inclusive and safe places;
- Paragraphs 104, 110-113: Sustainable transport;
- Paragraph 120: Types of land;
- Paragraphs 126-136: Design;
- Paragraphs 153-158; Planning and climate change; and
- Paragraphs 180-181: Biodiversity and planning.

### **National Planning Policy for Waste (2014) (NPPW)**

55. The following paragraphs are relevant to the proposal:

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

### **National Planning Practice Guidance (NPPG)**

56. The following paragraphs are relevant to the proposal:

- Paragraphs 005, 006 and 008: Air quality (November 2019);
- Paragraphs 001- 006 Habitat Regulations Assessments (July 2019)
- Paragraphs 001, 002, 004, 009: Climate change (March 2019);
- Paragraphs 001, 009, 012, 016: Design (October 2019);
- Paragraphs 001-024: Determining a planning application (June 2021);
- Paragraphs 001-007: Effective use of land (July 2019);
- Paragraph 001: Hazardous substances (November 2019);
- Paragraphs 001-012: Healthy and safe communities (August 2022);
- Paragraph 009 Land affected by contamination (July 2019)
- Paragraph 003 Lawful Development Certificates (March 2014)
- Paragraphs 001-007: Light pollution (November 2019);
- Paragraphs 001-043: Natural environment (July 2019);
- Paragraphs 001-017: Noise (July 2019); and
- Paragraph 001-015: Travel plans, transport assessments and statements (March 2014).

### **Planning Practice Guidance for Waste (15 October 2015) (Live) (PPGW)**

57. The following are paragraphs relevant to the proposal:

- Paragraph 001 - Who is the planning authority for waste development?
- Paragraph 002 - What matters come within the scope of 'waste development'?

- Paragraphs 008 and 009 - Who contributes to moving waste up the Waste Hierarchy;
- Paragraph 045 - How are counties and districts expected to work together in respect of waste development planning applications;
- Paragraph 046 - When can unallocated sites be used?
- Paragraph 047 - Should existing waste facilities be expanded/extended?; and
- Paragraph 050 - What is the relationship between planning and other regulatory regimes.

### **Waste Management Plan for England (2021) (WMPE)**

58. The following sections are relevant to the proposal:

- The Waste Management Plan and the objectives of the Waste (England and Wales) Regulations 2011;
- Waste management in England;
- Waste Hierarchy; and
- Waste Arisings.

### **Waste (England and Wales) Regulations (2011)**

59. The following is of relevance to the proposal:

- Part 1 General;
- Part 2 Waste prevention programmes;
- Part 3 Waste management plans;
- Part 4 Waste prevention programmes and waste management plans: general provision;
- Part 5 Duties in relation to waste management and improved use of waste as a resource;
- Part 6 Duties of planning authorities;
- Part 9 Transfer of waste;
- Part 10 Enforcement;
- Schedule 1- Waste prevention programmes and waste management plans;
- Schedule 2 - Amendments to the Hazardous Waste (England and Wales) Regulations 2005; and
- Schedule 3 - Amendments to the Environmental Permitting (England and Wales) Regulations 2010.

## Consultations

60. The following responses have been received from consultees. A summary is provided below. A full record of all consultation responses is available to view on the planning application webpages under 'consultee responses' <https://planning.hants.gov.uk/Planning/Display/HCC/2023/0106>
61. **County Councillor Craig:** Was notified.
62. **Eastleigh Borough Council:** Objection raised making the following points:
- **Authorised use** - there is no approved use for commercial purposes on-site and the authorised use is for residential purposes. There has been a history of a variety of unauthorised uses on site going back to 1993, none of which have ever been granted planning permission. The current unauthorised use for uPVC window frame recycling dates to 2018, again for which no planning consent was sought or granted. A retrospective application was submitted in 2019 ([F/19/85582](#)) but refused in November of that year on the grounds of unacceptable impact upon the amenity of neighbouring properties and the visual amenity of the locality.
  - **Residential amenity** - despite the assurances with regards to limiting times here activities such as loading, unloading and shredding of materials would take place, at no point during the history of the current activities on site have these times been complied with. Indeed, given the time it can take to load or unload a van or lorry, it would be impossible and impractical to operate the business at the current scale and still adhere to the time limits suggested. The nature of the activities and disturbance caused are considered to be entirely unacceptable for what is a predominantly residential area.
  - **Highway safety** – concerns are raised over the ability of HGV vehicles to enter and leave the site without compromising pedestrian safety and traffic flow along Botley Road.
  - **Visual amenity and character of the area** – the nature of the use, even with the proposed amendments are not appropriate in what is a residential area and a gateway to a nationally recognised sporting and entertainment venue.
63. **Eastleigh Borough Council - Environmental Health Officer (EHO):** The noise impact assessment does not refer to EBC's noise limits which means the assessment is not accurate. EBC's noise limit is Rating Level ten decibels below the Background Sound Level, whereas the noise impact assessment predicts an exceedance of this by seven decibels if all plant and machinery operate all the time over say a one-hour period. If activity is restricted to ten minutes in every hour, there would be compliance with EBC's noise limit. Paragraphs 3.0.22 to 3.0.26 of the NIA explains that the activities on site for one day and a week. Therefore, it seems to us from reading the planning statement and noise impact assessment in parallel that

restricting activity to ten minutes in every hour is not practicable for the applicant. The EHO therefore asked the applicant to fully explore means of controlling noise in the pathway between the noise making activity and the sensitive receivers (dwellings, the closest of which adjoins the application site boundary).

Further discussions took place with the EHO. It was clarified that the EHO considered the noise impact assessment showing a low impact and in respect of the NPPF concluded therefore this could be suitable use of land.

The site history of the same use also lends to this view. However, the EHO disagreed with agent on the point that conditions are not needed because we subsequently must seek to prevent amenity and harm impacts. It was noted that they are actionable of course under difference legislation to planning law. It was noted that there was an offer to install a noise barrier, and this is a 'Best Practicable Means' with a noise management plan and would like to see what the effect of these measures are and whether the height of noise barrier is optimal.

The applicant has agreed to provide a 2.5m acoustic fence on the site's eastern boundary so as to help mitigate impact on neighbouring residential amenities to include the neighbour Brookwood. It is clear that the increase in the height of the acoustic fence from 2m to 2.5m high will only have marginal benefits to local residential amenities. The EHO therefore requested information on the benefits of increasing this fence above 2.5m in height.

64. **West End Parish Council:** Was notified.
65. **Natural England:** Was notified.
66. **Environment Agency:** No objection.
67. **Local Highway Authority:** Further information has been requested from the applicant in order to demonstrate that the proposed development will not harm highway safety. In particular the following information has been requested:
  - Technical drawings showing the junction radii and visibility splays of the
  - existing access and details regarding the impact the adjacent bus stop may have on the access.
  - Swept path analysis for HGVs entering, turning and leaving the site.
  - A review of Personal Injury Collision Data for the last 5 years from Hampshire Constabulary.

A technical note has been provided to include Personal Injury Collision

data and swept path diagrams showing the HGVs turning in the area of the site currently used for visitor parking. However, further clarification is still required in respect of the following:

- Confirmation of actual speeds that use Botley Road so as to inform required sight lines, to include reference to include signage on the highway and the potential impact of the adjacent bus stop;
- Junction radii for the existing access to confirm that the existing dropped kerb is suitable for HGV traffic;
- Clarification of HGV movements to and from the site.

At the time of writing this report a revised response is awaited from the Highway Authority. Officers have discussed this with the Highway Authority and discussed the position and applied the conditions in advance of this being received. This will be reported to committee once received.

68. **Lead Local Flood Authority (LLFA):** Initially requested further information on the following matters:

- An assessment of the existing surface water drainage provisions for the site.
- Infiltration testing and winter groundwater monitoring results are required for the soakaway design.
- A drainage layout and hydraulic calculations showing no flooding for the 1 in 2 and 1 in 30 year storm events plus a climate change allowance.
- Calculations for the 1 in 100 year storm event plus a climate change allowance should also be provided, with flooded extents and flood exceedance routes shown on the layout.
- Water quality information should be provided in accordance with the simple index approach.
- Maintenance information for the proposed new drainage system should be provided.

On receipt of this information, the LLFA considered that the information provided is sufficient and as such had no objection to the application.

69. **Landscape Planning and Heritage (Landscape) (Hampshire County Council):** Initially requested further information on the landscaping proposals.

Following the submission of further information, it was indicated that the proposal to screen the site and place the recycled material at the rear of the site should improve the visual quality of the street scene. The landscape

proposals are suitable in outline, but they lack detail and requested additional information in relation to information on hard surfacing to be excavated, (the hedgerow in front of the new hedge is located in an area that is currently tarmac) depth and width of excavations to be shown on the plan. Information about topsoil, depth and quality, Tree pit sizes and backfill, fixing of trees. In other words a landscape specification of all the works including a five year maintenance which includes replacements on an annual basis if the plants die.

The requested information was provided comprising a landscape plan that shows the provision of four trees and additional planting within the front of the site in the vicinity of the car parking area. On receipt of the landscape plan and maintenance regime the Landscape Architect has confirmed that the landscaping scheme is now acceptable.

70. **Landscape Planning and Heritage (Archaeology) (Hampshire County Council):** No objection. Noted that the site has a number of existing impacts related to its current and previous uses, which has likely compromised the sites archaeological potential. Furthermore, the proposals, do not appear to involve significant new groundworks.
71. **County Ecologist (Hampshire County Council):** Made comments. The application is not supported by any ecological information. The aerial imagery shows that existing site is hard standing with some buildings and the buildings appear to be retained by the proposals. Given the existing urban nature of the site and surrounding land including Ageas Bowl and the M27, I would not consider the development to impact on ecology and would raise no concerns. To enhance the biodiversity of the site, I would advise that the applicant considers the installation of a bat and bird box onto a mature tree/building with nearby scrub/overgrown vegetation, facing south or south-west such that they do not face prevailing wind or direct sunlight for too long and should avoid artificial illumination. Achieving a net gain in biodiversity is consistent with the NPPF and the NERC Act 2006.

## **Representations**

72. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications. In complying with the requirements of the SCI, Hampshire County Council:
- Published a notice of the application in the Public Notice Online, Hampshire Chronicle Lite and Southern Daily Echo;

- 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 50 metres of the boundary of the site.
73. Changes have been made to the way the County Council consults on planning applications since adoption of the SCI. Previously, planning application were only publicised in the Hampshire Independent. The above changes will be reflected in a forthcoming update to the Hampshire [Statement of Community Involvement \(2017\)](#).
74. All additional information received on the planning application, during its processing have been subject to further consultation with the relevant consultees in accordance with the SCI.
75. As of 8<sup>th</sup> July 2023, a total of 1 representation to the proposal has been received from the Moorgreen Park Residents Association, comprising an objection to the proposal. The areas of concern raised in the objections related to the following areas:
- The site was previously a residential property, which was demolished and then masked by crude plastic barriers;
  - Processing of scrap metals then took place – at no time was a planning application submitted in respect of this use;
  - Despite assurances from the applicant to EBC no applications have been submitted on-site;
  - The activities on-site are wholly inappropriate in what is a substantial residential area and in close proximity to both a pavement and bus stop;
  - Periodically a 40-ton articulated vehicle will attend the site and block the busy Botley Road; and
  - The site is an eyesore – on special event days at the Ageas Bowl there is considerable pedestrian traffic goes past the application site.
76. The above issues will be addressed within the commentary section.

#### **Habitats Regulation Assessment:**

77. In accordance with [Conservation of Species and Habitats Regulations 2017](#) (the Habitats Regulations), Hampshire County Council (as a 'competent authority') must undertake a formal assessment of the implications of any new projects we may be granting planning permission for e.g. proposals that may be capable of affecting the qualifying interest features of the following European designated sites:

- Special Protection Areas [SPAs];
  - Special Areas of Conservation [SACs]; and
  - RAMSARs.
78. 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.
79. The HRA screening hereby carried out by the Minerals and Waste Planning Authority considers the proposed development to have no likely significant effect on the identified European designated sites due to:
- It is not located at a distance to be considered to have proximity to directly impact on the European designated sites;
  - The site is not considered to have any functional impact pathways connecting the proposed works with any European designated sites; and
  - The proposal does not have any significant increase on any adverse impacts the wider site may have.

### **Climate Change**

80. 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.
81. The proposal is a retrospective application. This means that the carbon impacts of the development, by way of highway movements, are already essentially established. The level of highways movements is low, meaning that it is not considered that it would have a significant impact. The proposal did not include any specific details on climate change mitigation and adaptation due to the open storage focus of activities.
82. The proposed development has been subject to consideration of Policy 2 (Climate change – mitigation and adoption) of the [HMWP \(2013\)](#) and Paragraph 152-158 of the [NPPF \(2021\)](#)). On the basis of the scale of the

development, the proposal is considered to have a negligible impact on climate change.

## **Commentary**

83. The commentary section provides more information on the key planning issues in relation to the proposal. These are as follows:

### Principle of the development

84. The site is identified in the [EBLP \(2022\)](#) as being located within the settlement boundary. The current local plan has only been recently adopted (April 2022) and the previous planning application ([F/19/85582](#)) was subject to consideration against the policies of the previous local plan, in which the site was designated as subject to countryside policy, by Eastleigh Borough Council. Thus, the principle of development in respect of the 2019 application was not established.
85. However, under the recently adopted [EBLP \(2022\)](#), the site is now located in the settlement boundary. This means that the principle of development on-site is acceptable and that there is a presumption in favour of sustainable development. As such proposal should be approved on-site unless the benefits of the proposed development are outweighed by the harm.
86. The authorised use of the site is for residential purposes. A bungalow was previously located on site but has been demolished, as a result of fire damage. It appears that the site has been in the ownership of the applicant for a number of years.
87. It has been stated by the applicant that the garage on site was previously used by the applicants for storage and repairs of their own vehicles. There has been no suggestion that this use was for commercial purposes and is therefore regarded as an incidental use to the primary use as a dwellinghouse – and consistent with the authorised use of the whole of the application site for residential purposes.
88. It is clear that, from reference to images from Google Streetview, planning application [F/19/85582](#) and more recent representations from EBC that there have been other, unauthorised commercial activities on-site to include that of car sales.
89. However, the current use as a Waste Transfer Station has been on site since 2018/2019 – as evidenced by the planning application [F/19/85582](#) and

representations from EBC which confirm that the operation was on site in 2018. Photographic evidence that accompanied planning application [F/19/85582](#) clearly shows such activities on-site.

90. Policy S2, Approach to new development of the EBLP (2022) confirms that there is a presumption in favour of development subject to other Local Plan policies. This means that the principle of development on site is acceptable. Policy S1, Delivering sustainable development, sets out a presumption in favour of sustainable development, As such, a judgement is required to be made as to whether the harm created by the development outweighs the benefits. These matters are considered in detail in the other relevant sections of the commentary.
91. Whether the proposal is considered to be in accordance with paragraph 11 of the [NPPF \(2021\)](#), Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#) and Policy S1, Delivering sustainable development of the [EBLP \(2022\)](#) will be considered in the remaining sections of this commentary section.

#### Demonstration of need and capacity for waste management

92. The WTS would operate as a small-scale bespoke facility for the collection and bulk transfer for onward recycling of UPVC window frames and non-ferrous metals, such as aluminium window frames.
93. When the metal bin is full on site, this is transported by HGV to European Metal Recycling (EMR) in Southampton for onward recycling.
94. The applicant has indicated that this is a unique facility in the local area and assists in the County meeting its ambition of zero waste to landfill.
95. Paragraph 7 and Appendix B of the [NPPW \(2014\)](#) is also of relevance to the proposal. Paragraph 7 states that when determining waste planning applications, waste planning authorities should *'only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need'*. In this instance, the Waste Planning Authority is not aware of any other sites in the local area which provides this type of facility.
96. As already noted, the site would operate in accordance with an existing Waste Exemption and would operate with an annual throughput of approximately 1,000 tonnes of UPVC window frames and 75 tonnes of non-ferrous metal. There would be a maximum volume of ~20 tonnes of UPVC

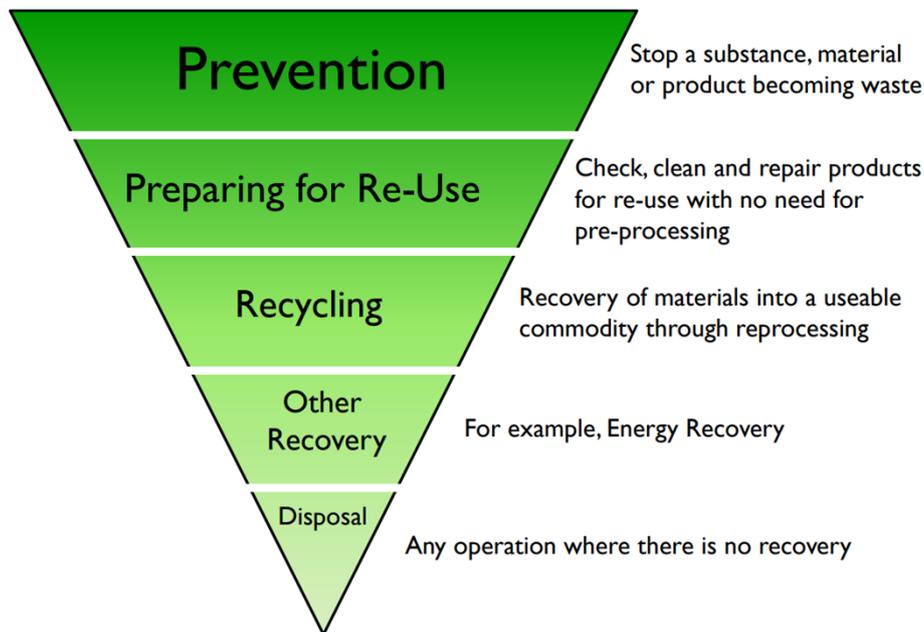
on site at any one time and a maximum volume of ~1.5 tonnes of non-ferrous metal on site at any one time.

97. On the basis of the capacity provided, the proposal is supported by Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development) of the [HMWP \(2013\)](#) as the development would support recycling, which is higher up on the waste hierarchy than other types of waste management.
98. Whilst the emerging update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development).

#### Application of the waste hierarchy

99. Article 4 of the [Waste Framework Directive](#) sets out the appropriate means of waste management. Driving waste up the waste hierarchy is an integral part of the [Waste Management Plan for England \(2021\)](#) as well as national planning policy for waste. The 'waste hierarchy' gives order and priority to waste management options, from prevention through to disposal (e.g. landfill). When waste is created, it gives priority to preparing it for re-use, followed by recycling, recovery, and lastly disposal (e.g. landfill). The waste hierarchy is a material consideration when making a decision on a planning application. The requirement to apply the waste hierarchy is set out in the Waste (England and Wales) Regulations 2011 and the amendments laid out in [The Waste \(England and Wales\) \(Amendment\) Regulations 2012](#).
100. To achieve compliance with the waste hierarchy, waste management policy has incentivised the prevention and re-use of waste as far as practical and driven a major increase in recycling and composting. The waste hierarchy is shown in Figure 1.

*Figure 1: The Waste Hierarchy*



101. Paragraph 016 of the [NPPG \(Waste\)](#) is clear that everyone involved in waste management is expected to use all reasonable methods to apply the waste hierarchy, except where, for specific waste streams, departing from the hierarchy is justified in life cycle on the overall effects of generations and the management of waste to assist and ensure that waste should be recycled and is not sent to landfill. This legal obligation on waste producers and transferors provides over-arching controls within the waste industry and assists in ensuring that waste that should be recycled is not sent to a recovery facility or landfill for treatment or final disposal. It also seeks to ensure that planning decisions are made in the context of the waste hierarchy.
102. The principles of the waste hierarchy are translated into Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#). The site would provide waste transfer capacity in the ‘recycling’ stage of the hierarchy which is higher up on the waste hierarchy than other types of waste management so is therefore considered to be in accordance with Policy 25.
103. Policy 27 (Capacity for waste management development) of the [HMWP \(2013\)](#) sets out the objectives for waste management capacity within the plan period. ‘In order to reach the objectives of the Plan and to deal with arisings by 2030 of 2.62mtpa of non-hazardous waste, 2.49mtpa of inert waste and 0.16mtpa of hazardous waste. It sets out minimum amounts of additional waste infrastructure capacity which are estimated to be required, which in the case of non-hazardous recovery capacity is of 0.39mtpa. The Policy sets out criteria for where support will be given if they maintain and provide additional capacity for non-hazardous recycling and recovery including new sites to provide additional capacity. Like with Policy 25, the proposal is supported by Policy 27 (Capacity for waste management

development) of the HMWP as the development would contribute to facilities required to support recycling, which is higher up on the waste hierarchy.

104. With regards to this site, the proposal would need to meet the provisions of Policy 29 - Locations and sites for waste management) of the [HMWP \(2013\)](#) to be considered to be acceptable under Policy 27. Whether the proposal meets the requirements of Policy 27 will be considered alongside Policy 29 below.
105. Whilst the emerging update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development).

#### Site location

106. The [NPPW \(2014\)](#) seeks to protect the local environment and amenity by aiming to prevent waste facilities being placed in inappropriate locations. However, it also acknowledges that proposals for waste management facilities can be controversial, acknowledging that they may not reflect the vision and aspirations of local communities and can lead to justifiable frustrations.
107. Paragraph 7 of the NPPW states that it is not necessary for a for a proposed waste management facility to demonstrate a quantitative or market need if it is consistent with an up-to-date Local Plan – in the case of the proposed development, it is considered that this evidence would be required.
108. Appendix B of the [NPPW \(2014\)](#) sets out locational criteria for the location of waste sites. Many of the criteria such as protection of water quality and resources and flood risk management, landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, amenity matters (air emissions, dust, odours, noise, light and vibration) and potential land use conflict are largely covered by other parts of this commentary.
109. Policy 29 (Locations and sites for waste management) of the [HMWP \(2013\)](#) provides a framework to guide development of waste management facilities to suitable locations within the Hampshire. Paragraph 6.196 of the

supporting text sets out that the Plan expects market led delivery and therefore it does not identify and allocate any individual sites for waste development.

110. The location of the site, within the defined urban edge meets the criteria of Part 1 of Policy 29 (namely the site is located within the urban area of South Hampshire. However, Part 2 of the Policy 29 also requires that such sites are located within suitable sites (i.e. within a suitable industrial estate, on a site consented for general industrial/storage purposes, on previously developed land (pdl) or redundant agricultural or forestry buildings or within a sewage treatment works). Given that the authorised use of the site for residential uses, it is clear that the site fails to meet the majority of these criteria. It is therefore necessary to consider whether the site can be considered to fall within the definition of previously development land. Reference in this regard is drawn to the definition of pdl as set out in Annex 2 of the [NPPF](#) (2021), which specifically excludes '*land in built-up areas such as residential gardens*'. On this basis the proposals do not met Parts 1 and 2 of Policy 29.
111. It is therefore necessary for the applicant to demonstrate that the proposed development is in accordance with Part 3 of Policy 29. Part 3 has two requirements that must both be met. It states that '*development in other locations will be supported where it is demonstrated that;*
- a) '*the site has good transport connections to sources of and/or markets for the type of waste being managed; and*
  - b) '*a special need for that location and the suitability of the site can be justified.*'
112. Paragraph 6.199 states that '*all waste management has transport implications and transport impacts and these should be minimised by prioritising sites with good connections to the strategic road network*'. Part 3 (a) of the criteria is linked to Policy 25 (Sustainable waste development) of the HMWP (2013) which also says that waste management should be located near to the sources of waste or markets for its use. The site is located near to the sources of waste or markets for its use. The site is located on a classified road and in close proximity to the M27. The site is also located within the Strategic Road Corridor as identified on the [HMWP \(2013\)](#). The site therefore meets Part 3 (a) of Policy 29.
113. Part 3 (b) of Policy 29 has an emphasis on 'special need'. It is clear that the site is located in a suitable location in order to meet the needs of its market, namely the recycling of UVPC waste, the source of which will typically be

from local residential and commercial properties that are replacing UVPC windows. As such, it makes sense to locate the facility within the Strategic Road Corridor and within, or close proximity to the urban area so as to reduce vehicular movements. A need has been demonstrated although it cannot be determined that a 'special need' has been demonstrated for this location due to the retrospective nature of the development and in the absence of more detailed information.

114. Policy DM1 - General criteria for new development of the [EBLP \(2022\)](#) sets out criteria for all new development. Many of the criteria identified relate to other matters to the proposals acceptability, such as biodiversity (a), part ii), heritage (a, part iii), visual impact (c), arboriculture (d), landscaping (e), rights of way (f), landscape, green infrastructure and biodiversity enhancement (g), design (i). Compliance on all these matters are also addressed in the relevant section of the commentary.
115. Taking all matters into account, the proposal is considered to meet Part 3 (a) of Policy 29. Whilst a need has been demonstrated, a 'special need' for this location has not been demonstrated fully. Therefore, the proposal is not considered to fully meet Part 3 (b) and the proposal cannot be considered to be fully accordance with the provisions of Policy 29 (Locations and sites for waste management) of the [HMWP \(2013\)](#). The impact this has on the wider balance will be covered in the remaining sections of this commentary.

### Ecology

116. Paragraph 174 of the [NPPF \(2021\)](#) states that planning decisions '*should contribute to and enhance the natural environment*'. In addition, paragraph 175 of the [NPPF \(2021\)](#) states that when determining planning applications, local planning authorities should apply the a number of principles which relate to biodiversity, the loss or deterioration of irreplaceable habitats and net gain.
117. 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.

118. Policy DM1 - General criteria for new development of the [EBLP \(2022\)](#) sets out criteria for all new development which includes biodiversity. Furthermore, Policy DM11 - Nature conservation of the [EBLP \(2022\)](#) highlights a number of factors that need to be considered such as impacts on international, national and local nature conservation designations, habitats and seeking a net gain of biodiversity on all development sites.
119. The application site is not located within or adjacent to any sites with ecological designations at a national or local level. The application site comprises previously developed land that is in operational use which is considered to have low ecological value.
120. No detailed ecological information was submitted to support the application. The County Ecologist noted in their response that 'aerial imagery shows that existing site is hard standing with some buildings and the buildings appear to be retained by the proposal'. Given the existing urban nature of the site and surrounding land including Ageas Bowl and the M27, it was considered that the development to impact on ecology and raised no concerns.
121. It was noted that to enhance the biodiversity of the site, that the applicant considers the installation of a bat and bird box onto a mature tree/building with nearby scrub/overgrown vegetation, facing south or south-west such that they do not face prevailing wind or direct sunlight for too long and should avoid artificial illumination. A condition is included in **Appendix A** to this effect.
122. Achieving a net gain in biodiversity is consistent with the [NPPF \(2021\)](#) and the [Natural Environment and Rural Communities Act](#) (2006). No other specific BNG requirements were requested by consultees and given the retrospective nature of this development, the scale of the development and the fact BNG is not currently mandatory, this is considered to be acceptable.
123. On the basis of the proposed condition, the proposal is considered to be in accordance with Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) and Policy DM11 - Nature conservation of the [EBLP \(2022\)](#).

## Visual impact and landscape

124. Landscape and visual effects are separate, although closely related and interlinked issues. Landscape effects are caused by physical changes to the landscape, which may result in changes to the distinctive character of that landscape and how it is perceived. Linked and interrelated to the potential landscape impacts, is that of visual impact. The landscape and visual impacts of a proposal will vary on a case-by-case basis, according to the type of development, its location and its landscape setting.
125. Paragraph 130 of the [NPPF \(2021\)](#) requires that planning decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
126. Part d of Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) states that waste development '*should not have an unacceptable visual impact*'. Policy 13 (High quality design of minerals and waste developments) is also of relevance to this proposal.
127. Policy DM1 - General criteria for new development of the [EBLP \(2022\)](#) sets out criteria for all new development. Part a of the policy states that '*all new development should not have an unacceptable impact on, and where possible should enhance residential amenities of both new and existing residents; the character and appearance of urban areas and the countryside*'. Part c of the policy states that '*development should take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible with adjoining uses and be well integrated with these in terms of mass, scale. Part e also includes a requirement for landscaping schemes*'.
128. The previous planning refusal ([F/19/85582](#)) included a reason that the proposed use and associated storage would result in an unacceptable visual impact, detrimental to the street scene.
129. The existing use is relatively open and has a frontage to Botley Road. The compound comprises a 2m high structure comprising large concrete blocks – which are painted green and offer a stark image of the site when viewed from Botley Road.

130. The proposals seek to relocate the compound to the rear of the site – the same concrete blocks are to be used and the compound will therefore be 2m high. However, in addition a 2.5m high acoustic fence is proposed on the eastern site boundary.
131. The current visual impact of the existing use, particularly the compound, which is immediately adjacent to the highway, is poor. To relocate the compound to the rear, provide the additional landscaping and provide doors to the site entrance that can be closed outside operating hours will improve the impact on the character of the area.
132. It has been noted that the storage of UVPC waste products, on occasion is prominent above the height of the compound. There is therefore the opportunity to place a condition on the consent that controls storage heights and therefore mitigate impact on the wider area. This is included in **Appendix A**.
133. The application is supported by a **Landscape Planting Plan** which details a new mixed species native hedgerow and the planting of 4 no. specimen trees. The new planting would be undertaken along the site frontage with Botley Road and in front of the new close board fencing. A visual has also been submitted that shows the proposed development once completed. Subsequent to receipt of the revised landscape scheme, the Landscape Architect raises no objections to the application.
134. The provision of a 2.5m high acoustic fence is considered to be acceptable in a visual context. The Waste Planning Authority has concerns that anything higher than this height would have a visual impact.
135. The application proposals are considered to meet the requirements of Policy DM1 - General criteria for new development of the [EBLP \(2022\)](#). Whilst it is acknowledged that the site is located on the edge of a residential area and in a visually prominent location, on Botley Road, it is considered that the proposals do not harm local residential amenities nor the character of the area. The site is located within the urban edge and thus the principle of development for employment uses is consistent with Policy S2 which states that the principle of development for such uses is acceptable subject to other policies in the local plan.

136. In accordance with Policy DM1 the proposals make efficient use of land and comprises a sustainable form of development.
137. On the basis of the proposed mitigation and conditions, the proposal is considered to meet Part d of Policy 10 (Protecting public health, safety and amenity) and Policy 13 (High quality design of minerals and waste developments) of the [HMWP \(2013\)](#). On balance, the mitigation proposed at the site area also considered to meet the requirements of Policy DM1 - General criteria for new development of the [EBLP \(2022\)](#).

#### Design and sustainability

138. The [Planning Act 2008](#) places great importance on good design and sustainability. Paragraph 126 of the [NPPF \(2021\)](#) confirms that good design is a key aspect of sustainable development and helps create better places in which to live and work to make development acceptable to communities. Paragraph 130 of the [NPPF \(2021\)](#) requires that planning decisions ensure that developments 'will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting'. Paragraph 134 of the [NPPF \(2021\)](#) also advises that permission should be refused for development that is not well designed.
139. Policy 10 (Protecting public health, safety and amenity) protects residents from significant adverse visual impact. 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.
140. Paragraph 5.45 of the [HMWP \(2013\)](#) states that in order to demonstrate that the key design and operation principles are met, all minerals and waste developments should include consideration of factors such as:
- be appropriate in scale and character in relation to its location, the surrounding area and any stated objectives for the future of the area. This should include any planned new development or regeneration;
  - provide adequate space to facilitate storage, re-use, recycling... as appropriate for waste developments;
  - seek to minimise the disposal of waste and maximise recovery and recycling of waste where appropriate as well as reducing the need for transport;

- seek to ensure a good standard of amenity and proposals should consider potential impacts on the local community; and
  - avoid and minimise the risk of flooding as far as possible if the development is located in areas of flood risk, through an appropriate location, layout and design.
141. Policies DM1, General criteria for new development and DM2, Environmentally sustainable development of the [EBLP \(2022\)](#) are of relevance to the proposal. In particular, Policy DM1 seeks to ensure that new development takes full and proper account of the site context to include its character and appearance so as to ensure compatibility in terms of mass scale and materials.
142. As a retrospective development, much of the design of the proposal is set out. There is some reconfiguration of the existing site as noted. Key design aspects are set out in the **Proposal** section of this report.
143. The only fixed lighting proposed would be low-level lighting affixed to the workshop / office facility for the health and safety of staff opening or closing-up during the hours of darkness. It is proposed to install an aco channel along the entrance to the yard – in line with the new boundary fencing and gates to intercept any surface water run-off and direct it to a new soakaway.
144. As already noted, landscaping is proposed as part of the development.
145. On the basis of the amendments to the existing site and the planning conditions proposed, the proposal is considered to be in accordance with Policies 13 (High-quality design of minerals and waste development) and 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy DM1, General criteria for new development of the [EBLP \(2022\)](#).

#### Cultural and Archaeological Heritage

146. Paragraph 130 of the [NPPF \(2021\)](#) relates to developments which are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'. In addition, paragraph 194 of the [NPPF \(2021\)](#) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 194 states that '*any harm to or loss of the significance of a designated heritage asset (from its alteration or destruction,*

*or from development within its setting), should require clear and convincing justification'. Paragraph 195 states that 'where a proposed development will lead to substantial harm to a designated heritage asset planning permission should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm'. Paragraph 196 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.*

147. 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.
148. Policy DM1 - General criteria for new development of the [EBLP \(2022\)](#) sets out criteria for all new development including that all development shall not have an unacceptable impact on, and where possible should enhance the significance of heritage assets (iii.). In addition, Policy DM12, Heritage Assets, seeks to protect a heritage asset or its setting from inappropriate development.
149. No archaeological issues have been raised by the County Archaeologist, On this basis, the proposal is considered to be in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the [HMWP \(2013\)](#) and Policies DM1 - General criteria for new development and DM12, Heritage Assets of the [EBLP \(2022\)](#).

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

150. The potential impact of the proposal on health, safety and amenity is an important consideration. The potential effects of waste management developments can be the subject of public concern with regard to environmental and amenity nuisance.
151. Paragraph 174 of the [NPPF \(2021\)](#) states that planning decisions should '*contribute to and enhance the natural and local environment by: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as*

*air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate’.*

152. In relation to pollution control and associated health issues, Government policy concerning pollution control is most clearly set out within the [NPPF \(2021\)](#) and the [NPPW \(2014\)](#) including its supporting planning practice guidance. Paragraph 185 of the [NPPF \(2021\)](#) states that *‘planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation’.*
153. Paragraph 7 and Appendix B of the [NPPW \(2014\)](#) is also of relevance to the proposal. Paragraph 7 states that *‘when determining waste planning applications, waste planning authorities should:*
- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*
  - consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;*
  - ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;*
  - concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced’.*
154. Paragraph 005 of the [PPGW](#) states that *‘planning authorities can ensure that waste is handled in a manner which protects human health and the*

*environment through testing the suitability of proposed sites... against the policies in paragraphs 4 to 7 and the factors in Appendix B of the [NPPW \(2014\)](#). Other ways in which they can deal with this include:*

- *putting in place suitable planning conditions, and adequate enforcement and monitoring;*
- *working closely with Environmental Health colleagues; and*
- *consultation with Public Health England and the Environment) for advice on public health matters and pollution control'.*

155. Appendix B of the NPPW (2014) sets out locational criteria for the location of waste sites. Many of the criteria such as protection of water quality and resources and flood risk management (a), landscape and visual impacts (c), nature conservation (d), conserving the historic environment (e), traffic and access (f), air emissions, including dust (g), odours (h), vermin and birds (i), noise, light and vibration (j), litter (k) and potential land use conflict (l).

156. 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. It sets out a number of criteria. Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development.

157. Policy DM8 – Pollution of the [EBLP \(2022\)](#) is also relevant as it states that development will not be permitted if it is likely to cause loss of amenity or impact on public health or other unacceptable environmental impacts through:

- a) *air pollution (including odours or particulate emissions);*
- b) *pollution of surface, underground, coastal waters or other watercourses*
- c) *noise or vibration;*
- d) *light intrusion, both generally and with respect to the South Downs National Park's status as an International Dark Night Skies reserve; or*
- e) *land contamination.*

Part 2 of the policy also states that development susceptible to particular forms of pollution will not be permitted:

- a) *where it will be adversely affected by such pollution, unless measures can be taken that adequately mitigate the polluting effects; or*
- b) *where it would inhibit existing economic or other activities giving rise to acceptable polluting effects.*

158. Planning and permitting decisions are separate but closely linked. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution. The Environment Agency was consulted on the application and raised no objection to the proposal. It is not appropriate for the planning process to condition operational issues which relate to the jurisdiction of the environmental permit. Paragraph 050 of the [NPPG](#) 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. The site already has an existing Waste Exemption (ref. [WEX283136](#)) as regulated by the Environment Agency. The Waste Exemption allows for the storing of waste in a secure place (S2), the undertaking of preparatory treatments (i.e. sorting) (T4), and recovering scrap metal (T9).

159. 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](#)).

160. 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. The operations have an existing waste exemption at the site.

161. The Environment Agency carry out unannounced inspection visits to ensure sites are operating in accordance with permit conditions and scrutinise data associated with the development. The Environment Agency has the powers to suspend any permits it considers are not being fully complied with and are creating an unacceptable risk.

a) *Emissions to the atmosphere (air quality), dust and odour:*

162. The application site is not located within an Air Quality Management Area (AQMA) and the anticipated HGV movements (4 in and 4 out per week) would not increase the daily flow of HGV traffic on Botley Road by more than 100 annual average daily traffic (AADT). As such, and in accordance with published guidance, an air quality assessment of the impact of vehicular exhaust emissions was not required.

163. The materials handled on site, UPVC window frames and non-ferrous metals, are non-odorous and non-dust generating wastes. In addition, the site is fully tarmacked which ensures vehicles entering and exiting the site do not travel over unmade surfaces that might generate dust. The applicant has indicated that they would also employ best practice operational measures that would further minimise the risk of uncontrolled emissions or dust generation. Other mitigation measures include:

- Minimising drop heights from all plant and machinery;
- Maintaining all plant and machinery in accordance with manufacturers guidance;
- Control of material storage heights in the bulking bay; and
- Damping down of the bulking bay and yard in dry conditions.

164. No comments in respect of air quality, dust or odour issues were raised by the Environmental Health Officer. Conditions are included relating to mitigation measures noted above and are set out in **Appendix A**.

*b) Human health:*

165. Paragraph 005 of the PPGW states that *'planning authorities can ensure that waste is handled in a manner which protects human health and the environment through testing the suitability of proposed sites'*.

166. The Moorgreen Park Residents Association raised concerns that the development is inappropriate in a substantial residential area. These concerns are acknowledged. However, no concerns were raised in relation to human health by consultees.

*c) Noise and vibration:*

167. The application is supported by Noise Impact Assessment (NIA). The NIA established the baseline or background noise environment and then modelled the predicted impact of the proposed development on two potential residential receptors – Brookfield to the east and 1 Oram Way to the north. The NIA assessed the impact from the proposed facility when undertaking the noisiest activity: the use of the JCB 360 for stacking and loading UPVC window frames. The NIA concluded that *"the level of noise impact is better than 'low' as defined in BS 4142:2014+A1:2019. This is, therefore, acceptable in planning terms and there are considered to be no reasons, on noise grounds, why consent for the proposals should not be allowed."* The applicant noted that the planning refusal (ref. [F/19/85582](#)) included a reason that *"insufficient information has been submitted to demonstrate that the*

*development would not impact upon the amenities of neighbouring properties through noise disturbance.”* The provision of a full NIA, and its conclusions, fully address this previous reason for refusal.

168. The potential for noise is particularly relevant with respect to the operation of the JCB – which is on-site at all times. The JCB is used on a daily basis in respect of the following:

- Whilst UVPC waste materials are placed in the compound by hand the JCB is used to move and compact the waste materials- typically up to 30 minutes per day (in up to 3 x 10 minute periods).
- The JCB is used to transfer the waste materials to the HGV for onward recycling. This process is undertaken typically once a week and takes 60 minutes.

169. Whilst no objections have been raised in respect of noise issues by local residents, the opportunity has been undertaken to discuss the impact of the existing activities with neighbouring residents. With respect to noise the comment was made that noise created by the JCB moving and compacting waste materials could be heard – however, not every day but on occasions. The point was also made that Botley Road is a busy, noisy, road and that within that context impact is mitigated.

170. The proposals incorporate the provision of a 2.5m high acoustic fence on the sites eastern boundary that will help mitigate impact to the neighbouring property. This measure has been proposed in part following discussions between the application and the neighbour.

171. The EHO initially raised concerns about the NIA and asked the applicant to explore means of controlling noise in the pathway between the noise making activity and the sensitive receivers (dwellings, the closest of which adjoins the application site boundary). Further discussions took place with the EHO. It was clarified that the EHO considered the NIA showing a low impact and in respect of the NPPF concluded therefore this could be suitable use of land. The site history of the same use also lends to this view. However, the EHO disagreed with agent on the point that conditions are not needed because we subsequently must seek to prevent amenity and harm impacts. The offer to install a noise barrier, and this is a ‘Best Practicable Means’ with a noise management plan was noted but the EHO requested that the effect of these measures are and whether the height of noise barrier is optimal needed to be demonstrated. Whilst the request of the EHO is recognised, the NIA has clearly concluded that the impact is “better than low” at both receptors for each of the 10-minute on-time scenario for plant (which reflects the existing site operations) and the 100% on-time scenario (which would cover the

1 hour period once per week when the bulking HGV is loaded). This conclusion assumed a 2m high acoustic fence on the boundary on the site which has since been increased to 2.5m, providing further mitigation of a noise impact. The applicant has indicated that they are not prepared to provide any additional height over and above the 2.5m. The Waste Planning Authority does not consider it to be reasonable to request any further increase height when the concluded impact is already 'better than low'. Furthermore, the Waste Planning Authority also has concerns that any increase in height could have an impact on the character of the area and this therefore also needs to be considered.

172. Conditions are included on the use of reversing alarms, the height of the acoustic fence and hours of working and these are included in **Appendix A**.

*d) Lighting:*

173. There would be no fixed floodlighting of the main operational area. It is noted that fixed lighting would be limited to security / safety lighting on the site workshop and office for the benefit of staff opening or closing the site during hours of darkness. The applicant has indicated that the low level lighting would be in keeping with the site's setting on the urban fringe which has street lighting on Botley Road and floodlighting associated with commercial activities at the Ageas Bowl complex.

174. No comments / concerns regarding lighting have been made by the EHO or other consultees.

175. A condition is included restricting any further installation of lighting associated with the development. This is included in **Appendix A**.

176. Taking all matters into account, the proposal, with the mitigation and conditions proposed, is in accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and policy DM8 (Pollution) of the [EBLP \(2022\)](#)

Impact on coastal, surface or groundwaters and flooding

*a) Surface and groundwaters:*

177. Policy 10 (Protecting public health, safety and amenity) states that minerals and waste development should not cause adverse public health and safety

impacts, and unacceptable adverse amenity impacts. This includes not releasing emissions to water (above appropriate standards).

178. Policy S1, Delivering sustainable development of the [EBLP \(2022\)](#) states that in order for development to be regarded as sustainable it should avoid impacts on the Hamble and Itchen catchments and associated flora and fauna species by preserving water quality and flows from development.
179. There are no watercourses within or adjacent to the application site and any surface water that leaves the site currently drains into a storm drain on the Botley Road. As part of the yard reconfiguration, it is proposed to create a betterment by installing an aco -channel across the yard entrance to intercept any surface water run-off - this would then drain to a new soakaway.
180. Initially the LLFA requested further information on existing surface water drainage provisions, infiltration testing and winter groundwater monitoring results, drainage layout and hydraulic calculations, water quality information and maintenance information for the proposed new drainage system. On receipt of this information, the LLFA raised no objection to the proposal.
181. A condition is included on ensuring the new drainage scheme is kept free of blockages. This is included in **Appendix A**.
- b) Flooding:*
182. 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.
183. Policies DM3 (Adaptation to climate change) and DM6 (Sustainable surface water management and watercourse management) of the [EBLP \(2022\)](#) requires the provision of sustainable drainage systems so as protect the local environment.
184. The application site is located within Flood Zone 1 and so Flood Risk Sequential Test Evidence has not been prepared and is not required. In addition, as the application site measures less than 1 hectare a flood risk assessment is not required.

185. Initially the LLFA requested further information on calculations for the 1 in 100 year storm event plus a climate change allowance should also be provided, with flooded extents and flood exceedance routes shown on the layout. On receipt of this information, the LLFA considered that the information provided is sufficient and as such had no objection to the application.
186. On the basis of the scheme proposed and conditions, the proposal is considered to be in accordance with Policies 10 (Protection of public health, safety and amenity) and 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) and Policies S1, Delivering sustainable development, DM3 (Adaptation to climate change) and DM6 (Sustainable surface water management and watercourse management) of the [EBLP \(2022\)](#) in relation to surface water and flooding.

#### Highways impact

187. Paragraph 110 of the [NPPF \(2021\)](#) advises that *'when assessing planning applications opportunities should be taken to promote sustainable transport modes, ensure development sites have safe and suitable access for all users and where there are any significant impacts on the transport network in terms of capacity, congestion or highway safety these should be cost effectively mitigated to an acceptable degree'*. In addition, paragraph 111 of the [NPPF \(2021\)](#) states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'* Within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
  - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
  - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
  - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

188. 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.
189. Policies DM13, General Development Criteria – transport and DM14, Parking of the [EBLP \(2022\)](#) seeks to ensure that new development does not harm highway safety and provides adequate on-site parking.
190. The site links to Junction 7 of the M27 via Tollbar Way (B3342) and the A334 (Charles Watts Way) to the east and south and links to the A27 (Swaythling Road) to the west.
191. As noted, the planning permission [F/14/74534](#) was granted by the Borough Council for the formation of a dropped kerb to create a new vehicular access in 2014.
192. It is acknowledged that the existing use of the site does not create high levels of vehicular movements. There is also adequate car parking on-site to meet the needs of staff and visitors.
193. Initially the Highway Authority requested further information relating to technical drawings showing the junction radii and visibility splays, impacts on the bus stop, a swept path analysis and Personal Injury Collision Data.
194. A **Highway Technical Note** was submitted and confirmed that the proposed development would generate approximately 1 HGV movement per week with an additional approximate 16 movements per day (8 in and 8 out) by smaller transit van/panel van type vehicles. Additional information was also provided in respect collision data, swept path analysis of HGVs accessing the site and the confirmation of the junction radii and visibility splays.
195. The current vehicle parking area located to the front of the site is proposed to be relocated from the site frontage to an area inside the yard. This would be used for overnight parking of the three AJM vehicles (2 x Sprinter Vans and 1 x HGV) and for staff and visitor parking during operational hours. Within the context of the wider area and the close proximity of the site to the Botley Road and based on the stated vehicular movements, the vehicular traffic associated with the site is not considered to be heavy.

196. The Moorgreen Park Residents Association raised concerns that HGV movements associated with the existing layout block the main road (already a high-volume road) while backing into the site, blocking the pavement & bus stop. These concerns are acknowledged.
197. The application proposals seek to relocate the existing compound from the front to the rear of the site. This will allow greater flexibility to allow HGVs to enter and leave the site in a forward gear. The application has been supported by some tracking diagrams that show how an HGV can enter and leave the site in a forward gear. This will mean that current scenario of HGVs blocking the Botley Road should be eliminated.
198. Whilst concerns have been raised in respect of the highway implications of the proposals to include concerns over sight lines, the frequency of HGV movements and the suitability of the existing dropped kerb, the applicant was given the opportunity of providing further clarification in this respect. However, the applicant has indicated that they thought the provision of additional information was excessive due to the nature and the scale of the development. The applicant has recently confirmed that once a week an HGV will deliver to the site which has reduced concerns from the Highway Authority perspective. A revised response from the Highway Authority is awaited but following discussions, it is clear that conditions could be applied to address issues raised by the Highway Authority. Taking this into account alongside the scale of the movements proposed, is viewed that any safety concerns are not considered to be unacceptable and that the proposal does not result in any cumulative impacts which are considered to be severe. Therefore, it cannot be considered to be grounds for refusal as set out in paragraph 111 of the NPPF (2021).
199. Conditions relating to the level of highway movements and other associated highway matters and are included in **Appendix A** and have been agreed with the Highway Authority.
200. The low level nature of the highway movements associated with the development development and on the basis of the amendments to the scheme and appropriate conditions, the proposal is considered to be acceptable in accordance with Policy 12 (Managing traffic) of the [HMWP \(2013\)](#).

## Restoration

201. 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.
202. No detail is included in the application on the restoration of the site as essentially the applicant is applying for a permanent consent. A condition is included for the restoration of the site should cease to be used. This is included in **Appendix A**.
203. 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 \(2013\)](#).

#### Monitoring and enforcement

204. The history of how this site came to the attention of the Waste Planning Authority and enforcement activities is set out in the Planning History section of this report.
205. In the event that permission is granted, as an operational minerals / waste site, the site will be subject to regular monitoring by the Councils Monitoring and Enforcement team to ensure compliance with previous permissions granted.
206. One complaint has been received about the site, prior to the submission of the planning application to the Waste Planning Authority. This related to the unauthorised development and why the County Council was allowing the applicant time to submit another application when they had already submitted one to Eastleigh Borough Council.
207. As previously noted, the Environment Agency would also inspect the Site as part of monitoring the Environmental Permit. The Environment Agency has the powers to suspend any permits it considers are not being fully complied with and are creating an unacceptable risk.

#### Non-material planning issues raised in representations

208. The representation received raised concerns as part of the planning process which although acknowledged, are not material to the planning process. The previous operator performance and enforcement matters was one such issue. The Moorgreen Residents Association raised the unauthorised nature of the proposal and the lack of action previously taken by Eastleigh Borough Council to regularise the development. They note that EBC failed to take the appropriate action to end the operation. However, whilst the previous application was considered by EBC it became clear that as a waste application it is a County Matter which has precluded EBC from taking enforcement action.

### Community benefits

209. Paragraph 5.59 of the [HMWP \(2013\)](#) states that there is an expectation that all 'major' minerals and waste development will be accompanied by a site Liaison Panel. Panels should be setup between the site operator, Minerals and Waste Planning Authority, other interested parties and community representatives to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community. Whilst it is recognised that this site is a very small development compared to sites where a recommendation is put in place for the establishment of a panel, an informative is included on establishing lines of communication between the local member, Parish Council and the Residents Association in the event permission is granted. This is included in **Appendix A**.

### **Conclusions**

210. The existing use is currently unauthorised and the application seeks retrospective consent for the change of use of the land from residential land to that of a Waste Transfer Station and associated car park. In addition, the application seeks approval for new development within the site in addition to the regularisation of the unauthorised operational development.

211. The site is identified in the Local Plan as being located within the settlement boundary. There are no other site-specific policies that restrict development on site. Policy S2 accepts the principle of employment uses within the urban edge. This means that the principle of development on site to provide a Waste Transfer Station is acceptable.

212. The application has been submitted, in part, in order to rationalise the layout of the scheme in order to provide environmental improvements for the immediate area, to include the following:

- The relocation of the storage compound to the rear of the site. This compound comprises a 2m high concrete block wall and has a strong visual impact to Botley Road. The relocation to the rear of the site will improve the visual impact of the site to the street scene and the character of the area;
- The relocation of the compound to the rear of the site allows for additional manoeuvring space for vehicles so that the HGV vehicle, for example can enter and leave the site in a forward gear thereby minimising impact on other road users. – highways to confirm;
- The provision of a 2.5m high acoustic fence on the eastern boundary of the site so as to improve the residential amenities of immediate neighbours;
- The provision of a door to the site (set back behind the access) so as to provide screening to Botley Road, outside of normal working hours;
- Additional landscaping to the site frontage to include 4 trees, which will result in improvements to the character of the immediate area.

213. On balance, it is considered that proposed development is considered acceptable. The proposal provides for a Waste Transfer Station which provides a sustainable form of waste development that recycles materials in accordance with Policies 25 and 27 of the [HMWP 2013](#). It is in compliance with relevant policy advice, comprises a sustainable form of development, represents an improvement on the existing use of the site in terms of visual impact (Policy 10). The low scale nature of the site and its operation means that there are relatively low traffic movements to and from the site and thus impact on the local highway network is limited and is acceptable from a highway safety perspective (Policy 12). Whilst it is recognised that a ‘special need’ for the development in this location has not been fully demonstrated in accordance with Policy 29, the proposal and its mitigation makes the development acceptable. The proposal also provides the opportunity to place conditions on any consent in order to mitigate impact in respect of neighbouring residential properties, the neighbouring highway network and on the character of the area.

214. Taking all matters into account, including the low scale nature of the development, on balance, the proposal is therefore considered to be in accordance with paragraph 11 of the [NPPF \(2021\)](#), Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#) and Policy S1. Delivering sustainable development of [EBLP \(2022\)](#).

## **Recommendation**

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

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Proposed Layout Plan

Appendix D – Planting proposals

Appendix E – Before and after images

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2023/0106>

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy and independent lives:</b>	No
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	No

**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.

**Other Significant Links**

**Links to previous Member decisions:**

<u>Title</u>	<u>Date</u>

**Direct links to specific legislation or Government Directives**

<u>Title</u>	<u>Date</u>

**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

CS/23/94884  
EA114

Hampshire County Council

Development and reconfiguration of a  
Waste Transfer Station (part retrospective)  
at Westwood, Unit 1, Botley Road, West  
End Hampshire SO30 3HA

## EQUALITIES IMPACT ASSESSMENTS:

### 1. Equality Duty

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

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

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

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

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

### 2. Equalities Impact Assessment:

See guidance at <https://hants.sharepoint.com/sites/ID/SitePages/Equality-Impact-Assessments.aspx?web=1>

*Inset in full your **Equality Statement** which will either state*

- why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or*
- will give details of the identified impacts and potential mitigating actions*

## CONDITIONS

### Reasons for Approval

It is considered that proposed development is acceptable. The proposal provides for a sustainable form of waste development that recycles materials (Policies 25 and 27) of the [HMWP 2013](#). It comprises a sustainable form of development, represents an improvement on the existing use of the site in terms of visual impact (Policy 10) and is acceptable from a highway safety perspective (Policy 12). The low scale nature of the site and its operation means that there are relatively low traffic movements to and from the site and thus impact on the local highway network is limited. Whilst it is recognised that a 'special need' for the development in this location has not been fully demonstrated (in accordance with Policy 29), the proposal and its mitigation makes the development acceptable. The proposal also provides the opportunity to place conditions on any consent in order to mitigate impact in respect of neighbouring residential properties, the neighbouring highway network and on the character of the area. Taking all matters into account, on balance, the proposal is therefore considered to be sustainable in accordance with paragraph 11 of the [NPPF \(2021\)](#), Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#) and Policy S1, Delivering sustainable development of [EBLP \(2022\)](#).

### Conditions

#### Operations

1. No vehicles associated with the use hereby permitted shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 08.00 - 18.00 Monday to Friday and 08.00 - 12.00 Saturday. There shall be no working on Sundays or recognised Public Holidays.

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

2. The onsite machinery hereby approved shall only be used between the hours of 8.30 and 17.00 Monday to Friday and 08.30 - 12.00 Saturday. There shall be no working on Sundays or recognised Public Holidays.

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

## **Waste**

3. There should be no more than 20 tonnes of UPVC on site and a maximum volume of ~1.5 tonnes of non-ferrous metal on site at any one time.

A written record of tonnage entering/leaving the site associated with the permission hereby granted shall be kept onsite and shall be made available to the Mineral and Waste Planning Authority for inspection upon request.

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

4. There shall be no burning of waste on site.

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**

5. There shall be no more than 8 deliveries (a maximum of 4 deliveries via applicants collection vans and 4 customer deliveries only) to the site per day.

There shall be no more than 1 HGV movement per week as part of the above movements.

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

6. No vehicle shall leave the site unless it has been cleaned sufficiently to prevent debris being carried on to the public highway. In the event that debris from vehicles leaving the site are deposited on the public highway, measures shall be taken to clean the highway.

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

7. The designated turning area, as set out on Plan 196.0011/002, should be kept free of any obstacles.

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

8. All vehicles entering and exiting the site should be in a forward gear.

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

### **Screening and landscaping**

9. Within two months of the date of the planning permission hereby approved, a 2m high close boarded fence and gate shall be provided at the entrance to the site in accordance with the details set out in the 'proposed layout as at January 2023' plan (drawing no. LAY-01). This fence and gate will thereafter be retained on-site for the duration of the development.

The entrance gate will be closed outside the operating hours of the site.

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

### **Lighting**

10. No external lighting shall be erected on site.

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

### **Storage of waste**

11. There shall be no outside storage of waste outside the defined UVPC bay and the allocated metal bin as set out set out in the 'proposed layout as at January 2023' plan (drawing no. LAY-01).

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

12. No waste shall be stored on site in excess of height of the storage bay hereby approved.

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

### **Ecology**

13. Within two months of the date of this permission hereby approved, a scheme for the installation of a bat and bird box onto a mature tree/building with nearby scrub/overgrown vegetation, facing south or south-west such that they do not face prevailing wind or direct sunlight should be submitted to and approved by the Minerals and Waste Planning Authority. The positioning of the boxes should avoid artificial illumination.

The scheme shall be implemented as agreed and maintained for the duration of the development.

Reason: In the interests of nature conservation and achieving a net gain in biodiversity consistent with paragraph 174 of the National Planning Policy Framework (2021), the Natural Environment and Rural Communities Act (2006), Policy 3 (Protection of habitats and species) of the Hampshire Minerals & Waste Plan (2013) and Policy DM11 (Nature conservation) of the Eastleigh Borough Local Plan (2022).

### **Site management**

14. Within one month of the date of this permission hereby approved, a Dust Management Plan shall be submitted to and agreed in writing by the Minerals and Waste Planning Authority. This should provide information on how the damping down of the bulking bay and yard in dry conditions can be achieved.

Ongoing compliance with the approved details shall take place for the duration of the development.

Reason: To minimise amenity impacts from operations at the site and to ensure that the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

## **Noise**

15. Within one month of the date of this permission hereby approved, details shall be submitted to and agreed in writing with the Minerals and Waste Planning Authority demonstrating how drop heights from all plant and machinery can be minimised.

Ongoing compliance with the approved details shall take place for the duration of the development.

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

16. Within one month of the date of the permission hereby approved, a scheme to show the installation of a 2.5 metre high acoustic fence on the eastern boundary, adjacent to the UVPC storage area and weighbridge as identified on 'proposed layout as at January 2023' plan (drawing no. LAY-01) shall be submitted to and agreed by the Minerals and Waste Planning Authority.

The approved acoustic fence shall be erected within 2 months of the approval of the details and shall be implemented as approved.

The acoustic fence shall be maintained for the life of the development.

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

17. All vehicles, plant and machinery operated within the site (with exception of customer deliveries) shall be fitted with and use white noise type reversing alarms.

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

## **Water environment**

18. The aco (drainage) channel which will be installed as part of the development should be kept clear of any accumulated silt or detritus at all times.

Reason: To ensure the drainage of the site in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

### **Restoration**

19. In the event that the development hereby permitted ceases use, the infrastructure hereby approved shall be removed from the site and the land shall be reinstated to its original condition within 6 months of the cessation of the use.

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).

### **Restriction of permitted development rights**

20. Notwithstanding the provisions of Parts 4, 7 and 16 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order):

- i) fixed plant or machinery, buildings, structures and erections or private ways associated with the waste use shall not be erected, extended, installed or replaced at the site without the prior agreement of the Minerals and Waste Planning Authority in writing.

Reason: To protect the amenities of the area in accordance Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

### **Plans**

21. The development hereby permitted shall be carried out in accordance with the following approved plans: **(LOC-01, APP-01, LAY-01, SUR-01, LS2302-LP1 (RevA))**.

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

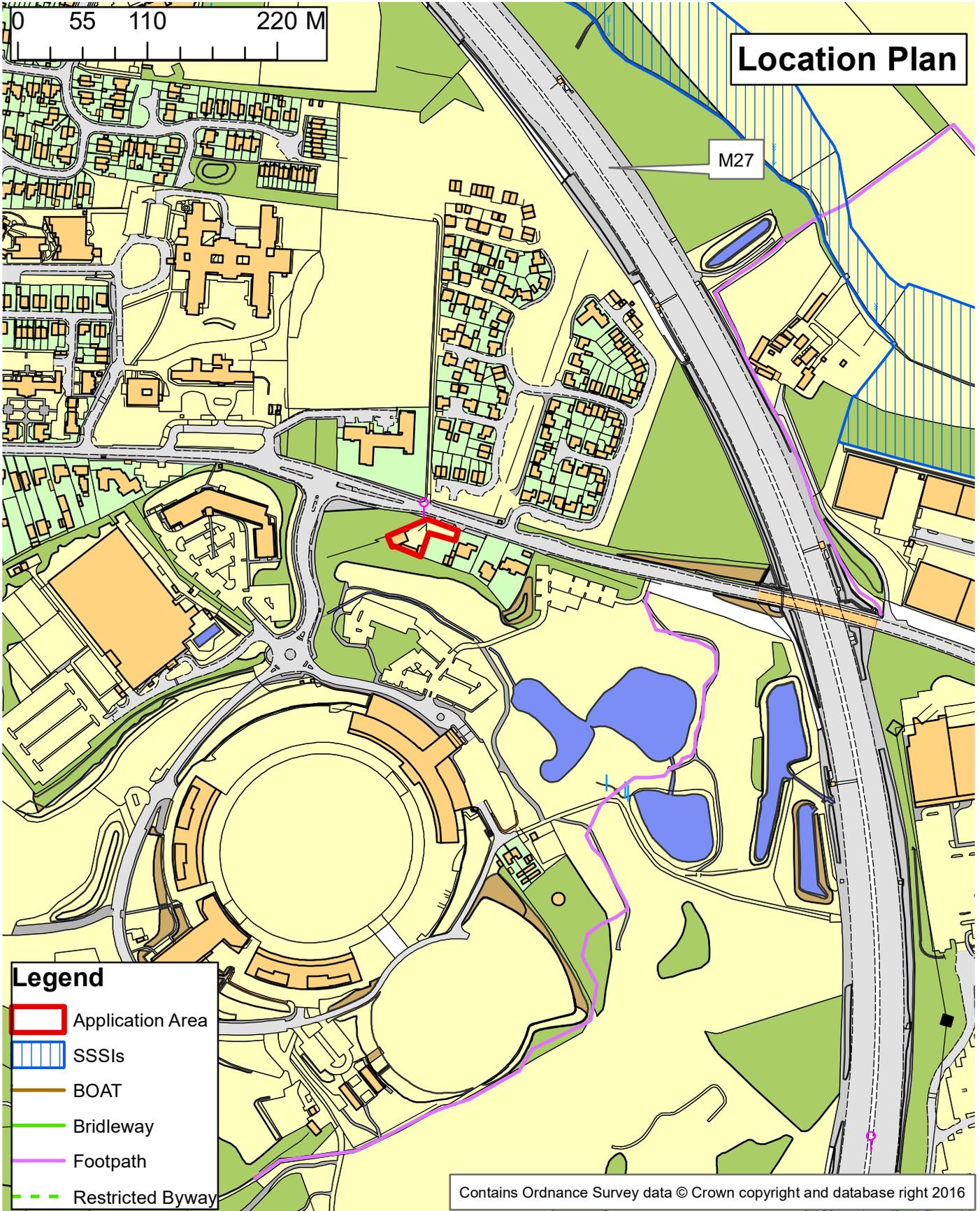
### **Note to Applicant**

1. In determining this planning application, the Minerals and 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. It is recommended that lines of communication between the local member, Parish Council and the Residents Association are established in the event permission is granted.
4. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 7.5 tonne un-laden).
5. The operation at the WTS is undertaken subject to the requirements of a Waste Exemption (ref. WEX283136) as regulated by the Environment Agency. The Waste Exemption allows for the storing of waste in a secure place (S2), the undertaking of preparatory treatments (i.e. sorting) (T4), and recovering scrap metal (T9).

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**Development and reconfiguration of a Waste Transfer Station (part retrospective) at Westwood, Unit 1, Botley Road, West End Hampshire SO30 3HA**

**Application No: CS/23/94884**

**Site Ref: EA114**

Drawn by: Development Management

**Regulatory Committee**

**Date: 19 July 2023**

1:4,500



**Hampshire County Council**

**Universal Services**

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**KEY:**

-  FENCE
-  APPLICATION BOUNDARY
-  WALL
-  SECTIONAL WALL



SCALE 1:500

**AJM MATERIAL SALVAGE**

**BOTLEY ROAD**

PROPOSED LAYOUT  
AS AT JANUARY 2023

Drawing Number LAY-01	Drawn DJE	Date JAN 23	Approved SA	Date FEB 23	Issue W3	Sheet 1 OF 1	Scale @ A4 1:500
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**INERT SURVEYING & DESIGN LIMITED**  
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**PROPOSED PLANTING SCHEDULE**

Trees				
Number	Abbreviation	Species	Specification	Density
44	ACECAM	Acer campestre	tpt	0.3Ctr Double Staggered at 0.3m offset
2	ACE ELS	Acer campestre 'Elsrijk'	Heavy Standard :Clear Stem 175-200 :2x :RB	Counted
1	BET PEN	Betula pendula	Heavy Standard :Clear Stem 175-200 :2x :RB	Counted
130	CRAMO	Crataegus monogyna	tpt	0.3Ctr Double Staggered at 0.3m offset
1	QUE ROB	Quercus robur	Heavy Standard :Clear Stem 175-200 :2x :RB	Counted

Shrubs				
Number	Abbreviation	Species	Specification	Density
12	ILEAQ	Ilex aquifolium	tpt	0.3Ctr Double Staggered at 0.3m offset
12	LIGVU	Ligustrum vulgare	tpt	0.3Ctr Double Staggered at 0.3m offset
12	ROSCA	Rosa canina	tpt	0.3Ctr Double Staggered at 0.3m offset
12	VIBOP	Viburnum opulus	tpt	0.3Ctr Double Staggered at 0.3m offset
21	VINMIGEJ	Vinca minor 'Gertrude Jekyll'		0.4Ctr

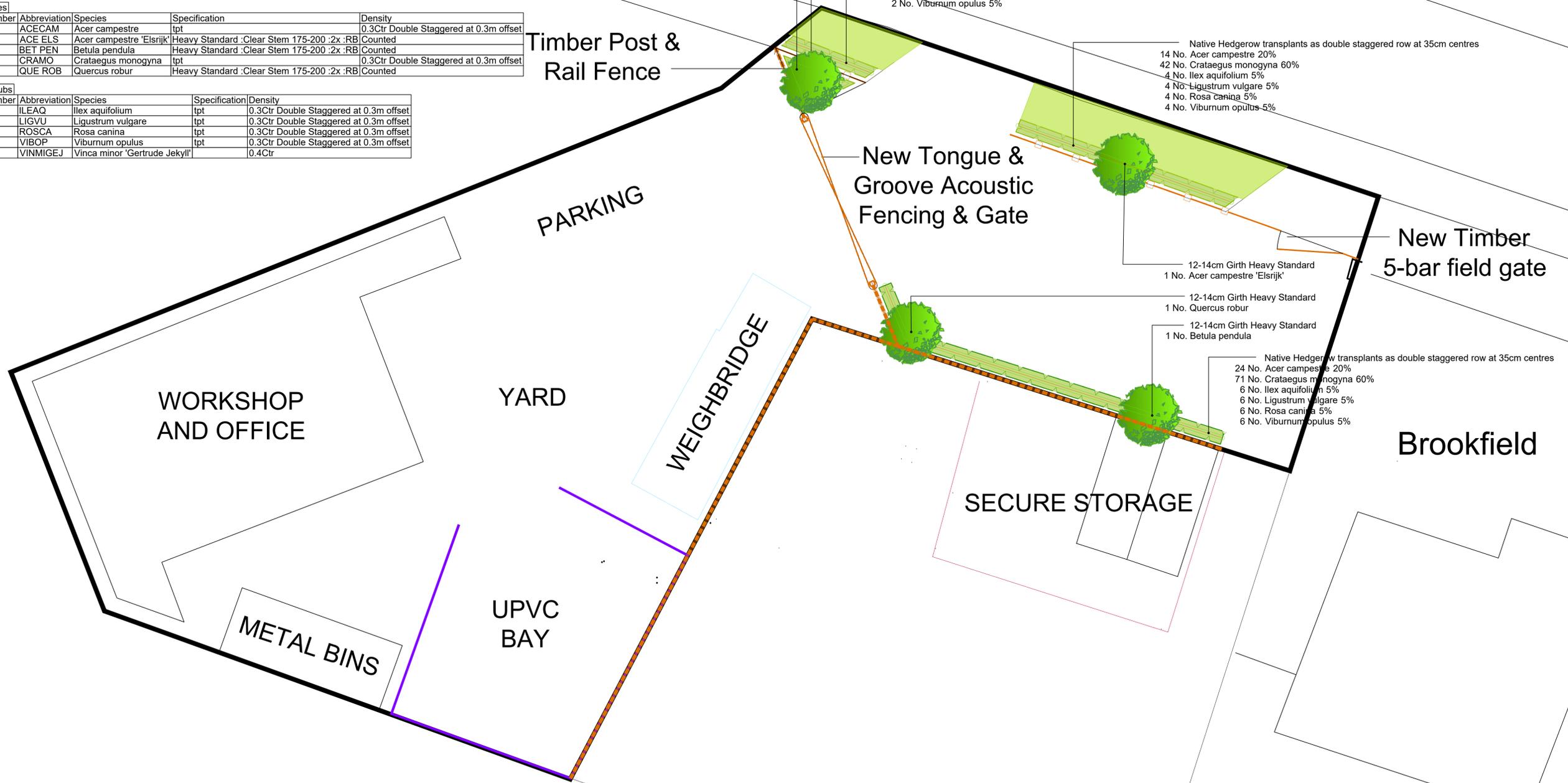
Timber Post & Rail Fence

- 21 No. Vinca minor 'Gertrude Jekyll'
- 12-14cm Girth Heavy Standard
- 1 No. Acer campestre 'Elsrijk'
- Native Hedgerow transplants as double staggered row at 35cm centres
- 6 No. Acer campestre 20%
- 17 No. Crataegus monogyna 60%
- 2 No. Ilex aquifolium 5%
- 2 No. Ligustrum vulgare 5%
- 2 No. Rosa canina 5%
- 2 No. Viburnum opulus 5%

- Native Hedgerow transplants as double staggered row at 35cm centres
- 14 No. Acer campestre 20%
- 42 No. Crataegus monogyna 60%
- 4 No. Ilex aquifolium 5%
- 4 No. Ligustrum vulgare 5%
- 4 No. Rosa canina 5%
- 4 No. Viburnum opulus 5%

- 12-14cm Girth Heavy Standard
- 1 No. Acer campestre 'Elsrijk'
- 12-14cm Girth Heavy Standard
- 1 No. Quercus robur
- 12-14cm Girth Heavy Standard
- 1 No. Betula pendula

- Native Hedgerow transplants as double staggered row at 35cm centres
- 24 No. Acer campestre 20%
- 71 No. Crataegus monogyna 60%
- 6 No. Ilex aquifolium 5%
- 6 No. Ligustrum vulgare 5%
- 6 No. Rosa canina 5%
- 6 No. Viburnum opulus 5%



**PLANTING ESTABLISHMENT SPECIFICATION NOTES:**

Check for below ground utilities before starting work. Install root barrier (e.g. Green Blue Urban ReRoot) as needed to protect utilities to comply manufacturer guidance. Note that root barrier should extend 300mm lower than the invert level of services.

For planting where there is existing hardscape, break out material, install edging where required and excavate sub-base to formation depth / volumes below:

- Trees: 2m<sup>2</sup> area, allowing 0.9m depth
- Groundcover / Hedges: allow 0.45m depth
- Grass: allow 0.2m depth

Make sure the formation of excavations are decompacted and free-draining, then backfill with imported topsoil (Multi-purpose Grade).

Plant to comply with NPS / BS 3936 British Standard BS 3936-1. Do not plant during icy or frost conditions. Make sure all field grown (bare root / rootball) stock is planted inside the planting season typically November to end of March. Any planting outside this time period requires containerised plant stock and supplementary watering for healthy establishment.

Hedgerow transplants to be trench planted at centres as scheduled. Specimen trees are to be pit planted with a double stake support and adjustable tie. Container grown groundcover plants shall be pit planted at 45cm centres. Make sure plants are set to depth so that the finished soil level matches the established root collars. Firm plants into the soil without over compacting.

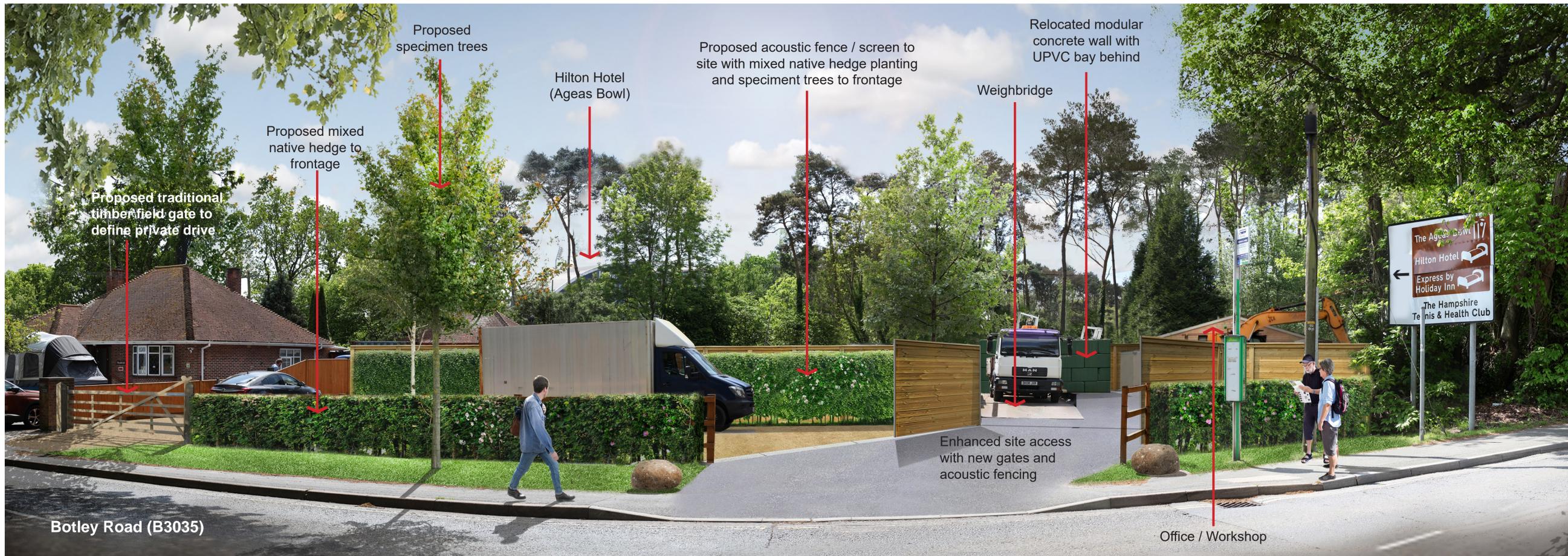
Cover surface of planting trench with composted bark mulch to 75mm even depth. This will reduce drought stress and weed competition for nutrients that may delay healthy plant establishment. Note: for groundcover planting area, do not apply bark mulch - leave plants to colonise the surface instead.

**ESTABLISHMENT MAINTENANCE** (All planting for at least 5 years post implementation)  
 Re-firm all plant stock after strong winds or frost heave.  
 Make sure plants are regularly watered during dry weather periods to ensure healthy establishment.  
 Check and adjust plant ties, supports and guards regularly to prevent any bark damage.  
 Check for damaged branches / stems, prune as appropriate for healthy establishment.  
 Keep the bark mulched base of plants free from weed / grass growth by maintenance of mulch depth and hand weeding as needed. Avoid any use of strimmers or similar to prevent bark damage on plant stock.

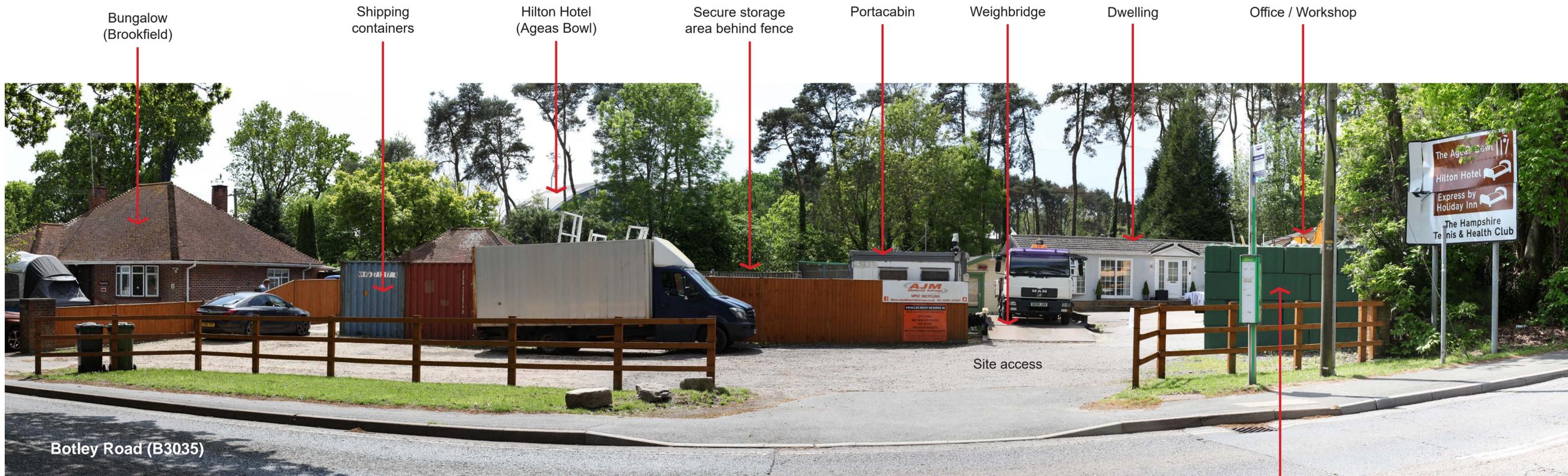
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**JOHNS**  
ASSOCIATES



AFTER: View of Site From Botley Road Following Reconfiguration of the Site and Completion of Associated Landscape Works (CGI Image by Anna Kalbasko)



BEFORE: View of Site From Botley Road (Summer Photography)

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