

# Public Document Pack



## NOTICE OF MEETING

<b>Meeting</b>	Regulatory Committee
<b>Date and Time</b>	Wednesday, 18th October, 2017 at 10.00 am
<b>Place</b>	Ashburton Hall, The Castle, Winchester, SO23 8UJ
<b>Enquiries to</b>	members.services@hants.gov.uk

John Coughlan CBE  
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. The meeting may also be recorded and broadcast by the press and members of the public – 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 the circumstances described in 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 Non-Pecuniary interest in a matter being considered at the meeting should consider whether such interest should be declared, and having regard to Part 5, Paragraph 2 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 3 - 6)

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. BASINGSTOKE ANAEROBIC DIGESTION (AD) FACILITY DUMMER**  
(Pages 7 - 46)

To consider a report from the Head of Strategic Planning regarding the amendment of a condition at Basingstoke AD Plant.

**7. STATEMENT OF COMMUNITY INVOLVEMENT** (Pages 47 - 52)

To receive a report from the Head of Strategic Planning, which briefs Members on the update to Hampshire's Statement of Community Involvement, which will be considered by the County Council at its meeting on 2 November 2017 for adoption.

**8. MONITORING AND ENFORCEMENT UPDATE** (Pages 53 - 62)

To receive a report from the Head of Strategic Planning on the Monitoring and Enforcement work undertaken by the Strategic Planning team during the period July – September 2017.

**ABOUT THIS AGENDA:**

**On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.**

**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 in Ashburton Hall, Winchester on Wednesday 13th September,  
2017

Chairman:

\* Councillor Peter Latham

- |                                |                                  |
|--------------------------------|----------------------------------|
| * Councillor Judith Grajewski  | * Councillor Alexis McEvoy       |
| Councillor Christopher Carter  | * Councillor Russell Oppenheimer |
| * Councillor Charles Choudhary | * Councillor Stephen Philpott    |
| Councillor Mark Cooper         | Councillor Roger Price           |
| Councillor Roland Dibbs        | * Councillor Lance Quantrill     |
| * Councillor Jane Frankum      | * Councillor David Simpson       |
| Councillor Marge Harvey        | * Councillor Roger Huxstep       |
| Councillor Keith House         | * Councillor Wayne Irish         |
| * Councillor Gary Hughes       | Councillor Michael Westbrook     |

\*Present

## 8. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Carter, Cllr Cooper, Cllr Harvey, Cllr House and Cllr Price.

## 9. 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.

## 10. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed

## 11. CHAIRMAN'S ANNOUNCEMENTS

The Chairman confirmed that a Site Visit was scheduled to Botley on Monday 2 October, with a coach leaving the Council Offices at 9:30.

## 12. DEPUTATIONS

The deputation procedure was explained and it was confirmed that one deputation had been received for the meeting.

## 13. LAND OFF SPITFIRE LINK (A272) WINCHESTER

Committee considered a report from the Head of Strategic Planning (Item 6 in the Minute Book) regarding an application for the development of a Highways Waste Management Facility in Winchester.

The officer introduced the report and showed Committee aerial photos depicting the site and surrounding road network, as well as nearby points of interest, with the nearest housing being 225 metres away to the south east. Elevation and entrance photos of the site were shown, as well as a detailed layout plan. It was confirmed that one objection had been received from Winchester City Council due to the site being in countryside.

The Officer confirmed that Condition 2 was to be amended to read “no site preparation or groundworks associated with the construction of the topsoil storage barn, wet waste drying area (and holding tanks/soakaways), portacabins or weighbridge shown on plans LAY-01 and LA.08.dwg shall take place...” due to the application being part retrospective.

The Committee received one deputation from Stuart Austin and Luke Bridges on behalf of the applicant. Mr Austin described how none of the Key Consultees had made objections to the proposal apart from Winchester City Council. The site was not remote and surrounded by main roads, and could be accessed from the road network without passing any residential properties. Mr Bridges told Committee how the location was central in Hampshire with a good amount of space for processing and storage. The industry was heavily regulated and the site would be closely monitored if it was to be approved.

During questions of the deputations, the following points were clarified:

- Headlights from vehicles wouldn't be a problem for drivers as there were established bunds along the east and western boundaries.
- The permission sought was for permanent permission
- There would be no processing at night as only vehicles would be in operation. Noise from the site during the day was not a concern to the Environmental Health Officer due to the close proximity of the M3

During questions of the officer, the following points were clarified:

- An alternative site had not been suggested by Winchester City Council
- It was not felt that this proposal set a precedent as it was in a unique location close to the industrialised area around the junction.

During debate, Members agreed that the site lines and access to the site was more than adequate and the location of the site between two such busy roads was suited to industrial activity.

**RESOLVED:**

Planning permission was GRANTED subject to the conditions listed in integral appendix B.

Voting:

Favour: 11

Abstentions: 1

---

Chairman,

This page is intentionally left blank

## HAMPSHIRE COUNTY COUNCIL Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	18 October 2017
<b>Title:</b>	Application for the amendment of Condition 7 (vehicle movements) to Planning Permission 16/00322/CMA at Basingstoke AD Plant, Dummer. Application No. 17/01876/CMA. Site Ref: BA170.
<b>Report From:</b>	Head of Strategic Planning

**Contact name:** Philip Millard

**Tel:** 01962 846496

**Email:** philip.millard@hants.gov.uk

### 1. Executive Summary

- 1.1 This proposal seeks to vary condition 7 (vehicle movements) of planning permission [16/00322/CMA](#) at Basingstoke Anaerobic Digestion (AD) facility to allow for a maximum of 38 Heavy Goods Vehicle [HGV] movements per day (19 in and 19 out) on a permanent basis.
- 1.2 Planning permission 16/00322/CMA (Appendix G) granted an increase in HGV movements from 22 per day to 38 per day for a temporary period of one year. The reason for the temporary nature of the variation of condition was to allow any impacts on the safety and capacity of the local roads and users to be monitored and assessed in the interest of local amenity and highway safety.
- 1.3 The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2011](#).
- 1.4 The site has permission for a waste management facility and so the principle of the development, its location and design, the need for the development and its contribution to climate change mitigation and adaptation have already been established in accordance with relevant planning policies at that time including the Hampshire Minerals and Waste Core Strategy (2007) and the Basingstoke and Deane Local Plan 1996 – 2011.
- 1.5 This variation has been considered against the relevant national policy and guidance and the policies of the adopted Hampshire Minerals and Waste Plan (2013) and the Basingstoke and Deane Local Plan 2011 to 2029 (2016) and in line with National Planning Policy Guidance on temporary permissions.
- 1.6 It is considered that the proposal to retain the maximum of 38 HGV movements on any working day would be in accordance with the Hampshire Minerals and Waste Plan (HMWP) (2013), having regard to the assessment

of the traffic surveys and monitoring, public complaints collected during the temporary period, and the views of the Highway Authority. The findings demonstrate that permanent variation of the limit of daily HGV movements to 38 has no significant adverse impact on local amenity, in accordance with Policy 10 (Protecting public health, safety and amenity) and highway safety in accordance with Policy 12 (Managing traffic) of the HMWP (2013) .

- 1.7 It is recommended that planning permission be granted subject to the conditions listed in integral Appendix B.

## 2. The Site

- 2.1 Planning permission [BDB/75034](#) was granted on 12 March 2012 for the construction and operation of an anaerobic digestion facility to handle food waste and agricultural slurries, and the creation of an access track to connect the site to an existing highway entrance.
- 2.2 Appendix C of this report provides a location plan. The site is north of Farleigh Wallop and to the south of Basingstoke. The site is on land formerly known as 'The Carousel Dairy' and is located on the Portsmouth Estate on farmland. A private haul road provides access to the site from Garlic Lane, over the M3. Garlic Lane links the Beggarwood/Hatch Warren housing estate to Farleigh Wallop (B3046). The M3 lies 700 metres to the north of the site, running north-east to south-west.
- 2.3 The nearest residential dwellings are located at Manor Farm which is approximately 280 metres to the south east and Kennel Farm, 580 metres to the north-west of the site. The residential areas of Beggarwood and Hatch Warren are located approximately 1km to the north and are separated from the site by the M3.
- 2.4 The existing site is immediately surrounded by large arable agricultural fields with areas of ancient woodland beyond. Dummer footpaths 7 and 10 are both approximately 700 metres to the west of the site
- 2.5 There is an existing site liaison panel associated with the site which was established following the grant of planning permission [BDB/75034](#).

## 3. Planning History

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

Application no.	Proposal	Decision	Date issued
16/00322/CMA	Application for the amendment of Condition 4 (vehicle movements), Condition 14 (landscape) and Condition 15 (site layout) to Planning Permission BDB/75034	Granted	22.06.2016



BDB/75034	Planning application for the demolition of existing agricultural buildings, the construction and operation of an anaerobic digestion facility to handle food waste and agricultural slurries, and the creation of an access track to connect the site to an existing highway entrance.	Granted	12.03.2012
-----------	--	---------	------------

3.2 The site is identified as a safeguarded site as an Energy Recovery Facility in the adopted Hampshire Minerals and Waste Plan [HMWP] (2013).

#### 4. The Proposal

4.1 This proposal seeks the variation of condition 7 (vehicle movements) of planning permission [16/00322/CMA](#) to allow for a maximum of 38 HGV vehicle movements per day (19 in and 19 out) on a permanent basis. HGV [Heavy Goods Vehicle] has a recognised definition of any vehicle over 3.5 tonne un-laden.

4.2 Condition 7 of approval 16/00322/CMA currently states:

*There shall be a maximum of 38 HCV movements (vehicles over 3.5 tonne un-laden) (19 movements in and 19 movements out) on any working day in relation to the site for a temporary period expiring on 30 June 2017. At the expiry of this temporary period there shall be a maximum of 22 HCV movements (vehicles over 3.5 tonne un-laden) (11 movements in and 11 movements out) on any working day in relation to the site. Records of vehicle movements to and from the site and the times of entry and departure and CCTV footage shall be kept and made available for inspection at the request of the Waste Planning Authority.*

*Reason: The temporary nature of the increased in HCV movements is to allow any impacts on the safety and capacity of the local roads and users to be monitored and assessed in the interests of local amenity and highway safety in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).*

4.3 In determining application 16/00322/CMA, the Regulatory Committee resolved that a trial period of the increase in daily HGV movements was necessary to allow any impacts on the safety and capacity of the local roads and users to be monitored and assessed in the interest of local amenity and highway safety. Condition 7 of the permission was therefore varied for a period of one year. It was also resolved that the applicant keep records of their vehicle movements (including the use of CCTV) and that the records be made available for inspection.

- 4.4 In application 16/00322/CMA, the applicant stated that since the site had been in operation, the way organic waste is delivered into the site has changed with a greater number of smaller HGVs being used with a subsequent increase in traffic movements. Market changes meant that more loads were arriving at the lower end of the volume scale and this has led to a need to increase the number of permitted vehicle movements to account for flexible load volumes and future changes.
- 4.5 Additional information submitted by the applicant on 16 August 2017 provides the following table of HGV movements for 2015 and 2016. This demonstrates this pattern:

*Table 1: Average HGV movements from the applicant's Supporting Statement.*

Date Range	Average tare (unladen) weight of waste delivery HGV's	Average number per month of HGV waste deliveries
Jan15 to Dec15	17	70
Jan16 to Dec16	15	107
	-10.4%	+54.3%

- 4.6 In addition, the intention of the original planning application was to use the majority of the digestate produced on the Portsmouth Estate. This has not been the case and in reality the majority of the digestate produced was being exported off site to other locations.
- 4.7 The applicant has stated that at the current time, the Portsmouth Estate and Tamar have a good working relationship that allows for provision of digestate to the Estate in greater quantities than anticipated in the application 16/00322/CMA.
- 4.8 Currently condition 7 (vehicle movements) of planning permission [16/00322/CMA](#) states that the maximum number of HGV movements per

working day will revert back to the current permanent limit of 22 HGV movements per day when the temporary period ends.

- 4.9 The applicant notes in their supporting statement that the proposed wording of the vehicle movement condition is a more rigorous method of limiting the HGV movements compared to that of the 2012 planning permission which applied a monthly averaged daily limit, rather than the current and proposed condition that uses a maximum daily limit. The benefit of this compared to a monthly average daily limit is that the operator will no longer legitimately have days when HGV movements can be greater than 38 HGV movements.
- 4.10 The applicant has provided vehicle log records to demonstrate compliance with the 38 daily HGV movements condition. The table below is a summary record of daily vehicle movements, as recorded in the vehicle log document retained on site:

*Table 2: Daily HGV movements from the applicant's Supporting Statement.*

<b>Daily HGV movements (in and out)</b>	<b>Since 22nd June 2016 to 12th May 2017</b>	<b>During Peak Digestate Removal Periods*</b>
<b>Average per working day</b>	21	25
<b>Maximum per working day</b>	38	38

*\*Due to the seasonality of digestate removal, storage and spreading the above table shows movement data during peak digestate removal months during the period 22nd June 2016 to 12th May 2017.*

- 4.11 The supporting statement states the following actions the applicant has carried out in order to proactively liaise with the local community and the Waste Planning Authority on the issue:
- Resurrected with the local community and key stakeholders the site Liaison Panel, with constructive meetings taking place on 8 August 2016, 19 October 2016, 16 January 2017 and 14 June 2017;
  - Developed and implemented with some representatives of the site Liaison Panel a Driver Briefing document (Appendix D) which is currently in use and summarises the key aspects of the Traffic Management Plan and is provided to HGV drivers;
  - Developed and implemented a HGV Driver Disciplinary Procedure to deal with incidents where HGV Drivers breach the Traffic Management Plan;
  - Worked closely with Hampshire County Council's Planning Monitoring and Enforcement team in providing information relating to HGV movements to and from the site and on actions taken by Tamar where HGV drivers have breached the Traffic Management Plan; and

- Held a Site Open Day on Saturday 18 March 2017 where the local community was invited to visit Tamar's Basingstoke AD plant and ask questions about its operation.
- 4.12. It is not proposed to amend the approved time span in which HGVs are permitted to arrive and depart from the site, nor make any changes to the approved vehicle route for HGVs to and from the A30 and Hampshire's strategic road network (Appendix E).
- 4.13. The operation runs under an approved Traffic Management Plan [TMP] as approved under condition 6 of planning permission 16/00322/CMA. The current revision is 1518/PS12 rev 06. This includes measures for driver induction, compliance and investigation into any breaches of the TMP. The operator is currently working in co-operation with Liaison Panel members on revision 07 of the TMP. This will be submitted to the WPA in due time.
- 4.14. In order to allow for improved working of the condition, it is recommended that, should permission be granted, the condition referring to the TMP should be reworded to refer to the latest version of the TMP and any subsequent approved versions.
- 4.15. The proposal is not an EIA Development under the [Environmental Impact Assessment Regulations 2017](#) and an Environmental Statement has not been submitted.

## 5. Development Plan and Guidance

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

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

- 5.2. The following paragraphs are relevant to this proposal:
- Paragraph 11: Determination in accordance with the development plan;
  - Paragraph 14: Presumption in favour of sustainable development;
  - Paragraph 17: Set of core land-use planning principles which should underpin decision-taking;
  - Paragraph 32: Developments generating significant amounts of movement; and
  - Paragraph 34: Sustainable transport;

### [National Planning Practice Guidance \(NPPG\)](#)

- 5.3. The following paragraphs are relevant to the proposal:

- Paragraph 014, Section 21a: When can conditions be used to grant planning permission for a use for a temporary period only?

Taken from the NPPG on the [Use of Planning Conditions](#), Reference ID: 21a-014-20140306, revision date: 06 March 2014.

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

- 5.4. The following paragraphs are relevant to the proposal:

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

5.5 The NPPW demonstrates an ambition for the “delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy”. It also states that “waste planning authorities should consider the likely impact on the local environment and on amenity which in particular includes the suitability of the road network and the extent to which access would require reliance on local roads”.

**National Waste Planning Practice Guidance (NWPPG)** (last updated 15/04/2015)

5.6. The following paragraphs are relevant to the proposal:

- Paragraph 007 (Self sufficient and proximity principle);
- Paragraph 0046 (consistency with the Local Plan); and
- Paragraph 0050: (Planning and regulation).

5.7 Paragraph 7 deals with the questions of self-sufficiency and proximity to waste sources, focusing on effective and efficient use of capacity. The NWPPG recognises economies of scale and flexibility as important values.

5.8 Paragraph 46 states that in the case of waste disposal facilities, applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy. If the proposal is consistent with an up to date Local Plan, there is no need to demonstrate ‘need’.

**Hampshire Minerals & Waste Plan (2013)** (HMWP)

5.9. The following policies are relevant to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 10 (Protecting public health, safety and amenity);
- Policy 12 (Managing traffic); and
- Policy 26 (Safeguarding – waste infrastructure).

**Basingstoke and Deane Local Plan 2011 to 2029 (2016)**

5.10. The following policies are relevant to the proposal:

- Policy EP4 (Rural Economy)

## **6. Consultations**

6.1. **County Councillor Reid:** was notified.

6.2. **County Councillor McNair Scott:** was notified.

6.3. **Basingstoke and Deane Borough Council:** was notified.

- 6.4. **Basingstoke and Deane Borough Council - Environmental Health:** was notified.
- 6.5. **Farleigh Wallop Parish Meeting:** was notified.
- 6.6. **Dummer Parish Council:** was notified.
- 6.7. **St. Marks Primary School:** Has no objection with condition that the daily time restrictions remain in place.
- 6.8. **Highway Authority:** Has no objection.
- 6.9. **Planning Policy (Hampshire County Council):** Made comments based on policy of the Hampshire Minerals and Waste Plan (2013).

## 7. Representations

- 7.1. Hampshire County Council's [Statement of Community Involvement \(2014\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.

In complying with the requirements of the SCI, the County Council:

- Published a notice of the application in the [Hampshire Independent](#);
- Placed notices of the application on 30 May 2017 at five locations including locations along the HGV route (see appendix F);
- Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#);
- No residential properties are within 100 metres of the boundary of the site. However the nearest residential properties were notified by letter, this included those of Kennel Farm, approximately 500m to the north west of the site, and Manor Farm Cottages, approximately 300m to the south east of the site; and
- The members of the Basingstoke AD Liaison Panel were also consulted via email.

- 7.2. As of 28 August 2017, a total of 9 representations to the proposal had been received. 8 object to the proposal. One representation, from a local Basingstoke and Deane Borough Councillor on the Basingstoke AD liaison Panel, raised comments with no objection. Acknowledgement is given in the public representations of Tamar's actions to better engage with the public since being granted planning permission 16/00322/CMA. The main relevant areas of concern raised in the objections relate to the following:

- The agreed HGV route to the site is inappropriate for this frequency of HGV use;
- Noise impact and pollution of emissions of the HGVs through the residential estate;

- HGVs park/wait on the haul road and Kennel Farm Lane when instructed not to in the Driver Briefing Document;
- Tamar have failed to demonstrate that they are able to control HGV drivers accessing the site, being within time limits, speeding and routing breaches are a regular occurrence;
- Breaches of working and vehicle hours with vehicles leaving after permitted times;
- The size of the HGVs delivering to the site is too large/heavy for Woodbury Road, being the largest that use the route, causing damage to highway furniture such as traffic island bollards, kerb stones, drain covers, and causing road surface cracks and pot holes;
- Lack of confidence in the HGV vehicle movement figures issued by Tamar;
- Signage for the site is not appropriate for the rural location, nor matches the Traffic Management Plan;
- Speeding of HGVs (above 10 mph limit) on the site haul road;
- HGV vehicles are a danger to children on the Kennel Farm access road;
- Lack of evidence to support the reason for the need to increase the limit in HGV movements. This being the increase in smaller goods vehicles using the facility, all HGVs appear to still be very large;
- That the application does not refer to the most recent Traffic Management Plan;
- A request for the traffic monitoring cameras set up to collect evidence on the impact of HGV movements from the site on the agreed access route to the site to be retained for a longer period;
- Concern over the value of the data from the traffic monitoring camera installed by Hampshire County Council for assessment of the highway safety and amenity impact of HGV movements to and from the site. Concern that the location, Centurion Way and Woodbury Road junction, is not the correct location. The camera should have been located at the A30 Kempshott Roundabout Woodbury Road junction. View is that data cannot correctly show that HGVs are following the agreed route and if they are following speed limits. Also, that it the camera has not been gathering data for long enough; and
- Concern over the travel distances of the HGVs delivering to the site, and the 'green' credentials of the operations considering those travel miles are much greater than proposed in the original permission.

7.3. The above issues will be discussed and addressed within the following commentary. The issues identified below are considered not relevant to the decision and are included as a factual record for clarification. Where appropriate, the concern has been passed on to the Waste Planning Authority's monitoring officer for the site:

- Reliance of the site on private motor vehicles for access;
- Impact of the site and its activities on the rural location;
- Adverse odour impact from the AD operation on the site, increase in delivery tonnage (and so HGV movements) increases the risk/severity of odour from the site; and
- Night-time lighting impact from the site visible from Kennel Farm and Dummer Clump.

## **8. Commentary**

### Principle of the Development

- 8.1. This application is for the removal of the temporary time period from condition 7 (vehicle movements) of the current planning permission. The site is safeguarded as an Energy Recovery Facility under the HMWP (2013). Therefore Policy 26 (Safeguarding – waste infrastructure) is relevant.
- 8.2. The principle of this waste management facility has been established in previous planning permissions in accordance with relevant planning policies at that time Therefore the considerations in this application relate solely to the whether 38 HGV movements per day should be permitted on a permanent basis.

### Highways Issues: introduction

- 8.3. Policy 12 (Managing traffic) requires minerals and waste development to have a safe and suitable access to the highway network and where possible minimise the impact of its generated traffic through the use of alternative methods of transportation. It also requires highway improvements to mitigate any significant adverse effects on highway safety, pedestrian safety, highway capacity and environment and amenity.
- 8.4. There have been a number of concerns raised by the public regarding the highway safety issues of the traffic generated by the development.
- 8.5. In order to demonstrate the significance of any impact, the following work has been carried out during the period of the temporary permission to gather evidence:
  - A Hampshire County Council commissioned automatic number plate recognition (ANPR) traffic monitoring survey;
  - A review of the Waste Planning Authority's monitoring of public enforcement complaints for the site; and
  - An operator (Tamar) commissioned traffic movement day survey.
- 8.6. The methodology and findings are described below. The traffic surveys were made available to the Highway Authority as part of the formal consultation on the application.

### Highways Issues: Hampshire County Council's traffic monitoring survey



- 8.7. Hampshire County Council commissioned a traffic monitoring survey in order to ascertain whether HGVs visiting the site were taking the correct route within the conditioned time periods.
- 8.8. This survey consisted of an Automatic Number Plate Recognition [ANPR] Camera being set up on 6 March 2017 near the junction with Centurion Way on Woodbury Road. This location was selected as the optimum location to identify vehicles taking the correct, agreed route in both directions. The camera location and the agreed HGV route are shown on the map in Appendix E. The survey was co-ordinated with the Highway Authority in order to ensure they were satisfied with the method and accuracy of data collection.
- 8.9. It was found that this first survey method did not provide sufficiently accurate data required to identify the HGVs visiting the site as a single camera was unable to reliably pick up the number plates of both north and southbound vehicles. Therefore, a second ANPR camera was set up (i.e. one camera recording northbound vehicles and one recording southbound) and began recording data from 12 June 2017. Data collected from this time has been able to identify HGVs visiting the site and to allow comparison to the operator's site logs to a satisfactory level of accuracy. This improved survey provided 13 weeks of data, from the week commencing 12 June 2017 to September 2017. A summary of the survey findings is shown in the below table:

*Table 3: Showing the Hampshire County Council traffic monitoring survey*

<b>Date - Week Commencing</b>	<b>Weighbridge HGV Movements/week*</b>	<b>Average HGV movements/day Max 38 / day</b>	<b>Breaches / week#</b>	<b>% of HGV movements which were in breach</b>
12.06.2017	74	15	10	13.5%
19.06.2017	66	13	10	15.2%
26.06.2017	138	28	10	7.2%
03.07.2017	114	23	5	4.4%
10.07.2017	78	16	4	5.1%
17.07.2017	80	16	9	11.3%
24.07.2017	88	18	4	4.5%

31.07.2017	56	11	1	1.8%
07.08.2017	34	7	0	0%
14.08.2017	72	11	5	6.9%
21.08.2017	92	17	5	5.4%
28.08.2017	76	15	4	5.3%
04.09.2017	82	16	0	0%
Average	<b>79</b>	<b>16</b>	<b>5</b>	<b>6.1%</b>

13 weeks monitoring with 2 ANPR units in place

\* Excludes all farm traffic (tractor + bowser) and digestate tankered direct to Portsmouth Estate

# Breach can be either timing or route, both can be confirmed by ANPR. HGVs not picked up by ANPR camera assumed to be in breach

Highways Issues: Complaints during the temporary period

8.10. Public complaints and issues raised with the Waste Planning Authority's [WPA's] monitoring team during the temporary time period are listed below:

*Table 4: Showing public complaints and confirmed breaches for entire period of temporary maximum of 38 daily HGV movements*

Time period	No. of complaints	No. of confirmed breaches	No. of weeks	Average number of confirmed breaches per week
27.06.16 - 30.09.16	33	12	13	0.9
01.10.16 - 31.12.16	13	6	13	0.5
01.01.17 - 06.03.17	6	2	10	0.2
07.03.17 - 31.05.17	23	15	13	1.2
01.06.17 - 08.09.17	13	4	14	0.3
<b>Totals</b>	<b>88</b>	<b>39</b>	<b>63</b>	<b>0.6</b>

8.11. The results of the ANPR survey and the monitoring of the public complaints show that:

- For the period of the two camera ANPR survey, from 12 June 2107 to 8 September 2017, a period of 13 weeks, there has been an average of 16 daily HGV movements (8 to and 8 from the site) via Woodbury Road;
- There were 67 breaches (or potential breaches) over the period the two ANPR cameras were in operation, this is an average of 5 per week, or 6.1% of the total Woodbury Road HGV movements over that period;
- The number of movements each day or week can vary significantly, depending on the waste coming in and digestate going out.

8.12. When these results are considered in the context of wider information we find the following:

- The HGV daily movements log data provided by the operator in the supporting statement (see table 2 of this report) shows an average number of 21 daily HGV movements. This average is for the total number of HGV entering the site, not just those using the agreed route;
- The HGV daily movements log data provided by the operator in the supporting statement (see table 2 of this report) shows that there have been a small number of days during the temporary period where the number of HGV movements have been up to the currently permitted limit of 38. Considered with the survey's weekly averages, this demonstrates that the daily number of HGV movements varies greatly and justifies the need for the proposed daily maximum HGV movement number of 38;
- The first 3 weeks of the 2 camera ANPR survey (table 3) show a relatively large number of breaches, up to 10 each week. It was identified that this was due to one particular driver visiting the site regularly during these weeks who had been issued with the incorrect directions by his employer. Because of the lag in receiving the data from the cameras, it took a few weeks for the monitoring officer to identify this and to notify the operator. The operator took action without delay to ban the driver. The following week shows a distinct drop in breaches;

#### Highways Issues: The operator's traffic movement day survey

8.13. The applicant commissioned and submitted a traffic survey from Bellamy Roberts, Highways Transportation and Infrastructure Consultants. The survey (reference GDB/5039/RoS.03, August 2017) was carried out on 5 July 2017 over a 12 hour period (0700-1900) to establish HGV activity associated with the Basingstoke AD plant and, as background context, total traffic and HGV movements on Woodbury Road. This survey consisted of cameras set up at 3 locations, including turning movements, including ANPR [Automatic Number Plate Recognition] to enable cross matching of HGVs entering and leaving the site with those vehicle movements at the video camera locations. These are shown on the plan in Appendix E. Tamar also provided the traffic survey consultant a log of HGV movements in and out of the site for the 3 week period 19 June – 7 July 2017 to establish further context. The day of the survey was a quiet day for the AD plant, with only 14

HGV movements (7 in and 7 out). The average of the three weeks logged is 24 HGV movements per day (12 in and 12 out).

8.14. The data from the survey gives the following results table:

*Table 5: AD plant HGV as % of all HGV and all traffic*

Scenario	Woodbury Road, Northern End (Site 3)		Woodbury Road, Southern End (Site 2)		Garlic Lane (Site 1)	
	% All HGV	% All Traffic	% All HGV	% All Traffic	% All HGV	% All Traffic
Day of survey (7 HGV/day)	25	0.2	40	0.3	41	0.8
3 week average (12 HGV/day)	37	0.3	54	0.4	55	1.3
Maximum permitted (19 HGV/day)	48	0.5	64	0.7	66	7.0

8.15. The figures in Table 5 demonstrate that the HGV movements associated with the AD Plant represent only a very small percentage of total traffic using Woodbury Road; fractions of 1% of the total even at the maximum permitted total of 19 HGVs per day to and from the site.

8.16. The HGV movements related to the Plant vary as a percentage of all HGV movements on Woodbury Road depending upon where the comparison is made. At the northern end, they vary between 25% and 48% of total HGV movements depending upon the levels of activity at the site (7 HGVs per day and 19 HGVs per day respectively). However, it must be noted that those percentages are on what are relatively small numbers of HGVs in any event. On the day of the survey there were only 56 HGV movements over the whole 12 hours at the northern end of Woodbury Road, including the AD Plant traffic. That represents a total HGV content of just 0.7% of total traffic flows. Given the low background flows of HGVs on Woodbury Road any small changes as a result of the Plant will inevitably appear as more significant percentage changes.

8.17. On the day of the survey, all of the HGVs attending the site observed the prescribed route and there were no movements during prohibited hours.

## Highways Issues: Highway Authority views

- 8.18. The Highway Authority was consulted on the application and provided with the additional information submitted by the operator and the findings of the surveys. The response is to raise no objection and to confirm that it is satisfied that the proposal will not have a significant impact on the highway safety. It is the Highway Authority's view that the surveys have been a useful tool to help manage the traffic and it has recorded that the number of breaches has reduced over time as the applicant has been pro-active in addressing these and ensuring the approved Traffic Management Plan is enforced.
- 8.19. The Strategic Planning Monitoring and Enforcement team makes the operator aware of all complaints. The operator is being proactive in addressing any breaches, including advising the Council themselves of breaches and promptly responding in accordance with procedures of the agreed Traffic Management Plan. It is the view of officers that the operator has been acting in an appropriate manner to address issues with vehicle movements.
- 8.20. The operator has carried out public engagement, including attending the Liaison Panel and using this to approve and monitor the Traffic Management Plan and the Driver Briefing Document.
- 8.21. Based upon the traffic movement day survey, it is considered that the HGV traffic visiting the Basingstoke AD site, although they form a significant number of HGVs using the route (approximately 25-50%), are not a significant number of total vehicles using the route (usually less than 1%). It should also be noted that Woodbury Road is a bus route. Buses were counted in the applicant's survey, but are not defined as HGVs.
- 8.22. Using the combined findings of the surveys and monitoring, the evidence demonstrates that HGVs visiting the site are taking the correct route at the correct times of the day to a reasonable and acceptable level of compliance (the ANPR survey suggests up to 6% of HGV movements could be breaching the conditions or the agreed Traffic Management Plan). The data is considered sufficiently robust and accurate to confirm that the operator is in general compliance with the conditions of the planning permission and that the number of breaches is within levels of tolerance considered acceptable by officers, having regard to the aims and limitations of the conditions. This is supported by the consultation response of the Highways Authority. It is considered that the conditions have been successful in managing HGV traffic movements as intended but bearing in mind that the operator does not have direct control over most of the HGV traffic visiting the site, an expectation of 100% compliance is unrealistic.
- 8.23. One of the reasons the conditions relating to HGV movements were applied was to minimise the potential for conflict with pedestrians going to and from the local school. It is noted that the school has made no complaints about the use and have raised no objection to this application.

- 8.24. The monitoring team will continue to monitor the site for any breaches of planning conditions or the TMP, this includes vehicle numbers, routing breaches, and use of the agreed route within the daily time periods specified.
- 8.25. It has been suggested in representations that the ANPR monitoring should remain in place, either temporarily or permanently, for continued monitoring and to act as a deterrent. There would be a significant cost to this and in view of the comments of the Highway Authority, the officer's view is that such a requirement could not be justified. There are no other examples of continued monitoring of sites at other waste or minerals sites across the County and it is not considered there are exceptional circumstances in this case that would justify it. If the Committee considered further monitoring was necessary, a Section 106 Agreement would be required to secure a contribution from the applicant to fund this.
- 8.26. A Section 106 legal agreement requiring the applicant to pay a highway contribution was part of the original permission (BDB/75034). This sum was identified to contribute specifically to the maintenance and improvement works required as a result of vehicles associated with the development passing along Woodbury Road. This financial contribution has now been used by the Highway Authority for highway improvement works including the refreshing of anti-skid surfacing carried out recently in Woodbury Road. Notwithstanding the concerns expressed by some in the local community, it is considered that there is no planning justification for any further developer contribution associated with this application.
- 8.27. The following comments are made in response to concerns raised in the public representations:
- The approved HGV route via Woodbury Road is considered the most appropriate route to and from the site. Alternatives are considered unsuitable as they result in traffic travelling down rural minor roads considered unsuitable for HGVs;
  - Table 1 of this report, taken from the Supporting Statement demonstrates that the size of the HGVs delivering to the site reduced between 2015 and 2016. This pattern has continued and the size of the vehicles is considered suitable for the approved Woodbury Road route. No part of the route has any highway limits to vehicle weights or sizes. Any wear and tear caused to the highway will be considered by the Highway Authority; and
  - The operator has now provided a new directional sign at the junction of the haulage road with the road to Kennel Farm to further clarify the route for site visitors and reduce any visitors taking the wrong road to Kennel Farm.
- 8.28 It is concluded that the proposal is in accordance with Policy 12 (Managing traffic) of the adopted [Hampshire Minerals & Waste Plan \(2013\)](#) as the increase in daily HGV movements to 38 (in and out) from the previously permitted 22 daily HGV movements has not caused a significant impact on public amenity and highway safety. This view takes into account the

proportional contribution of the traffic on the local highway network from this development.

#### Impact on Health and Amenity

- 8.29 Policy 10 (Protecting public health, safety and amenity) of the HMWP 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. As detailed in the representations section, there have been concerns raised over adverse impacts to local amenity and health.
- 8.30 The Highway Authority has raised no objection to the application and is satisfied that the proposal will not have a significant impact on the highway.
- 8.31 Basingstoke and Deane Borough Council and its Environment Health Team were consulted on the application and did not raise any objections.
- 8.32 It has been established that the proportion of all daily vehicle movements on Woodbury Road that are HGVs travelling either to or from the site is approximately 1%. This value does not include buses. The site's HGV movements are approximately 25-50% of the total HGV movements on Woodbury Road.
- 8.33 Taking into account the small proportion of total traffic that the HGVs visiting the site make up, it is considered that the noise impact, pollution from vehicle emissions and the amenity of residents from the HGVs through the residential estate is not significant.
- 8.34 Exceeding the speed limit set on the highway is not within the regulatory remit of the WPA and so is not a material consideration.
- 8.35 The first section of the site's haulage road is a shared access with Kennel Farm. The safe driving of HGVs is a matter of highway safety. The operator has demonstrated a pro-active approach to addressing issues through the use of the Liaison Panel, continued review of the TMP and the use of clearer signage.
- 8.36 It is considered that any impact on public health and amenity from the additional number of HGVs visiting site is not significant. Therefore the proposal is considered to be in accordance with Policy 10 (Protection of public health, safety and amenity) of the adopted Hampshire Minerals & Waste Plan (2013).

#### Summary

- 8.37 The route of the HGV access to and from the site has been agreed in previous permissions for the AD plant and is not a material consideration for this application.
- 8.38 The traffic surveys and level of material complaints received by the Council during the temporary period granted by Planning Permission 16/00322/CMA demonstrate that the operator is working to comply with the conditions of the

permission and the agreed Traffic Management Plan. Breaches of the agreed TMP, usually due to route or timing errors, are within a reasonable and acceptable proportion of the movements, bearing in mind the limitations on the enforceability of the conditions, and the operator is being proactive in liaising with the community, enforcing their own permission and TMP and improving their working practices. The work of the Liaison Panel, in improving the TMP and Driver Instructions and in reporting potential breaches to the Council, has had a positive effect in improving the operator's management of the HGV traffic and this will continue.

- 8.39 The traffic movement day survey and ANPR survey demonstrate that, although the HGVs visiting the site are a significant number of HGVs using the route (approximately 25-50%), they are not a significant number of total vehicles using the route (approximately 0.5-1%). The Highway Authority has again raised no objection to the proposal.
- 8.40 It is therefore considered, on balance, that the proposal to retain the limit of 38 HGV movements on any working day would be in accordance with the Hampshire Minerals and Waste Plan (HMWP) (2013). The information and evidence collected shows that the temporary increase in permitted daily HGV movements to 38 (in and out) from the previously permitted 22 daily HGV movements has not caused a material impact on highway safety or public amenity. This view takes into account the proportional contribution of the traffic on the local highway network. Therefore the proposal has no significant adverse impact on local amenity in accordance with Policy 10 (Protecting public health, safety and amenity) and highway safety in accordance with Policy 12 (Managing traffic) of the HMWP (2013).

## **9. Recommendation**

- 9.1. That planning permission shall be GRANTED subject to the conditions listed in integral Appendix B.

Appendices:

Integral Appendix A – Corporate or Legal Information;

Integral Appendix B – Conditions;

Appendix C - Location Plan;

Appendix D - Driver Briefing Sheet, revision v12p2;

Appendix E - Map showing agreed HVG access route and surveys' camera locations;

Appendix F – Map showing location of site notices;

Appendix G – Planning permission 16/00322/CMA

Other documents relating to this application:

The Planning Application can be found at the below link:

<https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=18267>



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

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

**Section 100 D - Local Government Act 1972 - background documents**

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

DocumentLocation

16/00322/CMA - Application for the amendment of Condition 4 (vehicle movements), Condition 14 (landscape) and Condition 15 (site layout) to Planning Permission BDB/75034

Hampshire County Council

## CONDITIONS

### Tonnage

1. There shall be no more than 40,000 tonnes per year of waste delivered to the site.

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

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

### Hours of Working

2. No waste shall be handled on site and no HGVs (vehicles over 3.5 tonne un-laden), shall enter or leave the application site, except between the hours of 0700 and 1800, Monday to Friday and between 0800 and 1300 Saturday. There shall be no waste handled and no movements on Sunday or recognised Bank Holidays.

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

3. Notwithstanding condition 2 above, no HGVs (vehicles over 3.5 tonne un-laden) shall enter or leave the application site between the hours of 0800 and 0900 and 1500 and 1545 hours Mondays to Fridays during school term time, in accordance with the approved Traffic Management Scheme (1518/PS02 rev 06, dated 1 June 2016, and any future revisions approved by the Waste Planning Authority).

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

4. Notwithstanding condition 3 above, no HGVs (vehicles over 3.5 tonne un-laden) shall make use of Woodbury Road between the hours of 0815 and 0900 and 1500 and 1545 hours Mondays to Fridays during school term time, in accordance with the approved Traffic Management Scheme (1518/PS02 rev 06, dated 1 June 2016, and any future revisions approved by the Waste Planning Authority).

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

## Highways

5. The Traffic Management Plan (1518/PS02 rev 06, dated 1 June 2016), and any future revisions to the Plan approved in writing by the Waste Planning Authority, shall be implemented as approved and retained in place thereafter.

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

6. There shall be a maximum of 38 HGV movements (vehicles over 3.5 tonne un-laden) (19 movements in and 19 movements out) on any working day in relation to the site for the duration of the permitted development. Records of vehicle movements to and from the site and the times of entry and departure and CCTV footage shall be kept and made available for inspection at the request of the Waste Planning Authority.

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

7. A maximum of 4 movements of HGVs (vehicles over 3.5 tonne un-laden) carrying digestate may leave the site turning right on any working day. Records of vehicle movements to and from the site and the times of entry and departure shall be kept and made available for inspection at the request of the Waste Planning Authority.

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

8. The access junction to the site shall be maintained as approved (Plans 11011/105 Rev A and 11011/106 Rev B dated 11/06/12) for the duration of the development.

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

9. Visibility splays of 4.5 metres by 160 metres at the junction of the access road with the public highway shall be kept free from obstacles for the duration of the development.

Reason: In the interest of highway safety in accordance with Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

10. The haul road shall be maintained as detailed on plan E001-04-02Rev2 (approved under BDB/75034) for the duration of the development.

Reason: In the interests of securing an appropriate access road to in the interest of highway safety in accordance with Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

11. All vehicles entering and leaving the site shall use the haul road as detailed on plan E001-04-02Rev2 (approved under BDB/75034).

Reason: In the interest of highway safety in accordance with Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

12. The wheel cleaning measures in the Vehicle Management Strategy (E004-01 dated November 2011 approved under planning permission BDB/75034) shall be maintained for the duration of the development. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.

Reason: In the interest of highway safety in accordance with Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

### **Landscape**

13. The landscaping scheme hereby approved (Proposed Planting Scheme (1518 / P103 Rev P1) shall be implemented within the first planting season following the date of this permission. 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 scheme shall be implemented as approved.

Reason: In the interests of visual amenity and in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013).

14. The portal framed waste reception building shall remain clad in profiled steel sheeting. The digesters and associated plant shall remain grey in colour (RAL7038) and remain in perpetuity.

Reason: In the interests of visual amenity and to secure a satisfactory development that is in keeping with the local character and 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 and Waste Plan (2013).

### **Storage**

15. There shall be no outside storage of waste.

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

## Lighting

16. The lighting scheme as detailed in drawing E004-01 Lighting (approved under BDB/75034) shall be maintained for the duration of the development.

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

## Restoration

17. At such time as the development is no longer used for the purpose hereby approved, ceases to operate effectively or the development fails to produce renewable energy for a continuous period of six months or more, the anaerobic digestion facility including the buildings and associated plant, infrastructure, underground equipment, associated machinery and waste shall be removed from the site and the land restored back to agricultural use. The restoration details for the site shall be submitted within three months of the cessation of use for written approval by the Waste Planning Authority. The restoration shall be completed in accordance with the approved details within six months of approval.

Reason: To prevent the retention of a development in the countryside that is no longer providing a benefit in sustainability terms and contributing to reducing the reliance on fossil fuels and offsetting the associated environmental impacts in accordance National Planning Policy Framework and Policies 5 (Protection of the countryside) and 9 (Restoration of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

## Plans

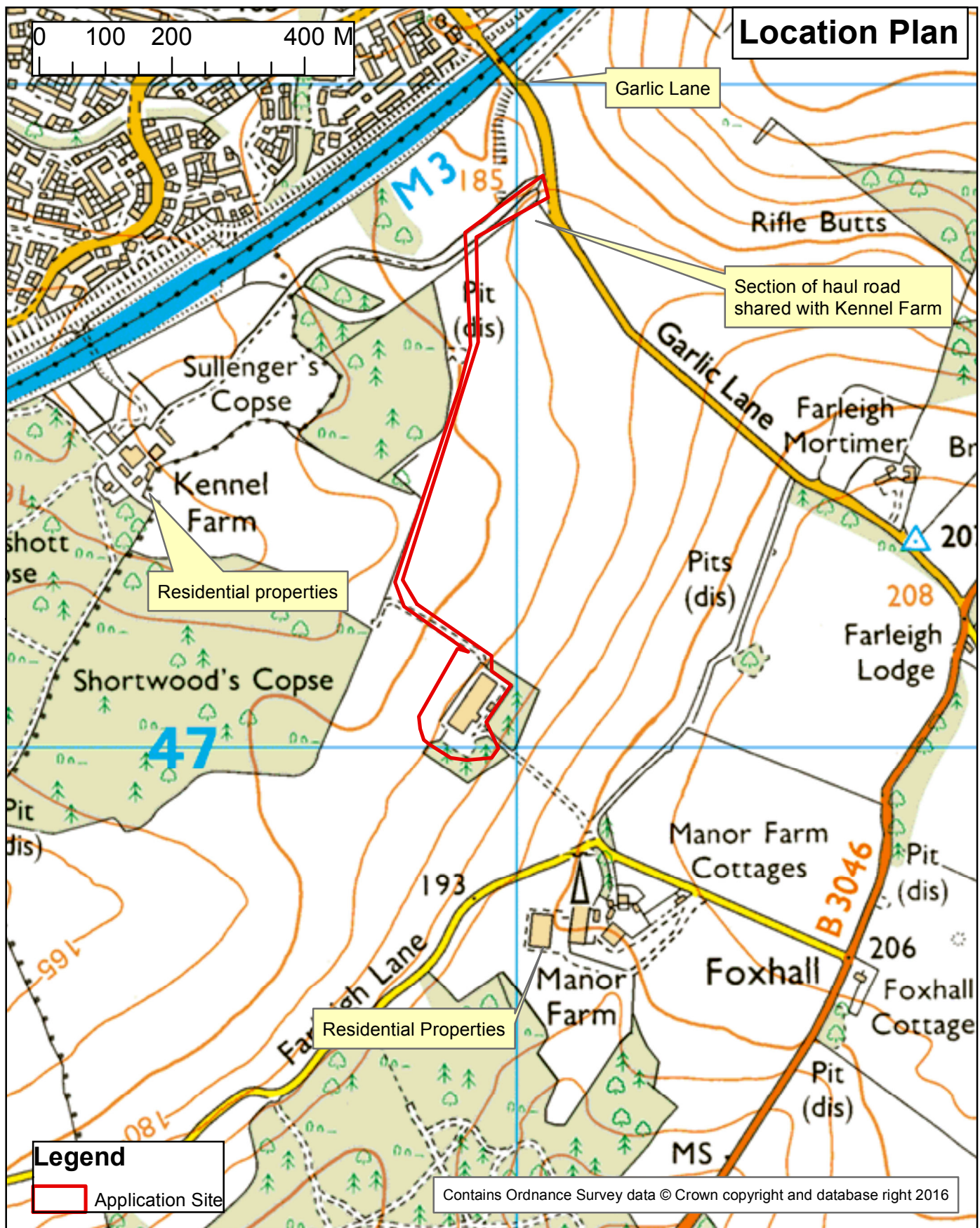
18. The development hereby permitted shall be carried out in accordance with the following approved plans: **1518 / P101 Rev P1, 1518 / P102 Rev P1, 1518 / P103 Rev P1.**

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

## Notes 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 (2012), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. For the purposes of matters relating to this decision Heavy Goods Vehicles [HGVs] are defined as vehicles over 3.5 tonne un-laden).

3. The applicant is encouraged to ensure that the site Liaison Panel, established following the grant of planning permission BDB/75034, shall continue to meet on a regular three monthly basis at an appropriate venue and that the panel membership includes all relevant representatives of the local community and other interested parties.
4. As agreed by the operator, further driver briefing will be provided to ensure the timing restriction related to school drop-off / pick-up is applied to Woodbury Road in addition to arriving and leaving the site entrance.
5. 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.



**TITLE:** Application for the amendment of Condition 7 (vehicle movements) to Planning Permission 16/00322/CMA at Basingstoke AD Plant, Dummer, BASINGSTOKE RG23 7LW

**APPLICATION NUMBER:** 17/01876/CMA

**SITE REFERENCE:** BA170

**REGULATORY COMMITTEE**

**DATE:** 18 October 2017

1:8,000



Drawn by: Strategic Planning

Page 31



**Hampshire**  
County Council

Economy, Transport and Environment

This page is intentionally left blank



# Tamar Energy Basingstoke AD Facility

## Woodbury Road Access Times

Hampshire County Council (HCC) have designated Woodbury Road as the **ONLY HGV route** to/from the A30 when visiting the Tamar site. (For map see over.)

Woodbury Road runs through a residential estate and passes a Primary School, Community Centre and Sports Field. Tamar Energy and HCC have imposed **TIMING RESTRICTIONS** on HGVs visiting the Tamar Anaerobic Digester (AD) site. These timing restrictions are set out below:

### Monday to Friday

Drivers **SHOULD NOT ENTER** or **BE ON ANY PART OF** the **Woodbury Road** route during the following **CLOSED** times:

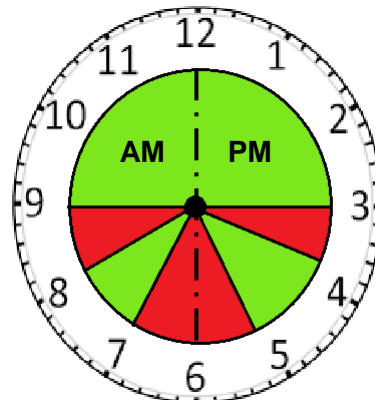
- \* Before 7AM
- \* Between 8AM and 9AM
- \* Between 3PM and 3.45PM
- \* From 6.00PM

On the clock face opposite:

Route **CLOSED** times are shown in **RED**

Route **OPEN** times are shown in **GREEN**

\*Please allow 10 minutes to get through from one end of Woodbury Road to the other



### Saturday

Drivers **SHOULD NOT ENTER** or **BE ON ANY PART OF** the **Woodbury Road** route as follows

- \* Before 8:00AM
- \* After 12:15PM

Deliveries/collections are **ONLY ALLOWED BY PRIOR ARRANGEMENT** with Tamar Energy.

(NOTE: All Saturday site deliveries and collections **MUST** be made using the Woodbury Road route.)

### Tamar Farleigh Wallop Contact Details:

Site Telephone Number: 01256 477 516 Email: basingstoke@tamar-energy.com

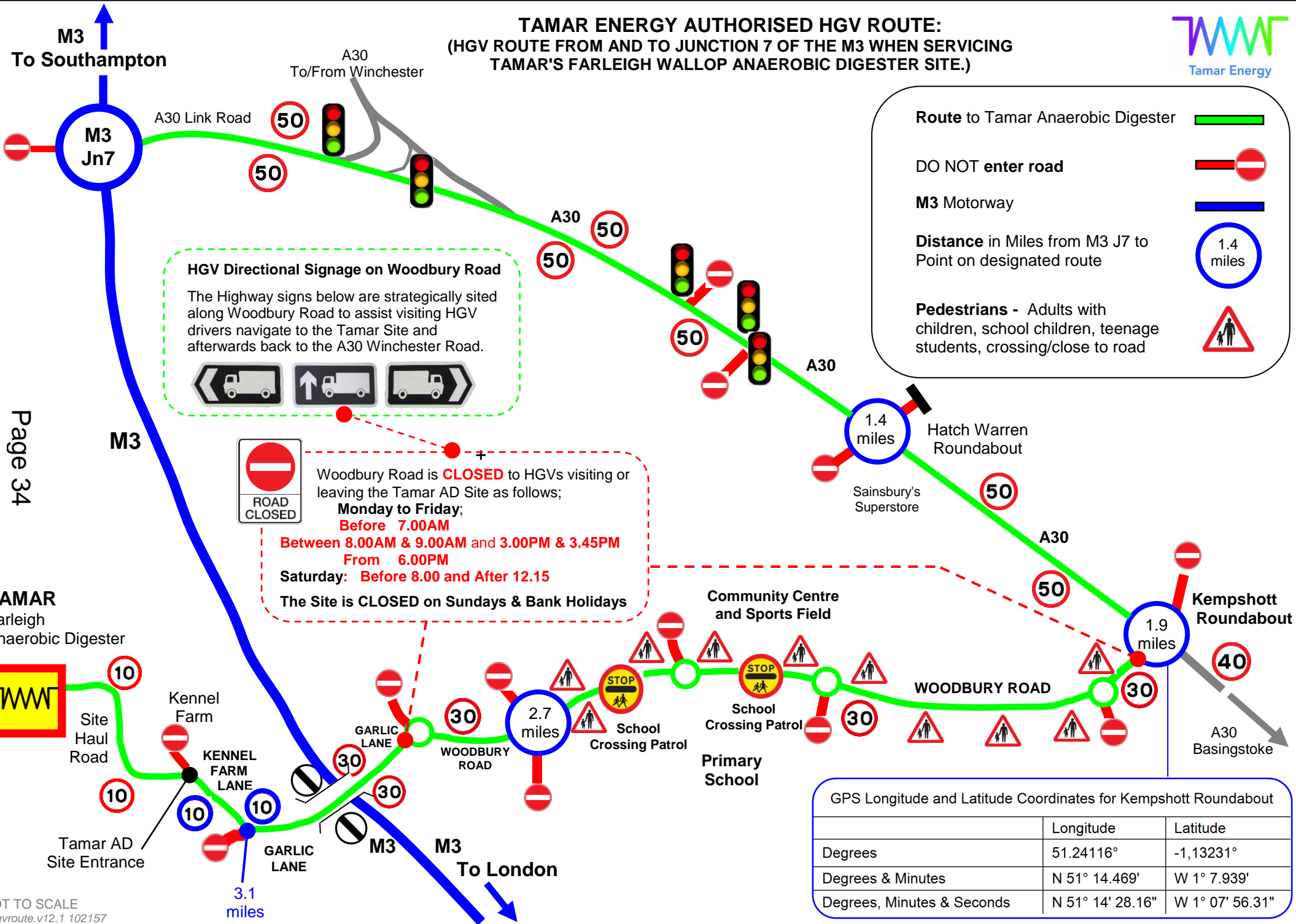
### Sundays, Bank Holidays, Public Holidays

The Tamar AD Site is **CLOSED**

### ADDITIONAL DRIVER INFORMATION:

- **IRRESPECTIVE** of ANY routing given by on-board Sat-Nav devices;
  - a) HGV drivers should approach the site entrance via the A30 Kempshott Roundabout and Woodbury Road.
  - b) HGV Drivers leaving the site should re-join the A30 at the Kempshott Roundabout by driving the entire length of Woodbury Road
- Drivers visiting the site **MUST** use Woodbury Road. The use of any other road(s) in the Hatch Warren estate, Beggarwood estate or Farleigh Wallop area is **STRICTLY PROHIBITED**.
- Drivers **MUST NOT park or wait** on the site haul road, on Kennel Farm Lane, on Garlic Lane or at any point on Woodbury Road.
- When using the designated route to/from the Tamar site, drivers must at all times observe the local speed limits, the highway code and demonstrate courteous driving towards other road users and pedestrians.
- Any driver who has travelled the Woodbury Road route during route exclusion times **will be REFUSED ENTRY** to the AD site and **may be BANNED from the Tamar AD site**.
- Any driver who has visited the Tamar site and is subsequently found **not to have used** the designated Woodbury Road route **WILL BE BANNED from the Tamar AD site**.

### TAMAR ENERGY AUTHORISED HGV ROUTE: (HGV ROUTE FROM AND TO JUNCTION 7 OF THE M3 WHEN SERVICING TAMAR'S FARLEIGH WALLOP ANAEROBIC DIGESTER SITE.)



**HGV Directional Signage on Woodbury Road**

The Highway signs below are strategically sited along Woodbury Road to assist visiting HGV drivers navigate to the Tamar Site and afterwards back to the A30 Winchester Road.

Woodbury Road is **CLOSED** to HGVs visiting or leaving the Tamar AD Site as follows;

**Monday to Friday;**  
**Before 7.00AM**  
**Between 8.00AM & 9.00AM and 3.00PM & 3.45PM**  
**From 6.00PM**

**Saturday: Before 8.00 and After 12.15**

**The Site is CLOSED on Sundays & Bank Holidays**

GPS Longitude and Latitude Coordinates for Kempshott Roundabout

	Longitude	Latitude
Degrees	51.24116°	-1,13231°
Degrees & Minutes	N 51° 14.469'	W 1° 7.939'
Degrees, Minutes & Seconds	N 51° 14' 28.16"	W 1° 07' 56.31"

**TAMAR**  
Farleigh  
Anaerobic Digester

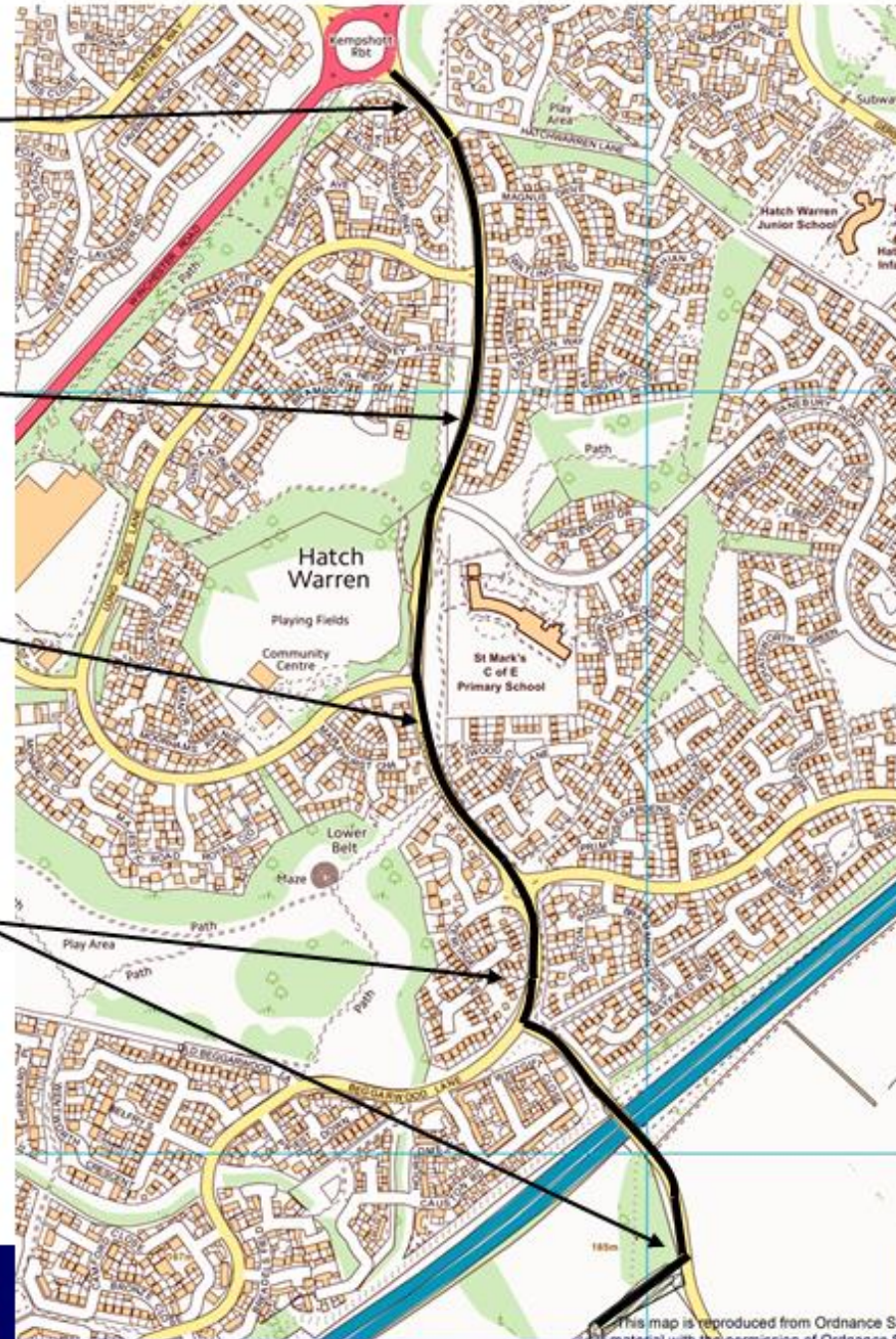


Operator's traffic day survey ANPR camera locations

HCC ANPR camera locations

Agreed HGV route (Woodbury Road)

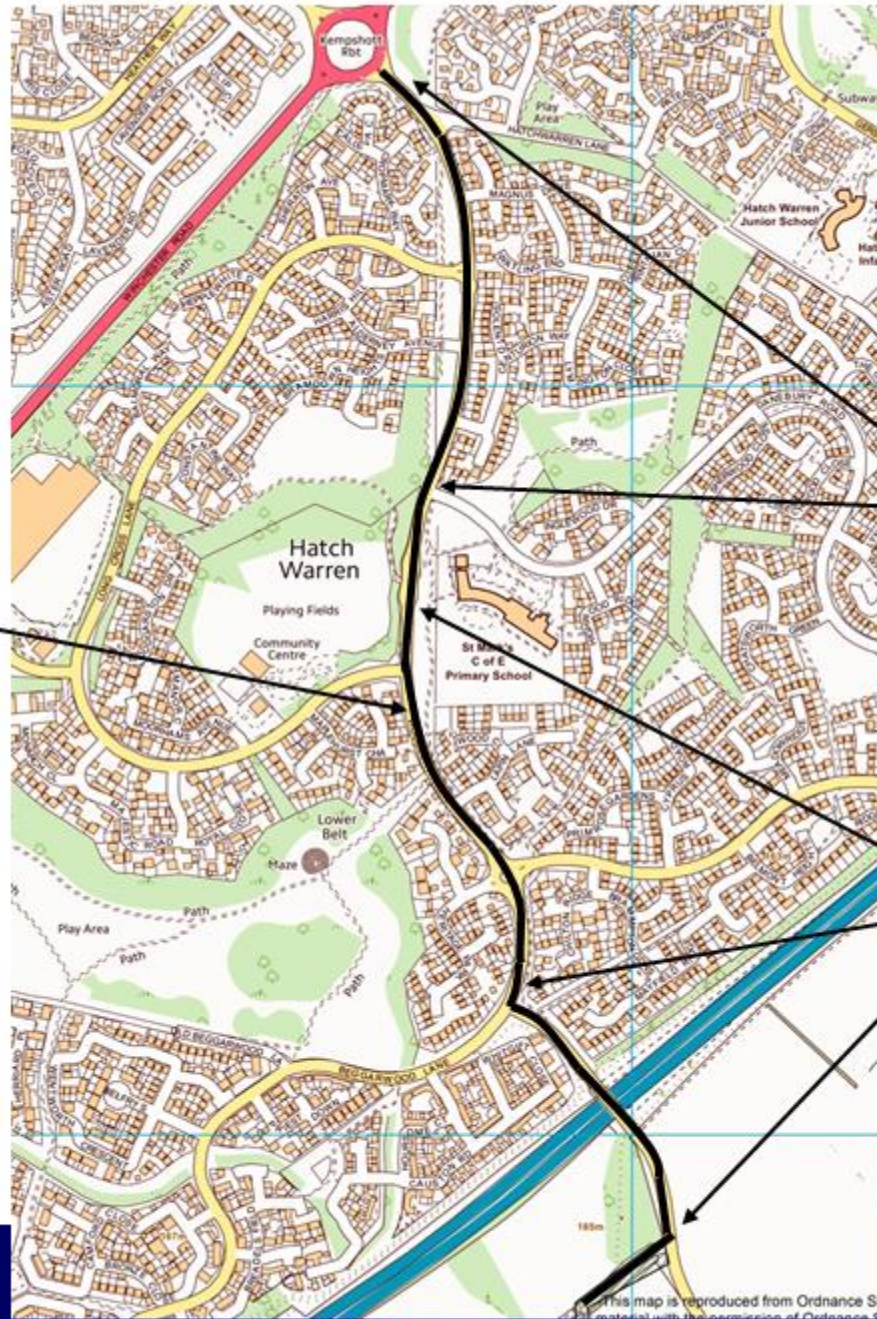
Operator's traffic day survey ANPR camera locations



Plan showing agreed HGV access route and survey camera locations

This page is intentionally left blank





# Plan showing agreed HGV access route

Agreed HGV route (Woodbury Road)

Locations of application notices

Locations of application notices



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey

This page is intentionally left blank



## Town and Country Planning Act 1990

To: Curtis Leeves Technical Ltd  
Unit 2A Sindles Farm  
Aldsworth  
Emsworth  
West Sussex  
PO10 8QS

Application No: **16/00322/CMA**

HCC Ref: BA170

For: Tamar Renewable Power Basingstoke Ltd

Date of Application: 26 January 2016

**Hampshire County Council**, as Waste Planning Authority, **grants permission** for the following development in respect of the plans and particulars and subject to the attached schedule of 19 conditions:

Development: **Application for the amendment of Condition 4 (vehicle movements), Condition 14 (landscape) and Condition 15 (site layout) to Planning Permission BDB/75034**

Site address: **Basingstoke AD Facility LTD Kennel Farm Dummer Hampshire RG23 7LW**

### Reason for Approval

The site already has permission for a waste management facility in the countryside and so the principle of a sustainable development, its location, its design, the need for the development and its contribution to climate change mitigation and adaptation have already been established in accordance with relevant planning policies at that time (relevant Planning Policy Statements, the Hampshire Minerals and Waste Core Strategy (2007) and the Basingstoke and Deane Local Plan 1996 – 2011). This variation has been considered against the relevant national policy and the policies of the adopted Hampshire Minerals and Waste Plan (2013) and the Basingstoke and Deane Local Plan 2011 to 2029 (2016). It is considered on balance that the proposed amendments to the conditions would be in accordance with the Development Plan (Hampshire Minerals and Waste Plan (HMWP) (2013)). The variations would not have a significant adverse impact on local amenity (Policy 10), highway safety (Policy 12) and would not have an adverse impact on local ecology (Policy 3) or increase flood risk (Policy 11). They would not have a significant adverse impact on the character of the area (Policy 13) or cause a significant loss of visual

All enquiries should be referred to the Economy, Transport & Environment Department,  
The Castle, Winchester, SO23 8UD  
Tel: (01962) 846746 Fax: (01962) 847055

**Director of Economy,  
Transport & Environment**  
22 June 2016



## Town and Country Planning Act 1990

---

Application No: **16/00322/CMA**

### **Continued**

amenity to the local area and footpaths (Policies 5 and 10). Therefore it is the view of the Waste Planning Authority that when taking into consideration the Development Plan as a whole, that planning permission should be granted subject to a temporary increase in daily HCV movements.

### **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.

### **Tonnage**

2. There shall be no more than 40,000 tonnes per year of waste delivered to the site.

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

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

### **Hours of Working**

3. No waste shall be handled on site and no HCVs (vehicles over 3.5 tonne un-laden), shall enter or leave the application site, except between the hours of 0700 and 1800, Monday to Friday and between 0800 and 1300 Saturday. There shall be no waste handled and no movements on Sunday or recognised Bank Holidays.

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





## Town and Country Planning Act 1990

---

Application No: **16/00322/CMA**

### **Continued**

4. Notwithstanding condition 3 above, no HCVs (vehicles over 3.5 tonne un-laden) shall enter or leave the application site between the hours of 0800 and 0900 and 1500 and 1545 hours Mondays to Fridays during school term time, in accordance with the approved Traffic Management Scheme (1518/PS02 rev 06, dated 1 June 2016).

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

5. Notwithstanding condition 3 above, no HCVs (vehicles over 3.5 tonne un-laden) shall make use of Woodbury Road between the hours of 0815 and 0900 and 1500 and 1545 hours Mondays to Fridays during school term time, in accordance with the approved Traffic Management Scheme (1518/PS02 rev 06, dated 1 June 2016).

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

### **Highways**

6. The Traffic Management Scheme (1518/PS02 rev 06, dated 1 June 2016) shall be implemented as approved and retained in place thereafter.

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

## Town and Country Planning Act 1990

---

Application No: **16/00322/CMA**

### Continued

7. There shall be a maximum of 38 HCV movements (vehicles over 3.5 tonne un-laden) (19 movements in and 19 movements out) on any working day in relation to the site for a temporary period expiring on 30 June 2017. At the expiry of this temporary period there shall be a maximum of 22 HCV movements (vehicles over 3.5 tonne un-laden) (11 movements in and 11 movements out) on any working day in relation to the site. Records of vehicle movements to and from the site and the times of entry and departure and CCTV footage shall be kept and made available for inspection at the request of the Waste Planning Authority.

Reason: The temporary nature of the increased in HCV movements is to allow any impacts on the safety and capacity of the local roads and users to be monitored and assessed in the interests of local amenity and highway safety in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

8. A maximum of 4 movements of HCVs (vehicles over 3.5 tonne un-laden) carrying digestate may leave the site turning right on any working day. Records of vehicle movements to and from the site and the times of entry and departure shall be kept and made available for inspection at the request of the Waste Planning Authority.

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

9. The access junction to the site shall be maintained as approved (Plans 11011/105 Rev A and 11011/106 Rev B dated 11/06/12) for the duration of the development.

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



## Town and Country Planning Act 1990

---

Application No: **16/00322/CMA**

### Continued

10. Visibility splays of 4.5 metres by 160 metres at the junction of the access road with the public highway shall be kept free from obstacles for the duration of the development.

Reason: In the interest of highway safety in accordance with Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

11. The haul road shall be maintained as detailed on plan E001-04-02Rev2 (approved under BDB/75034) for the duration of the development.

Reason: In the interests of securing an appropriate access road to in the interest of highway safety in accordance with Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

12. All vehicles entering and leaving the site shall use the haul road as detailed on plan E001-04-02Rev2 (approved under BDB/75034).

Reason: In the interest of highway safety in accordance with Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

13. The wheel cleaning measures in the Vehicle Management Strategy (E004-01 dated November 2011 approved under planning permission BDB/75034) shall be maintained for the duration of the development. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.

Reason: In the interest of highway safety in accordance with Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).



## Town and Country Planning Act 1990

---

Application No: **16/00322/CMA**

### Continued

#### Landscape

14. The landscaping scheme hereby approved (Proposed Planting Scheme (1518 / P103 Rev P1) shall be implemented within the first planting season following the date of this permission. 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 scheme shall be implemented as approved.

Reason: In the interests of visual amenity and in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013).

15. The portal framed waste reception building shall remain clad in profiled steel sheeting. The digesters and associated plant shall remain grey in colour (RAL7038) and remain in perpetuity.

Reason: In the interests of visual amenity and to secure a satisfactory development that is in keeping with the local character and 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 and Waste Plan (2013).

#### Storage

16. There shall be no outside storage of waste.

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



## Town and Country Planning Act 1990

---

Application No: **16/00322/CMA**

### Continued

#### Lighting

17. The lighting scheme as detailed in drawing E004-01 Lighting (approved under BDB/75034) shall be maintained for the duration of the development.

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

#### Restoration

18. At such time as the development is no longer used for the purpose hereby approved, ceases to operate effectively or the development fails to produce renewable energy for a continuous period of six months or more, the anaerobic digestion facility including the buildings and associated plant, infrastructure, underground equipment, associated machinery and waste shall be removed from the site and the land restored back to agricultural use. The restoration details for the site shall be submitted within three months of the cessation of use for written approval by the Waste Planning Authority. The restoration shall be completed in accordance with the approved details within six months of approval.

Reason: To prevent the retention of a development in the countryside that is no longer providing a benefit in sustainability terms and contributing to reducing the reliance on fossil fuels and offsetting the associated environmental impacts in accordance National Planning Policy Framework and Policies 5 (Protection of the countryside) and 9 (Restoration of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

#### Plans

19. The development hereby permitted shall be carried out in accordance with the following approved plans: **1518 / P101 Rev P1, 1518 / P102 Rev P1, 1518 / P103 Rev P1**

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



## Town and Country Planning Act 1990

---

Application No: **16/00322/CMA**

### Continued

#### Notes to Applicant

1. In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner based providing pre-application advice to the Developer, seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.
3. For the purposes of matters relating to this decision Heavy Commercial Vehicles (HCVs) are defined as vehicles over 3.5 tonne un-laden).
4. The applicant is encouraged to ensure that the site liaison panel, established following the grant of planning permission BDB/75034, shall continue to meet on a regular three monthly basis at an appropriate venue and that the panel membership includes all relevant representatives of the local community and other interested parties.
5. As agreed by the operator, further driver briefing will be provided to ensure the timing restriction related to school drop-off / pick-up is applied to Woodbury Road in addition to arriving and leaving the site entrance.
6. 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.

## HAMPSHIRE COUNTY COUNCIL

### Advisory Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	18 October 2017
<b>Title:</b>	Statement of Community Involvement
<b>Report From:</b>	Head of Strategic Planning

**Contact name:** Chris Murray

**Tel:** 01962 846728

**Email:** chris.murray@hants.gov.uk

#### 1. Executive Summary

- 1.1. The purpose of this report is to brief Members on the update to Hampshire's Statement of Community Involvement, which will be considered by the County Council at its meeting on 2 November 2017 for adoption. The update to the document is to ensure that it is compliant with recent changes to legislation and Government guidance, and to ensure that it includes improved procedures for public consultation on planning matters.

#### 2. Contextual Information

- 2.1. The Statement of Community Involvement is a statutory planning document (required by the Planning and Compulsory Purchase Act 2004) that sets out how the County Council, as a Local Planning Authority, will involve the local community (consultees and interested parties) in:
  - preparing and reviewing the minerals and waste planning policy documents; and
  - local decision making on planning applications for minerals, waste and County Council developments.
- 2.2. The current Statement of Community Involvement was adopted by the County Council in May 2014, and reflected changes to legislation, such as the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008, the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.3. Since then, new National Planning Practice Guidance has been introduced, along with amended legislation relating to Development Management Procedures and Environmental Impact Assessments. The Strategic Planning team has also carried out a review of the service to identify service efficiencies and improvements for customers, and therefore this presented a good opportunity to review the Statement in order to ensure that it reflects current practice and is as user friendly as possible.

- 2.4. The Statement of Community Involvement complements corporate policy on communicating with the public. Satisfying the relevant regulations in relation to community involvement in the planning process, the Statement demonstrates best practice and the County Council's desire to work in partnership and collaboration with local communities and interested parties. It also reflects new corporate measures relating to privacy, as appropriate.
- 2.5. To ensure the effectiveness of the revised Statement of Community Involvement, and to ensure that the needs of the customer are met, approval was sought from the Executive Member for Environment and Transport on 12 October 2016 to undertake a six week public consultation. The decision gave delegated authority to the Director of Economy, Transport and Environment to amend the document in light of comments received, in consultation with the Executive Member, prior to the submission of the finalised Statement of Community Involvement to the County Council for adoption.
- 2.6. The public consultation took place from 7 November – 19 December 2016, to which 29 responses were received. The representations received have been summarised in a report (found in Appendix B) which identifies how they have been taken into account in the finalised version of the Statement of Community Involvement, as appropriate.
- 2.7. The revised Statement of Community Involvement can be found in Appendix C and will be going to the County Council meeting on 2 November 2017 for consideration. If adopted by the County Council, this revised document will replace the version adopted in 2014.

### **3. Conclusion**

- 3.1. The Statement of Community Involvement is a statutory planning document required by the Planning and Compulsory Purchase Act 2004, and required updating as a result of legislative changes.
- 3.2. The revised Statement of Community Involvement was subject to public consultation for a six week period last November and December, and as a result an updated document has been produced.
- 3.3. The updated Statement of Community Involvement will be considered by the County Council meeting on 2 November 2017, and if approved will be adopted as a statutory planning document and replace the existing 2014 version.



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

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	Yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	Yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	Yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	Yes

**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

Report to the Executive Member for Environment and Transport - Update to Hampshire Statement of Community Involvement – 12 October 2016

Location

[http://www3.hants.gov.uk/getdecisiondocumentfile?item\\_doc\\_ID=17841&file=Update%20to%20Hampshire%20Statement%20of%20Community%20Involvement%20Report.pdf&type=pdf](http://www3.hants.gov.uk/getdecisiondocumentfile?item_doc_ID=17841&file=Update%20to%20Hampshire%20Statement%20of%20Community%20Involvement%20Report.pdf&type=pdf)

## Appendix B

### Summary report of consultations on the Statement of Community Involvement



Hampshire SCI  
consultation summary

## Appendix C

### Statement of Community Involvement 2017



Hampshire\_Statemen  
t\_of\_Community\_Invi

This page is intentionally left blank

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	18 October 2017
<b>Title:</b>	Monitoring and Enforcement Update
<b>Report From:</b>	Head of Strategic Planning

**Contact name:** David Smith

**Tel:** 01962 845891

**Email:** david.smith@hants.gov.uk

#### 1. Executive Summary

- 1.1. This report is to provide information to the Regulatory Committee on the Monitoring and Enforcement work undertaken by the Strategic Planning team at Hampshire County Council during the period July – September 2017.
- 1.2. Officers have been actively ensuring compliance with minerals and waste permissions granted by Hampshire County Council, investigating any complaints received as well as taking enforcement action where it is expedient to do so.
- 1.3. The report details the number of complaints on authorised and unauthorised sites, and the outcome of negotiations, including, when necessary, enforcement action undertaken.
- 1.4. The report also details the routine monitoring of chargeable and non-chargeable sites and development control work dealing with Planning Condition (Article 27) applications and Non-Material Amendments.

#### 2. Complaints

- 2.1. The vast majority of the complaints received during the period July – September 2017 referred to unauthorised waste development (14 sites) and breaches of operational planning conditions on existing mineral and waste sites (5 sites). Enforcement action was initiated on 3 sites to secure planning control although planning applications were subsequently submitted putting further action on hold on 1 of the sites. A further 11 planning applications were submitted to address issues raised by complaints or routine monitoring. On one site unauthorised activities ceased and the land was cleared following negotiation with the landowners. The remainder were enquiries made about general site operations, fly-tipping, odour and waste related development that were dealt with in-house or referred to either the Environment Agency or the relevant district or borough Planning Authority as non-County matters.

### 3. Enforcement Actions

3.1. The following table sets out the enforcement action taken for the period July – September 2017.

*Table 1: Enforcement action undertaken between July and September 2017*

<b>Site</b>	<b>What enforcement action has been undertaken and why</b>
Newlands Farm, Tanners Lane, Fareham, PO14 2HT	A Planning Contravention Notice was served to investigate concerns about the importation, storage and treatment of waste. Following discussion the landowner expressed a desire to submit an application to regularize the situation, but uncertainty over the timetable for the Stubbington By-Pass (which runs through the site) complicated their plans. Therefore, whilst enquiries about the By-pass timetable were made, the operation ceased, the plant and machinery were removed and the materials started being cleared. This clearance work ceased so an Enforcement Notice was served. A planning application was subsequently submitted for a temporary permission, but Highways require the land sooner than expected, so the application was withdrawn and the EN was re-served with a 6 month compliance period.
Buena Vista, The Lakes, Swanmore, Hampshire, SO32 2PR	A Planning Contravention Notice served following complaints of importation of inert waste on to land without the benefit of planning permission.
Hall Copse Wood, Gardeners Lane, East Wellow, Romsey	A Planning Contravention Notice served following complaints of importation and spreading of waste on land without planning permission.

3.2 The following provides an update on enforcement activities previously reported to the committee.

*Table 2: Update on enforcement activities*

<b>Site</b>	<b>Update</b>
Homestead Farm, Penton Copse, Andover	Three Enforcement Notices were served against oversized replacement waste handling building and site offices, extension to the site area, and stockpile heights in excess of permitted levels following the refusal of planning application on 23 September 2014.

	<p>Appeals against all three Notices were lodged, with a Hearing held on 27 May 2015. The Appeals against the first two Notices were allowed, but the third Notice (against stockpile heights) was upheld. Consequently the enlarged waste handling replacement building and site offices and the extension to the site area now have planning permission. The required details have since been submitted and agreed and the building is in the process of being completed. As a result of subsequent site inspections an application has been submitted for changes to the layout of the site, relocation of the office building and an extension to the waste handling building.</p>
<p>Junction 9 M3, Winnal, Winchester</p>	<p>Investigation into the importation and processing of waste associated with highway works. A Planning Contravention Notice was served and it was determined that the operation needed planning permission. An application was subsequently submitted and approved at the September meeting of the Committee.</p>
<p>Courtwood Farm, Fordingbridge</p>	<p>Following recent refusal of planning application and continued complaints, a Breach of Condition Notice was drafted. However, a further planning application was submitted to address issues on site so the enforcement action has been put on hold until the application is determined. A further BCN was drafted requiring the submission of details conditioned under the last planning permission, however these details were submitted before serving and are now being considered under the Article 27 process (condition approvals).</p>
<p>Carousel Dairy (Basingstoke AD Plant), Manor Farm, Farleigh Wallop, Basingstoke</p>	<p>Following complaints and further investigation it was determined that there were breaches of the conditions setting out the hours that lorries could access the site. A Breach of Condition Notice (BCN) was served to cease the activity and prevent future breaches. A Planning application was subsequently submitted to address the issue and clarify the permitted times and vehicle numbers. This was approved by the committee in July 2016 with an increase in vehicle movements permitted for an initial trial period of one year. Proactive site management and regular Liaison Panel meetings appear to be improving the situation and monitoring of the traffic movements is ongoing using the vehicle number plate recognition system. The application to make the vehicle increases permanent is</p>

	now under consideration.
Land to the rear of Peacocks Nursery, Ewshot	Following refusal of a second planning application enforcement action was authorised by Regulatory Committee on 22 March 2017. An Enforcement Notice was served on 22 April 2017 to come into effect 24 May 2017. This EN was appealed (on the grounds that it should be granted planning permission) and the Appeal will be heard on 12 December 2017.

### **Planning Contravention Notice**

A Planning Contravention Notice (PCN) may be issued in order to ask specific questions in relation to an alleged breach in planning control. This enables a decision to be made regarding whether or not formal enforcement action is necessary or should be taken.

There is a legal requirement to respond to a PCN within 21 days of the date of the notice, unless a longer period of time is specified in the notice.

The issuing of a PCN is optional and does not have any bearing on other action taken by the local planning authority. It is especially useful when trying to identify all parties who have an interest in land or have been involved in a suspected breach of planning control. The PCN also provides for a formal meeting between the planning authority and the recipient of the notice, whenever appropriate. This may help to clarify any misunderstandings and assist in resolving the situation.

Non-compliance with completing the requirements of a PCN is an offence punishable on summary conviction to a fine. Knowingly providing false or misleading information in response to a PCN, is also an offence punishable on summary conviction to a fine.

### **Breach of Condition Notice**

A breach of condition notice (BCN) may be issued where there has been a breach of condition that is attached to an extant planning permission. There is no right of appeal against the service of such a notice, although it can be challenged by way of applying to the High Court for a judicial review.

The BCN will set out the necessary remedial action to ensure compliance with the condition(s) being breached, with a minimum period of 28 days for compliance.

The penalty for non-compliance with a BCN is an offence punishable on summary conviction to a fine.

### **Enforcement Notice**

The authority can issue an enforcement notice where there has been an identified breach of planning control and where it is considered expedient to do so. The enforcement notice will define the breach and



set out prescriptive steps for compliance, with specific timescales, for remedying the breach.

A notice can be served in respect of operational development, a material change of use of land, or where there has been a breach of a condition attached to an extant planning permission. Such a notice must be served on the owners, occupiers and all other parties with an interest in the land that is affected by the notice.

An enforcement notice must come into effect not less than 28 days after its date of issue. There is a right to appeal to the Secretary of State, and such an appeal must be made before the notice comes into effect. Where an appeal is submitted, the requirements of the notice are held in abeyance until the appeal has been decided.

Failure to comply with the requirements of an enforcement notice is a criminal offence which is liable on summary conviction to a fine per offence, or on conviction on indictment to an unlimited fine.

The full enforcement powers available to the County Council as Minerals and Waste Planning Authority are included in the County's Enforcement and Site Monitoring Plan. This can be found on the Strategic Planning website at: <http://documents.hants.gov.uk/planning-strategic/HampshireCountyCouncilPlanningEnforcementandSiteMonitoringPlanJuly2016.pdf> .

- 3.3. The following table provides information on the joint enforcement activities which have been undertaken with the Environment Agency and District Planning Authorities.

*Table 3: Update on joint enforcement activities with the Environment Agency and District Planning Authorities*

<b>Site</b>	<b>Joint working with</b>	<b>Update</b>
Importation, storage and burning of waste at Mill View Farm, Old Mill Lane, Denmead	Environment Agency	Part of an investigation by the EA's Crime Investigation Team. The prosecution is continuing.
Importation, storage and burning waste at Trampers Lane, North Boarhunt	Environment Agency	Gathering of evidence complicated by existence of mobile home park on the site and lack of available witnesses. The landowner pleaded guilty to charges brought by the EA and received a £3,000 fine for the deposit of trommel fines, but investigations into the importation and burning of general skip waste continues.

Selborne Brickworks	Natural England and Police's Wildlife Crime Team	Reports of digging holes and burying waste adjacent to settlement ponds on the Brickworks site. Investigation found no evidence of tipping or of removal of clay off site so not a Planning matter, however, this area is known habitat of Great Crested Newts (a protected species). The landowner was prosecuted for similar destruction last year so knows he cannot undertake such works without approval of Natural England. Liaising with NE and the Police about potential prosecution.
---------------------	--	--

#### 4. Site Monitoring

##### **Chargeable Sites:**

- 4.1. Under the Town and Country Planning (Fees for Applications and deemed applications) (Amendment) (England) Regulations 2006, the County Council is able to charge fees for the monitoring of quarries and landfill sites in the County. Fees are charged for a set number of monitoring visits, the number of visits being dependent on the stage of operations at each site; whether operational, in aftercare or inactive. The number of visits is agreed with each operator and is in line with an assessment of each site made by the County Council. Active sites are charged at £331 per visit for between four and eight visits per year. Sites in aftercare are charged at £331 for one visit per year. Inactive sites are charged £111 for one annual visit.
- 4.2. In Hampshire currently, there are 27 active sites, 11 in aftercare and 7 dormant sites liable for chargeable visits.
- 4.3. During this quarter all chargeable visits are on target, bringing in approximately £9,000 in fees.

##### **Non-chargeable sites:**

- 4.4. Non chargeable sites include waste processing sites, wastewater and treatment works and metal recyclers. These vary from the large Energy Recovery Facilities (ERF) and Materials Recovery Facilities (MRF) to the smaller scale recycling and transfer facilities and updating existing wastewater treatment works. The larger developments attract much attention in their locality and require regular monitoring to ensure that the local amenity is not impacted, whereas the smaller, built developments require monitoring during construction and implementation, but once up

and running need less regular attention and resources dictate these sites only get further visits should complaints be received.

- 4.5. Matrix working arrangements have been made with Waste & Resource Management so that their officers undertaking visits to waste sites operating under the County's waste contract also look at planning issues to provide greater coverage.
- 4.6. As a result of site monitoring 11 planning applications have been submitted or are due.

## **5. Liaison Panels**

- 5.1. During this period Liaison Panel meetings were held for the following sites:-
  - a. Basingstoke AD Plant, Farleigh Wallop, Basingstoke;
  - b. Yokesford Industrial Estate, Belbins, Romsey;
  - c. Lee Lane Materials Recycling Facility, Lee Lane, Nursling;
  - d. A303 Recycling Facility and IBAA Plant, Drayton Road, Barton Stacey;
  - e. Herriard Anaerobic Digester Plant, Bushywarren Lane, Herriard, Basingstoke;
  - f. Chineham ERF, Reading Road, Basingstoke;
  - g. Frithend Quarry, Grooms Farm Lane, Frith End, Bordon;
  - h. Mortimer Quarry, Welshman's Road, Mortimer West End;
  - i. Lode Farm, Kingsley;
  - j. Roke Manor, Salisbury Road, Shootash, Romsey; and
  - k. Minerals and waste external applicant panel.

## **6. Development Management**

### ***Planning Condition (Article 27) applications:***

- 6.1. Article 27 applications are where conditions of new permissions require details to be submitted and approved for the proper implementation and control of the development. Under the [Town and Country Planning \(Fees for Applications and Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012](#), a fee of £97.00 per submission is required for the discharge of any details submitted. During the period, Article 27 applications were received and approved for 9 submissions, bringing in £1,067. Two submissions are currently under consideration.

### ***Non-Material Amendments (NMAs):***

- 6.2. NMAs are minor changes to developments or the operation of authorised sites which can be agreed through an application for a non-material amendment if the change has no significant impact. Such an application

requires a fee, but does not involve general consultation and determination by Committee.

- 6.3. Over the period NMAs were submitted for:
- (a) Basingstoke Sewage Treatment Works, Whitmarsh Lane, Chineham RG24 8LL – to increase roof height of cake hopper enclosure.
  - (b) Chickenhall Lane, Eastleigh Central, Eastleigh, SO50 6RQ – to shift the two southern AD tanks 9 metres to the north; the Electrical Substation 11.2 metres to the west; & the District Heat Connection 14.2 metres to the west.
  - (c) Horndean B Well site, Sheepwash Road, Horndean PO8 0DS - for retrospective consent for the installation of perimeter security fencing, replacement of existing electricity switch room and for the proposed siting of replacement storage tanks.

## **7. Recommendation**

- 7.1. That the contents of this report be noted.

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

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	Yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	Yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	Yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	Yes

**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

None

This page is intentionally left blank