

NOTICE OF MEETING

Meeting	Regulatory Committee
Date and Time	Wednesday, 22nd June, 2022 at 10.00 am
Place	Ashburton Hall - HCC
Enquiries to	members.services@hants.gov.uk

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

FILMING AND BROADCAST NOTIFICATION

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

AGENDA

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence received.

2. DECLARATIONS OF INTEREST

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

3. MINUTES OF PREVIOUS MEETING (Pages 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. UNIT 5 WATERBROOK ESTATE, WATERBROOK ROAD, ALTON
(Pages 7 - 70)

To consider a report from the Assistant Director of Waste, Planning and Environment, regarding a variation of condition 5 of 51471/007 to extend the life of trial period until 31 March 2023 at Unit 5 Waterbrook Estate, Waterbrook Road, Alton GU34 2UD (No. 51471/008) EH156.

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 for assistance.

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

Agenda Item 3

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY COUNCIL held at the castle, Winchester on Wednesday, 18th May, 2022

Chairman:

* Councillor Peter Latham

* Councillor Lance Quantrill
Councillor Lulu Bowerman
* Councillor Steven Broomfield
Councillor Mark Cooper
* Councillor Rod Cooper
Councillor Michael Ford
* Councillor Keith House
Councillor Gary Hughes
Councillor Adam Jackman

* Councillor Alexis McEvoy
* Councillor Stephen Philpott
* Councillor Louise Parker-Jones
* Councillor Stephen Philpott
* Councillor Roger Price
* Councillor Kim Taylor
Councillor Sarah Pankhurst
* Councillor Hugh Lumby
* Councillor Wayne Irish

*Present

309. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Lulu Bowerman, Mike Ford, Gary Hughes, Mark Cooper and Adam Jackman. Councillors Hugh Lumby and Wayne Irish attended as deputies.

310. 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.

311. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed.

312. DEPUTATIONS

The Committee had received two deputations for the meeting on item 6 and it was confirmed that they would have up to 10minutes each to speak.

313. CHAIRMAN'S ANNOUNCEMENTS

There were no formal Chairman's announcements.

314. BUS STATION CONSTRUCTION AND FACILITIES, GOSPORT

Construction of a new replacement bus station on land adjacent to Falklands Gardens at Mumby Road, Gosport together with a replacement taxi rank and ancillary facilities including short stay car parking and pick-up and set down facilities on land at the existing Gosport bus station and adjacent to The Esplanade

Councillor Stephen Philpott declared a personal interest in this item as a local Gosport Councillor and confirmed that he would not be voting on the application.

The Committee considered a report from the Assistant Director of Waste, Planning and Environment (item 6 in the minute book) regarding an application for a replacement bus station in Gosport.

The officer introduced the item, confirming that there had been no objections from statutory consultees. The Committee was shown a location plan of the area and road network, as well as elevations of the proposed bus shelter.

The Committee received two deputations on this item. Kathy Azopardi and Paul Martin spoke against the application on behalf of Cycle Gosport. They shared concerns about the safety of cyclists with the new layout and the lack of landing/launching points and proposed how this could be improved. Graham Wright spoke on behalf of the applicant and reassured that the proposals would be monitored if approved. The layout had been considered and developed alongside Gosport Borough Council and First Bus and there were some aspects of proposed improvement that fell outside of the application area that could be considered separately if necessary.

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

- The concerns raised regarding Mumby Road were not part of the application, but the access points were
- There was no recent information on usage by cyclists
- Cycle Gosport did respond as part of the public consultation process
- The size of the bus station was felt suitable and had been agreed with First Bus

Members debated the application and agreed that the improvements were necessary whilst accepting that there could perhaps be more joined-up working to accommodate the needs of cyclists. It was also acknowledged that some improvements fell outside of the scope of the proposals and would be investigated in future feasibility studies.

It was agreed that a condition around monitoring the safety of cyclists and

enforcing the importance of the living roof would be beneficial and could be delegated to the officers to negotiate.

RESOLVED

Planning permission was GRANTED subject to:

- a) The recommended conditions set out in **Appendix A**
- b) An amendment to Condition 4 to make the living roof compulsory
- c) An additional Condition to monitor the safety of cyclists once the scheme had been completed

Voting

Favour: 12

Abstentions: 1

315. **UPDATE REPORT ON PLANNING CODE OF CONDUCT**

Councillor Keith House left the meeting

The Committee considered a report from Legal Services (item 7 in the minute book), which asked the Committee to recommended adoption of the updated Planning Code of Conduct (CoC) to Full Council.

The officer summarised the proposed changes, which included updates to Members training, a procedure for amendments to recommendations and updates to the arrangements for Site Visits. It was confirmed that any minor formatting issues would be sorted ahead of the CoC going to Full Council – including a reference to Members in paragraph 14.1 of the code being updated to ‘officers’.

Members raised concerns over the provisions around Site Visits and felt that they were not inclusive to members with disability who may have difficulty accessing a Site Visit.

Concerns were also shared regarding the mechanism for incorporating the reasons of Members for not adopting a report’s recommendation.

RESOLVED

That the Planning Code of Conduct be deferred until a future meeting following the feedback of the Committee so that this could be considered.

Chairman,

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HAMPSHIRE COUNTY COUNCIL Decision Report

Decision Maker:	Regulatory Committee
Date:	22 June 2022
Title:	Variation of condition 5 of 51471/007 to extend the life of trial period until 31 March 2023 at Unit 5 Waterbrook Estate, Waterbrook Road, Alton GU34 2UD (No. 51471/008) EH156
Report From:	Assistant Director of Waste, Planning and Environment

Contact name: Peter Bond

Tel: 0370 779 420

Email: planning@hants.gov.uk

Recommendation

1. That planning permission be GRANTED subject to the recommended conditions set out in **Appendix A** and subject to a completion of a Section 106 agreement providing obligations on out of hours Heavy Good Vehicle movements to and from the site.

Executive Summary

2. The proposal is for a variation to Condition 5 (Operating times) of Planning Permission [51471/007](#) to extend a previously approved trial period for the importation of road planings and the exportation of a single waste container at the existing Waste Recycling Centre at Unit 7 Waterbrook Estate, Waterbrook Road, Alton, GU34 2UD between the hours of 18:00 – 07:00 Monday to Saturday. The proposal would generate a maximum of 12 heavy good vehicle (HGV) movements during these evening/night time hours.
3. Variations to planning conditions have previously been made. A variation to conditions 5, 11 and 18 was previously sought (application [51471/006](#)) and refused on 31 July 2018. This was subsequently the subject of an appeal by the applicant which was dismissed on 29 August 2019 ([APP/Q1770/W/18/3217698](#)). The Inspector's reason for dismissal was that without an HGV routing agreement in place the proposal would be harmful to the living conditions of neighbouring residents as a result of vehicle noise during the night time working. This decision and the Inspector's conclusions are important and remain significant material considerations in the determination of this application.
4. In July 2020, a further planning application ([51471/007](#)) was submitted seeking approval for the variation of the three same conditions: 5 (Operating times), 11 (Dust and noise management) and 18 (Materials permitted) as in 2018. Importantly, the Applicant offered to enter into a Section 106 obligation that contained a detailed HGV routing arrangement. Planning permission was approved by the Regulatory Committee on 21 February 2021 (hereafter

referred to as ‘the 2021 Permission’) and was subject to 24 conditions and a Section 106 (s106) obligation. Condition 5 sets the hours of use for the site and permitted, for a temporary one year period, additional operations at the site between 18:00 and 07:00 Monday evening through to the following Saturday morning. The purpose of the temporary one year period, which expired on 31 March 2022, was to allow for the impacts of the night time operations to be assessed before making such operations permanent.

5. Following the issuing of the 2021 Permission, there has been a change of operator of the site from Waltet to Grey Fox Recycling.
6. Condition 1 of the 2021 Permission required the submission to, and prior approval of, Hampshire County Council of a screen planting scheme for the southern end of the western boundary. Due to the change in the site operator, the submission the planting scheme was only submitted in December 2021 and formally approved on 27 April 2022. Therefore, the new operator has not been able to fully instigate night time operations during the initial trial period that expired on 31 March 2022 and is therefore requesting a further trial period up to 31 March 2023.
7. The application is being considered by the Regulatory Committee, as the Minerals and Waste Planning Authority considers the case to have sufficient public interest to merit determination at Regulatory Committee.
8. A Regulatory Committee site visit took place for this planning application on 6 June 2022 in advance of its consideration.
9. The key issue raised is the impact of the proposed development on nearby properties by way of noise and general amenity impacts arising from the proposal to allow 12 HGV movements between 18:00 and 07:00 hours. The site has a liaison panel, established following the grant of the 2021 permission.
10. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) and an Environmental Statement has not been submitted.
11. It is considered that the proposal is in accordance with the relevant policies of the adopted [Hampshire Minerals and Waste Plan](#) (HMWP (2013)), in that it provides a suitable location to support highways works in Hampshire through the transfer of road planings to an existing Waste transfer facility located close to the Strategic Road Network in a central Hampshire location. It is considered that the proposal’s benefits in providing this facility for the temporary storage of road planings outweighs the potential impacts to neighbourhood amenity and the environment within the site’s context on an existing industrial estate adjacent to a residential area of Alton.
12. It is considered that the proposed development for 12 HGV movements per night, when considered with the proposed mitigation and subject to

conditions and the routing arrangement contained in the extant s106 obligation, will not generate significant adverse impacts on public amenity, noise or light pollution, or to highway safety. Therefore, planning permission should be GRANTED subject to the recommended conditions set out in **Appendix A** and subject to a completion of a section 106 agreement providing obligations on out of hours Heavy Good Vehicle movements to and from the site.

The Site

13. The application relates to a 2.2-hectare site within the Waterbrook Industrial Estate, within the settlement boundary on the eastern edge of Alton. The site was previously part of the adjacent Alton Sewage Treatment Works and is currently used as a Waste Transfer Station [WTS].
14. The site is surrounded by industrial and commercial land uses with the remaining operational waste water treatment works to the north-east of the site (**see Appendix B**). Mill Lane Industrial Estate is 100 metres [m] to the north-west, Alton Household Waste Recycling Centre [HWRC] is 40m to the west, and Alton Business Centre and Omni Business Centre are 150m and 90m respectively to the south-west of the site.
15. Sharing the same highway access as the applicant's waste management facility are a number of different uses. Kendall Bros' Waterbrook concrete batching site is located off the north-eastern boundary of the site to the south of the weighbridge with the PL Waste Ltd's waste transfer site immediately to the south of the concrete plant. The site is secured by way of metal palisade fencing along the boundary and gates. The layout of the site is set out in **Appendices B and C**.
16. The nearest residential properties to the application site boundary are elevated, over-looking properties 230m west of the site, on Wilsom Road. Lynch Hill Cottage is 260m to the north on Waterbrook Road. This property is set back from the Waterbrook Industrial Estate and is closest to the immediate access route for HGVs travelling to and from the site. There is also a large cluster of housing 500m to the south-west located south of Ashdell Road and west of Wilsom Road.
17. The site lies approximately 1.8 kilometres (km) to the north and west of the South Downs National Park.
18. Caker Stream borders the site from the north-west to the south and is separated from the site by a vegetated bank (in the form of a steep sloped bund of around 4m in height), metal palisade fencing and trees. Caker Stream is a chalk stream and is identified as a Biodiversity Action Plan Priority Habitat. Along the southern boundary of the site is a designated woodland improvement area and beyond this is a priority Habitat of Flood Plain Grazing Marsh. The western edge of the site falls within Flood Zone 2.

This application proposes no changes to the site levels and no changes to how the site drains. The site currently benefits from an approved drainage system, with site drainage largely being a matter for the Environment Agency to regulate through the Environmental Permit.

19. The site is bordered to the south-east by the A31, categorised in the HMWP (2013) as part of the Strategic Road Network. This road has mature trees along each side with the carriageway being around 20m from the site's boundary. Access to the site is gained from Waterbrook Road, which in turn joins the B3004, Mill Lane. The B3004 runs north-east to join the A31 approximately 800m to the north-east of the site. The B3004 also runs southwest into the residential area around Mill Lane, Ashdell Road and Wilsom Road. There is an existing legal agreement on lorry routing which was established through the grant of planning permission [51471/007](#). A deed of variation to that agreement will be required to ensure that the lorry routing restriction will continue to apply to the future site operations.
20. The western stretch of the Public Right of Way (PROW) footpath known as Alton, Route Number 40, is 140m to the south of the site. The eastern element which crosses the Caker stream is known as Worldham, Route number 26.
21. The overarching approved working hours for the site are set out in Condition 5 of Planning Permission [51471/003](#). These are Monday to Saturday between 0700 and 1800 with no working on Sundays or recognised Public Holidays.
22. Condition 1 of planning permission [51471/007](#) required the submission to, and prior approval of, Hampshire County Council of a screen planting scheme for the southern end of the western boundary. Due to the change in operator the submission the planting scheme was only submitted in December 2021 and formally approved on 27 April 2022.
23. Since Grey Fox have taken ownership of the site, the operator has worked to address a number of issues on site. This has included addressing the site levels, height of stockpiles and improvements / maintenance of the on-site sustainable drainage system. The operator has also worked with other companies utilising the site's access to ensure that compliance with planning conditions, in particular working hours, is achieved.
24. The Council has received numerous complaints about noise emanating from the site since the grant of the 2021 permission. However, there is no noise limit condition on the extant planning permissions. This means that this is a matter for the Environment Agency (EA) to regulate under the Environmental Permit. The EA has not been able to substantiate the vast majority of these complaints as being of sufficient order to require further action, although they have identified a shredder operated by PL Waste Ltd (outside of the red line boundary) as the possible source. They have consequently required an updated Noise Management Plan to cover all the plant and machinery on the

site. Another potential source has been off site and an investigation is to be undertaken by a Noise Consultant as part of a wider Noise Assessment being undertaken by the operator. Background noise levels are of such a high level (mainly due to the local highway network) that setting enforceable noise limits has previously been considered to be impractical.

25. Following the consideration of planning application [51471/007](#), members requested that a liaison panel be established at the site. This was established in 2022.

Planning History

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

Application No	Location	Proposal	Decision Date
51471/007	Unit 5-6 Waterbrook Estate, (formerly referred to as Unit 7), Waterbrook Road, Alton GU34 2UD	Variation of conditions 5, 11 & 18 of planning permission 51471/003 to allow for restricted night-time activities including importation of road planings	Approved 25/02/21
APP/Q1770/W/3217698	Unit 7 Waterbrook Estate, Waterbrook Road, Alton, GU34 2UD	Appeal of decision 51471/006 for Variation of conditions 5, 11 and 18 of planning permission 51471/003 to allow for importation of road planings and the night-time importation.	Dismissed 29/08/19
51471/006	Unit 7 Waterbrook Estate, Waterbrook Road, Alton GU34 2UD	Variation of conditions 5, 11 and 18 of planning permission 51471/003 to allow for importation of road planings and the night-time importation and exportation of waste.	Refused 31/07/18
51471/005	Unit 7 Waterbrook Estate, Waterbrook Road, Alton GU34 2UD	Variation of condition 5 of planning permission 51471/003 (to extend the operational hours to 24 hours, 7 days per week for HGV movements and associated loading shovel for the importation of road planings)	Withdrawn 19/01/2018
51471/003	Hutchings &	Variation of conditions 3 (Site	Granted

	Carter Yard, Waterbrook Road, Alton GU34 2UF	Layout) and 18 (to allow storage of wood) of planning permission 51471/002.	29/09/16
33089/032	Hutchings & Carter Yard, Former Sewage Works, Waterbrook Road, Alton Hampshire GU34 2UD	Change of use (with associated building modifications) from existing builders storage depot to a waste recycling facility to accept and process commercial and industrial waste (including the use of a waste picking station and trommel) on industrial land at the former sewage works off Waterbrook Road, Alton.	Granted 23/01/2013
SCR/2011/0226	Alton Recycling Centre, Waterbrook Road, Alton Waterbrook Road, Alton	Screening Opinion: Proposed change of use (with associated building modifications) to skip waste recycling facility to accept and process commercial and industrial skip waste.	EIA not required 15/11/2011
51471/002	Former Sewage Works, Waterbrook Road, Alton, Hampshire	Retention of Waste Recycling Centre for construction & demolition waste to include a lightweight structure, landscaped bund, parking and associated plant and machinery.	Granted 11/04/2011

27. Based on the permissions in place, the site currently has planning permission for the following waste uses:
- [33089/032](#) - Commercial and industrial waste (non-hazardous waste arising from the activities of wholesalers, catering establishments, shops and offices such as metals, plastic, wood, paper, card, black bag waste) processing and transfer, granted by Hampshire County Council as Minerals and Waste Planning Authority [MWPA]; and
 - [51471/003](#) - Construction and demolition waste (non-inert rubble, concrete, soils and stone, and wood waste) processing, crushing, screening and transfer, granted by Hampshire County Council as MWPA.
28. There is an existing legal agreement in place for lorry routing through planning permission [51471/007](#). This is set out in **Appendix D**.
29. In addition to the above, the application site has a number of existing planning permissions for business uses (B1, B2 and B8) granted by East Hampshire District Council [EHDC]. These are:

- [33089/28](#) – Office facilities used by the WTS; and
 - [33089/24](#) – retained permission for the site security fencing.
30. In accordance with Policy 26 (Safeguarding – waste infrastructure) of the [HMWP \(2013\)](#), the site is safeguarded as a Waste Transfer Station. The area is also allocated as existing employment land (CP4 -Existing employment land) in the [East Hampshire Local Plan Part 1 \(Joint Core Strategy\) \(2014\)](#).

The Proposal

31. This proposal is a Section 73 planning application for the variation of condition 5 of [51471/007](#) to extend the life of the previously approved trial period until 31st March 2023. In effect the proposal is to extend the use of the site between the hours of 18:00 – 07:00 from Monday through to Saturday mornings for five HGVs to access the site to drop off road planings and then leave empty (total of 10 movements) and for one HGV to enter the site for the delivery and collection of a pre-prepared CDE waste trailer (two movements). There would be a maximum of 12 HGV movements and no waste processing or loading operations taking place. The planings will largely originate from the resurfacing of the strategic highway network in Hampshire where access to permitted sites during these hours is very limited. The operations would be limited to a maximum of 5 HGVs entering the site, depositing planings and leaving, with no loading or processing operations and one further HGV entering to collect a skip and then leaving.
32. The following is proposed to mitigate and restrict operations for the benefit of neighbourhood amenity. These are all carried over from the previous planning permission and no changes are proposed in this regard:
- No fixed plant will be operated out of operating hours (07:00-18:00 Monday to Saturday);
 - There will be no loading shovel operations at night after 18:00; and
 - All HGVs entering and egressing the site out of hours will be set to silent reversing alarms and use white noise systems (be in 'night mode').
33. All the other conditions currently contained within the 2021 Permission will be retained including Condition 21 (vehicle movements) which limits overall Heavy Goods Vehicles (HGV) movements to 612 (in and out) per week. Therefore the proposed night time movements would be included in this limit. HGVs (defined as vehicles over 3.5 tonne un-laden) will access and leave the site only via the existing access off Waterbrook Road.
34. The operations will continue to be limited by the previously signed s106 obligation (under planning permission [51471/007](#)) that places a routing arrangement on the operator for all HGVs accessing the site during the hours between 18:00 and 07:00 (see **Appendix D**). This routing arrangement obligates the HGVs to travel from the site north up Waterbrook Road, north up the B3004 Mill Lane, and then to turn right directly onto the A31 during the out of hours period. This is to ensure that no out of hours

HGV movements travel through the residential area to the south of the Waterbrook Road/Mill Lane junction.

35. The following documents have been submitted with the application and can be found on the planning application [webpage](#).
- A supporting statement, dated December 2021;
 - Covering Letter dated February 2022;
 - Transport Statement dated February 2022.
 - Site Location Plan; and
 - Copy of extant s106 planning obligation.
36. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). The development is classified as a Schedule 2 development as it falls within Category 13 (Changes and extensions), section (b) as it is a change to a installation falling within Category 11(b) (ii) and (iii) (Installations for the disposal of waste (unless included in Schedule 1)). However, whilst being identified under the Regulations, it is not deemed an EIA development requiring an Environmental Statement.

Development Plan and Guidance

37. Paragraph 47 of the [National Planning Policy Framework \(2021\)](#) (NPPF) requires 'applications for planning permission (to) be determined in accordance with the development plan, unless material considerations indicate otherwise'. Therefore, consideration of the relevant plans, guidance and policies and whether the proposal is in accordance with these is of relevance to decision making.
38. The following plans and associated policies are considered to be relevant to the proposal:

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

39. The following paragraphs are relevant to this proposal:
- Paragraphs 10-12: Presumption in favour of sustainable development;
 - Paragraphs 38, 47: Decision making;
 - Paragraphs 55 – 56: Planning conditions;
 - Paragraphs 57: Planning obligations;
 - Paragraphs 81: Support of sustainable economic growth;
 - Paragraph 92: Healthy, inclusive and safe places;
 - Paragraphs 104, 110-113: Sustainable transport; and
 - Paragraphs 153-158; Planning and climate change.

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

40. The following paragraphs are relevant to the proposal:

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

[National Waste Planning Practice Guidance \(NWPPG\)](#) (last updated 16/10/2015)

41. The following paragraphs are relevant to the proposal:
- Paragraph 007 (Self-sufficient and proximity principle);
 - Paragraph 0046 (Need);
 - Paragraph 047 (Expanding existing waste facilities); and
 - Paragraph 0050: (Planning and regulation).

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

42. The following policies are relevant to the proposal:
- Policy 1 (Sustainable minerals and waste development);
 - Policy 2 (Climate change – mitigation and adaptation);
 - Policy 10 (Protecting public health, safety and amenity);
 - Policy 12 (Managing traffic);
 - Policy 13 (High-quality design of minerals and waste development);
 - Policy 18 (Recycled and secondary aggregates development);
 - Policy 25 (Sustainable waste management);
 - Policy 26 (Safeguarding - waste infrastructure);
 - Policy 29 (Locations and sites for waste management); and
 - Policy 30 (Construction, demolition and excavation waste development).

[East Hampshire and South Downs Joint Core Strategy \(2014\) \(EHCS \(2014\)\)](#)

43. The following policies are relevant to the proposal:
- Policy CP4 - Existing employment land; and
 - Policy CP20 – Landscape.

Consultations

44. **East Hampshire District Council - Planning:** Raises concerns regarding the proposed variation of condition due to potential impacts on the occupiers of the nearest residential properties from increased noise disturbance.
45. **East Hampshire District Council - Environmental Health:** The Environmental Health Officer makes the following comments:
 “I have reviewed our records to see whether we have received any noise complaints about overnight working at the above site in the last 12 months. Whilst we have been contacted multiple times alleging the site is causing unreasonable disturbance outside the permitted work hours, and on

occasions during the working day as well, we have only been contacted about noise associated with night time activities on one occasion in April 2022. At this time we have insufficient evidence of significant harm being caused to local residents from night time noise to raise an objection to the above application. We would have concerns if the applicant was seeking permanent approval at this stage, however the proposed extension will enable us to consider the matter in more detail. I understand that the site has changed ownership. I recommend that clarification is sought from the applicant to confirm that the proposed night time operations and measures taken to mitigate the effects of noise remain the same as those permitted in 51471/007.”

46. **Hampshire County Council – Highway Authority:** No objection subject to conditions similar to those previously imposed on the site.
47. **Alton Town Council:** Objects to the proposal and believes that previously approved conditions have not complied with.
48. **Binsted Parish Council:** Was notified of the application – no comments received.
49. **Kingsley Parish Council:** Was notified of the application – no comments received.
50. **Environment Agency:** Was notified of the application – no comments received.
51. **Councillor Kemp-Gee:** Was notified of the application – no comments received.
52. **Councillor Joy:** Was notified of the application – no comments received.

Representations

53. Hampshire County Council’s [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications. In complying with the requirements of the SCI, the Council:
 - Published a notice of the application in the [Hampshire Independent](#);
 - Placed notices of the application at the application site and local area;
 - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
 - Notified by letter all residential properties within 100 metres of the boundary of the site.
54. As of 9 June 2022, a total of 13 representations signed by 18 individuals objecting to the proposal have been received. The main areas of concern raised in the objections related to the following areas:
 - Noise from HGVs accessing the site will be unacceptable;

- General disturbance from the site and surrounds already unacceptable and the proposal will exacerbate this issue; and
 - The operator has allegedly breached the planning conditions on the extant planning permission on several occasions and concern is raised regarding the likelihood of compliance with any future mitigating conditions.
55. East Hampshire Councillor Burns (Alton Ashdell Ward) submitted an objection to the proposal on the grounds of noise disturbance affecting local residents and previous alleged breaches of planning conditions on the site.
56. The above issues will be addressed within the following commentary, (except where identified as not being relevant to the decision).

Habitats Regulation Assessment

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

Climate Change

62. Hampshire County Council declared a [climate change emergency](#) on 17th June 2019. The Strategy and Action Plan do not form part of the Development Plan so are not material to decision making. However, it is true to say that many of the principles of the [Strategy](#) and [Action Plan](#) may be of relevance to the proposal due to the nature of the development in providing waste management opportunities that can reduce the amount of miles travelled by HGVs transporting waste. The application does not contain a climate change assessment and makes no specific proposals to demonstrate how its impact on the causes of climate change are minimised or how it supports the transition to a low carbon future or considers minimising energy consumption. However, considering the existing activities on site and the minimal nature of the proposed changes the proposed scheme is considered to not have a significant contributing impact on climate change and is considered to have acceptable resilience to climate change.

Commentary

63. The planning application needs to be first considered against the policies of the Development Plan and then other material planning considerations. The policies within the [Hampshire Minerals & Waste Plan \(2013\)](#) (HMWP) and the [East Hampshire and South Downs Joint Core Strategy \(2014\)](#) (EHCS (2014)).
64. The site is located on the Waterbrook industrial estate on the edge of Alton. The estate is formed from a mixture of commercial, industrial and waste uses. It has previously been identified in conjunction with East Hampshire District Council [EHDC] that the developments on the estate do not have specific planning permissions that allow for night-time operations, i.e. those outside of typical operating hours. Therefore, the proposed development to allow limited night time operations and HGV movements would be a significant change to the current situation in the area.
65. Notwithstanding the forgoing, it is also established that while there are no sites in the industrial estate with specific permission to carry out night time operations, there are also no restrictions to other land uses on the industrial estate to prevent night time operations either.
66. The proposal is for the variation of condition 5 of planning permission [51471/007](#) to extend a trial period of operations between 18:00 – 07:00 Monday evening through to Saturday mornings. While the original trial period expired on 31st March 2022, a change in operator in 2021 and a delay in the submission and subsequent approval of a pre-commencement

condition has meant that the original trial period was not been fully implemented. The proposal would allow for the tipping only of road planings during the night and the collection of a single construction, demolition and excavation waste skip, with no processing or loading proposed for a temporary period until 31 March 2023. The Regulatory Committee previously considered, and agreed, the initial variation in 2021 (the 2021 permission).

67. The variation of condition 5 is the only variation proposed and therefore the assessment is based solely on the impacts of allowing a further temporary period for night time operations only. Whether this variation meets the requirements of Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#) will be covered by the remaining parts of this commentary section. It is important to note that no other parts of the site area or wider site activities are in the scope of this planning application. Any future planning applications on this site or in the area for night time operations would need to be determined on their own merits in accordance with the policy and material considerations relevant to those applications, for which cumulative impact and existing night time operations could be relevant.

Demonstration of Need

68. Policies 17 (Aggregate supply – capacity and source) and 18 (Recycled and secondary aggregates development) of the [HMWP \(2013\)](#) support development of infrastructure to provide supply of recycled and secondary aggregates. The processing of road planning helps to contribute to a supply of recycled and secondary aggregates.
69. Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#) supports the co-location of activities with existing operations where considered appropriate and commensurate with the operational life of the site. It states provision will be made for the management of non-hazardous waste arising that achieve at least 60% recycling and 95% diversion from landfill by 2020. The processing of road planings will help to increase the amount of recycled and secondary aggregates that can be produced.
70. Policy 27 (Capacity for waste management development) of the [HMWP \(2013\)](#) states the need for additional waste infrastructure capacity was for non-hazardous recycling and recovery capacity in Hampshire. The policy supports proposals where they provide additional capacity for non-hazardous recycling and recovery through the use of existing waste management sites. The proposal will provide for additional capacity, for a

temporary period, for the processing of road planings, as part of a wider waste management site.

71. The [National Planning Policy for Waste \(2014\)](#) (NPPW) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Policy 7 of the NPPW states that when determining waste planning applications, Waste Planning Authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In this case, the proposed development is considered consistent with the [HMWP \(2013\)](#) and so the applicant is not required to demonstrate market need. The proposed development is located at an existing and safeguarded waste site which is located close to a junction of the A31, part of the Strategic Road Network as identified in the [HMWP \(2013\)](#), and is therefore considered to be in proximity to the waste sources and markets of Hampshire.
72. The applicant states that highways work typically occurs at night and on a campaign basis (a campaign refers to intense, but usually short lived, projects). A proportion of the road planings generated will need to be deposited at a suitably licensed waste facility. Allowing for the night time storage of road planings at the Waterbrook Road site would enable safe, secure and licenced storage providing operational flexibility to benefit highways projects in Hampshire, reducing the miles and time required to take planings during these night time hours to alternative licensed facilities.
73. On the basis of the nature of the proposal, the proposed development is in accordance with Policies 17, 18, 25 and 27 of the [HMWP \(2013\)](#).

Highway Impacts

74. Policy 12 (Managing traffic) of the [HMWP \(2013\)](#) requires minerals and waste development to have a safe and suitable access to the highway network and where possible minimise the impact of its generated traffic through the use of alternative methods of transportation. It also requires highway improvements to mitigate any significant adverse effects on highway safety, pedestrian safety, highway capacity and environment and amenity.
75. This proposal is for 12 HGV daily movements to and from the site outside of the operating hours of the site as set in Condition 5 (Operating times) of Planning Permission [51471/007](#) (0700-1800 Monday to Saturday). These would travel to the A31 via Waterbrook Road and the B3004, Mill Lane. It is proposed that these HGV movements would be included in the existing HGV movement limit of 612 weekly, therefore it is proposed to retain this limit in the scheme of conditions proposed in **Appendix A**.

76. Prior to the submission of the 2020 application, planning application [51471/006](#) for similar development was refused by the Regulatory Committee on the grounds that the application was considered to be contrary to Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and the relevant paragraphs of the National Planning Policy Framework. The applicant appealed this decision and the appeal was dismissed by the Planning Inspectorate on 31 August 2019 (appeal decision [APP/Q1770/W/18/3217698](#)). The Inspector found the main issue to be the impact of the proposal on the living conditions of neighbouring residents, in terms of noise and disturbance. The Inspector dismissed the appeal on the grounds that that they considered *‘that there would be an adverse effect from night-time HGV movements without a routing agreement in place’* and that this would be harmful to the living conditions of neighbouring occupiers, contrary to Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#). It is important to note that the Inspector found the principle of the development acceptable, subject to conditions and the establishment of a legal agreement to restrict the routing of Heavy Goods Vehicles travelling to and from the site, in order to avoid the most noise sensitive locations. As already noted, this routing agreement was agreed through the grant of planning permission [51471/007](#) and this legal agreement would continue should permission be granted for this application. The agreed lorry route is set out in **Appendix D**.
77. The Highway Authority raises no objection to the proposal subject to a legal agreement on HGV routing and associated planning conditions which are included in **Appendix A**. On this basis it is considered that the proposal is in accordance with Policy 12 (Managing traffic) of the [HMWP \(2013\)](#).

Visual impact, light pollution and landscape

78. Policy 13 (High-quality design of minerals and waste development) of the [HMWP \(2013\)](#) requires that waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) protects residents from significant adverse visual impact.
79. Paragraph 7 of the [National Planning Policy for Waste \(2014\)](#) states that Waste Planning Authority should ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.
80. The consultation response from the Environmental Health Officer [EHO] at East Hampshire Borough Council [EHBC] raises no objection to the proposal to extend the temporary trial period.
81. The planting scheme along the western boundary approved under planning permission [51471/007](#) will further mitigate against the impacts of light emissions from the site as it matures.

82. A number of public representations object on the grounds of the disturbance from the use of the site during night time overs. The site is located in an elevated position that overlooks an area to the south east of Alton. It has been previously established in existing planning permissions that the waste transfer station is acceptable in planning terms and has sufficient mitigation to its visual impact on its setting. The proposed development proposes the storage of road planings to the rear of the site. This is proposed to be developed in accordance with all existing conditions of planning permission [51471/007](#), and so the proposal is considered to not have a significant adverse day time visual impact or landscape setting.
83. The proposal includes the use of vehicles at night on the site, with only vehicle lighting to be used for the operations proposed and no fixed artificial lighting being required. In the light of this it is considered that the proposal is in accordance with Policy 13 (High quality design of minerals and waste development). It is also considered the proposal is in accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) with respect to light impact.

Impact on public amenity and health – noise, dust and odour

84. Policy 10 (Protecting public health, safety and amenity) of [HMWP \(2013\)](#) requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development.
85. The [National Planning Policy for Waste \(2014\)](#) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Policy 5 sets out criteria by which Waste Planning Authorities should assess the suitability of sites for new or enhanced waste management facilities. This includes the criteria that the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.
86. Prior to the submission of the [51471/007](#), of which this application relates to, planning application 51471/006 for similar development was refused by the Regulatory Committee for the reason that the Minerals and Waste Planning Authority considered that, on the basis of the information submitted, the proposed night time operations will result in unacceptable noise impacts to occupiers of residential property in the surrounding area, contrary to Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan 2013 and the relevant paragraphs of the National Planning Policy Framework. The applicant appealed this decision and the appeal was dismissed by the Planning Inspectorate on 31 August 2019 in appeal decision [APP/Q1770/W/18/3217698](#). The Inspector found the main issue to be the impact of the proposal on the living

conditions of neighbouring residents, in terms of noise and disturbance. The Inspector dismissed the appeal on the grounds that that they considered *'that there would be an adverse effect from night-time HGV movements without a routing agreement in place'* and that this would be harmful to the living conditions of neighbouring occupiers, contrary to Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#). The Inspector considered that *'the noise assessments are conservative in their assessment of the impacts of the proposal.'* and *'On the basis of the modelling and noise assessment carried out, which I consider to be satisfactory, ...there would not be an adverse effect in terms of noise from the proposed night time use of the site.'* The inspector took the view that the proposal would comply with Paragraph 180 (appropriate development taking into account pollution on health, living conditions and the natural environment) of the [NPPF](#). Therefore, the Inspector found the principle of the development acceptable, subject to conditions and the establishment of a legal agreement to restrict the routing of Heavy Goods Vehicles travelling to and from the site, in order to avoid the most noise sensitive locations. As already noted, this routing agreement was previously agreed through the grant of planning permission [51471/007](#). A continuation of the agreed legal agreement would be required if permission were to be granted.

87. Alton Town Council and a number of public representations object to the proposal on grounds of unacceptable noise likely to be generated from the importation of plantings and the 12 HGV movements. These are acknowledged.
88. The previous application ([51471/007](#)) included two Noise Assessments; one for the proposed night time activities on the site, and one for the sound generated by night-time HGV movements to and from the site. Both noise assessments were based upon British Standard [BS4142:2014](#), which is recognised by the Waste Planning Authority and the Environmental Health Officer as an acceptable standard to consider the impacts of noise for minerals or waste developments. They considered potential noise impacts against site measured background noise at identified survey locations and sensitive receptors.
89. Both assessments demonstrated that the noise impact from the proposed activities would not cause an unacceptable adverse noise impact on local sensitive receptors – a conclusion that the Environmental Health Officer accepted, raising no objection. The proposed night time operations and measures taken to mitigate the effects of noise remain the same as those permitted in [51471/007](#). The Environmental Health Officer has again been consulted on this application and considers that the proposed extension of the trial period to be acceptable. It is the view of the Waste Planning Authority that the proposed extension to the trial period will not generate unacceptable noise impacts and will allow for a full assessment of the impacts that the night time operations.
90. With regard to dust management, there is an approved Dust Management Plan for the site, which will be regularly reviewed under the Environmental Permitting process. There are water sprays around the site to help reduce

dust emissions during dryer periods of weather. The current proposal for very limited and temporary night time operations are considered unlikely to generate additional dust problems outside the site's boundary.

91. With respect to odour, the proposed addition of road planings to the waste types imported to the site does not have any odour impacts associated with it.
92. No significant amenity issues have been raised. On the basis of the proposed mitigation and the conditions proposed in **Appendix A**, it is considered that the proposed development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#).

Groundwater and potential pollution associated with the development

93. The site currently benefits from an approved drainage system, with site drainage largely being a matter for the Environment Agency to regulate through the Environmental Permit. There have been no substantiated drainage complaints arising from site operations and no changes to onsite drainage systems are proposed at the site as part of this application for limited and temporary night time operations.
94. National Planning Practice Guidance states that Planning Authorities should assume that other regulatory regimes will operate effectively rather than seek to control any processes, health and safety issues or emissions themselves where these are subject to approval under other regimes ([Paragraph 050 Reference ID: 28-050-20141016](#)).
95. While the Environment Agency has not commented on this application, when consulted on the previous application at the site, the Environment Agency confirmed that the site's environmental permit includes bituminous mixtures such as road planings as acceptable waste, with the exception of certain road planings, such as those containing coal tar, as these are hazardous waste. Therefore, the operator holds a permit for the importation and processing of non-hazardous road planings. The area set out for the storage of road planings, as shown on Site Layout Plan 02 includes concrete hardstanding, physical wall containment and drainage as per the requirements for the entire site in accordance with Conditions 7 (Solids to watercourses) and 8 (Hardstanding) of the existing site planning permission [51471/007](#).
96. The site's Environmental Permit will continue to control the suitability of the waste material imported to the site as well as site drainage. Therefore, the proposal is considered to be in accordance with Policies 8 (Protection of soils) and 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) with respect to ground and water pollution.

Complaints about site operations

97. Concerns about alleged breach of planning conditions on the extant planning permissions were raised in representations and these are noted.
98. Monitoring Officers have investigated all complaints received by the Waste Planning Authority in order to ascertain the source of any issues, even if the source is not a waste management facility.
99. The Waste Planning Authority acknowledges that three substantiated complaints have been received about the application site since the grant of the 2021 planning permission. One dates from November 2021 when maintenance was taking place on a Sunday and two complaints from April 2022 when planings were imported during the night after the original temporary period for such works had expired. Following investigation by the Monitoring Officers and discussions with the new site operator, the operator has instigated changes to ensure compliance with the extant planning permission. No further substantiated complaints have been received since April 2022.
100. The Waste Planning Authority cannot comment on any complaints received directly by the Environment Agency or Environmental Health other than to say that officers have been in regular discussions with the agencies as they do with all Permitted waste management sites.
101. As already noted, the site was taken over by Grey Fox in 2021. Therefore, any history of complaints on the site, prior to Grey Fox taking ownership should be afforded very little weight.

Site Liaison Panel

102. A frequent concern of communities that host or might host minerals and waste development is that there are no immediate benefits to 'compensate' for the inconvenience that occurs. In Hampshire there is already a precedent for minerals or waste operators to contribute to local communities' funds. However, this process lies outside of the planning system. In addition to the above, paragraph 5.59 of the [HMWP \(2013\)](#) states that there is an expectation that all 'major' minerals and waste development will be accompanied by a site Liaison Panel. Following the grant of planning permission [51471/007](#), a liaison panel has been established at the site covering all site operations. Councillor Joy is chair of this panel. There have been some delays in the establishment of this panel due to the changes in site ownership. An initial operational panel meeting took place on 24 May 2022 between Councillor Joy, Council officers and representatives from Grey Fox recycling, PL Waste Management Limited and I-sight (Road planings). A further panel meeting is being arranged for Councillor Joy, Council Officers and the Environment Agency to meet with local residents. It is anticipated that this will take place

in July 2022. The Minerals and Waste Planning Authority supports the continuation and development of this panel, to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community.

Planning Conditions and legal agreement

103. Amendments have taken place to some of the conditions included in planning permission [51471/007](#): These can be summarised as follows:
- Condition 1: Amendments to the wording to reflect the landscape planting scheme approved under condition 1 of planning permission ref. [51471/007](#) and the condition indicates that this shall be implemented in full in the first available planting season following the grant of this permission and shall be maintained in accordance with the approved scheme for the life of this development; and
 - Condition 5: Amended to reflect the temporary period ending on 31 March 2023.
104. Any other required updates to the existing conditions on planning permission [51471/007](#) have been reflected in **Appendix A**.
105. A legal agreement agreed providing obligations on out of hours Heavy Good Vehicle movements to and from the site was agreed under planning permission [51471/007](#). In the event that permission is granted, a similar agreement will need to be agreed.

Conclusions

106. It is considered that, in the light of the previous planning permissions granted for waste management use of the site, the previous granting of a one-year trial period for limited night time operations responses from statutory consultees that the proposal is in accordance with the relevant policies of the Development Plan in that it provides a suitable location to support highways works in Hampshire through the transfer of road planings to an existing Waste Transfer Facility located on the Strategic Road Network in a central Hampshire location.
107. It is considered that the proposal's benefits in providing this facility for road planings for a temporary trial period outweighs the impacts to neighbourhood amenity and the environment within the site's context as part of an existing industrial estate adjacent to a residential area of Alton along the Strategic Road Network.
108. It is considered that the proposed development for up to 12 HGV movements per night, when considered alongside the proposed mitigation, planning conditions and the continuation of the s106 obligation on out of hours HGV movements ensures that the proposed development will not

generate a significant adverse impact on public amenity, noise or light pollution, or to highway safety or amenity. It is therefore considered that the proposal is in accordance with Policies 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) with respect to noise, lighting, dust and odour and 12 (Managing traffic).

109. The site is close to the Strategic Road network and is considered suitable for additional development, such as this, in order to sustainably support Hampshire's provision of waste facilities in accordance with Policies 17 (Aggregate supply – capacity and source), 18 (Recycled and secondary aggregates development), 25 (Sustainable waste management) and 27 (Capacity for waste management development) of the [HMWP \(2013\)](#). It is therefore considered that the applicant has provided sufficient demonstration to be considered sustainable in accordance with Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#).
110. In the light of the above it is considered that the proposed development is acceptable subject to the conditions proposed in **Appendix A** and the completion of a section 106 agreement providing obligations on out of hours Heavy Good Vehicle movements to and from the site.

Recommendation

111. That planning permission be GRANTED subject to the recommended conditions set out in **Appendix A** and subject to a completion of a section 106 agreement providing obligations on out of hours Heavy Good Vehicle movements to and from the site.

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Layout Plan

Appendix D – S106 planning obligation from planning permission [51471/007](#) for out of hours HGV movements

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2021/0759>

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

OR

This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:

the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste or local planning authority.

Other Significant Links

Links to previous Member decisions:

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

Direct links to specific legislation or Government Directives

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

Section 100 D - Local Government Act 1972 - background documents

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

Document

Location

HCC/2021/0759
EH156

Hampshire County Council

Unit 5 Waterbrook Estate, Waterbrook Road,
Alton GU34 2UD
(Variation of condition 5 of 51471/007 to
extend the life of trial period till 31 March
2023

EQUALITIES IMPACT ASSESSMENTS:

1. Equality Duty

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

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

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

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

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

2. Equalities Impact Assessment:

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

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

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

CONDITIONS

Additional Screening

1. The landscape planting scheme approved under condition 1 of planning permission ref. 51471/007 shall be implemented in full in the first available planting season following the grant of this permission and shall be maintained in accordance with the approved scheme for the life of this development.

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

Perimeter Bunds

2. The perimeter bunds' construction, grading, and top soil shall be maintained in accordance with the approved plan and cross section details as detailed on Drawings 4998 SK/04 Rev G and 286-02 Rev E (and 286-01 Rev C approved under permission 51471/003) for the duration of the development.

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

Layout

3. The site shall be set out in accordance with the Layout Plan 4998 SK/04 Rev G and the Proposed Site Layout Plan 002 dated December 2021. The 1 metre buffer, as shown on drawing 4998 SK/04 Rev G, shall be maintained for the duration of the development.

Reason: To ensure the site is set out in the manner applied for in order to minimise any adverse impacts on local amenities in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013).

Site Levels

4. The site ground levels shall not exceed those shown on plan HCC EH156-Ground Levels survey 2016, with the exception of the approved stockpile areas.

Reason: To ensure that appropriate site levels are maintained in the interests of local amenities in accordance with Policy 10 (Protecting public

health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Hours of Working and temporary period

5. No heavy goods vehicles shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0700-1800 Monday to Saturday. There shall be no working on Sundays or recognised Public Holidays. This is with the exception of the following activities which are permitted for a temporary period expiring on **31 March 2023**:
- No more than 10 HGV movements per day shall enter or leave the site between 1800 and 0700 Monday to Saturday for the delivery of road planings only, as shown on the Proposed Site Layout drawing, 002 dated December 2021; and
 - No more than 2 HGV movements per day shall enter or leave the site between 1800 and 0700 Monday to Saturday for the delivery and collection of a CDE waste trailer prepared within the site operating hours defined above as shown on the Proposed Site Layout drawing, 002 dated December 2021.

Reason: In the interests of local amenity and to allow for a trial period for assessment of the potential impacts of night time activities in accordance with Policy 10 (Protecting public health, safety and amenity) and paragraph 6.181 of the Hampshire Minerals & Waste Plan (2013).

Landscape

6. The landscaping for the perimeter of the site (including construction of the perimeter bunds) shall be maintained as detailed on the previously approved Planting Plan (drawing 286-02 Rev E). 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.

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

Protection of Water Environment

7. No solid matter shall be deposited so that it passes or is likely to pass into any watercourse.

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

8. Areas where waste is stored, handled or transferred shall be underlain by impervious hardstanding with dedicated drainage to foul sewer or sealed tank.

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

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

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

Noise, Dust and Odour

10. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times, and shall be fitted with and use effective silencers.

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

11. The site shall be run in accordance with the submitted and approved Dust and Noise Management Plan, dated February 2020, reference 16.073398.00001. The management plan shall be implemented as approved for the duration of the site's operation.

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

12. All vehicles, operated within the site shall be fitted with white noise type low tonal reversing alarms. Those vehicles operating outside of the operating hours, as set out in Condition 5 (working hours) shall operate in 'night mode' as set out in the Dust and Noise Management Plan, dated February 2020, reference 416.073398.00001. This shall be implemented as approved for the duration of the site's operation.

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

13. All lorries entering and leaving the site carrying waste or recycled material shall be fully sheeted.

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

Buildings and Plant

14. The covered waste structure shall be maintained in accordance with Plan. No. 4998 SK/05 Rev C (as approved under permission 51471/003).

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

Restriction of Permitted Development Rights

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

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

Storage

16. Stockpiles of waste and recycled material shall not exceed a maximum level of 5 metres in height above the level of the ground on which the stockpile is located for soil/hardcore processing and screened material and 4 metres in height above the level of the ground on which the stockpile is located for product storage and material storage including wood (as indicated on Drawing No 4998 SK/04 and Drawing no 002 dated December 2021). Stockpile heights shall be measured from the existing ground levels adjacent to the stockpiles as shown on plan HCC EH156- Ground Levels survey 2016.

Reason: To control any adverse visual impact and to control windborne dust in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013).

17. Measuring poles marked at 4 metre and 5 metre heights, shall be retained on site near the stockpiles to be used as a reference. Within one month of the date of this permission, the location of these measuring poles shall be submitted to the Waste Planning Authority for approval and the poles shall be retained and maintained for the duration of the development as approved.

Reason: In the light of recent changes to ground levels on the site and to control any adverse visual impact and to control windborne dust in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013).

Types of Materials

18. Material imported to the site shall comprise of inert construction and demolition waste (CDE waste). This shall comprise only of clean, uncontaminated soils, rubble, concrete, wood and road planings.

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

19. There shall be no burning or processing of wood on site.

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

Lighting

20. No additional lighting is to be installed as part of the development hereby permitted, including no lighting for the road planings bay. No lighting is to be used for out of operating hours, as set in Condition 5 (Working hours), activities on the site other than those attached to HGVs and considered necessary for the safe unloading, trailer drop off and pick up and driving of those HGVs.

Reason: In the interests of biodiversity and local amenities in accordance with Policies 3 (Protection of habitats and species) and 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Highways

21. No more than 612 HGV movements shall take place in any one week (Monday- Sunday). A record of all Heavy Goods Vehicles entering and exiting the site shall be kept on site and shall be made available for inspection by the Minerals and Waste Planning Authority upon request.

Reason: To ensure that the level of HGV traffic generated by the site does not have a detrimental impact on the local highway network in accordance with Policy 12 (Managing Traffic) of the Hampshire Minerals & Waste Plan (2013).

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

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

23. The HGV movements hereby permitted outside of the operating hours of 0700-1800, set out by Condition 5 (Working hours), shall enter and leave the site using the agreed routing plan in the Section 106 agreement.

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

Plans

24. The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 002Rev3, 4998 SK/04 Rev G, 286-02 Rev E, EH156 Ground Levels survey 2016, WBE/01, 286-01 Rev C, 4998SK/05 Rev C.

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 based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the 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 National Planning Policy

Framework (2021), 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 Minerals and Waste Planning Authority, in line with the Hampshire Minerals and Waste Plan (2013), supports the continuation of the existing site liaison panel to aid in addressing public complaints about the existing activities on the site, to assist resolution of any possible future issues, and support community relationships.
4. 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.
5. There is a legal agreement attached to this permission to secure the routing of out of hours Heavy Good Vehicle movements to and from the site.



Variation of condition 5 of 51471/007 to extend the life of the trial period till 31 March 2023 at Unit 5 Waterbrook Estate, Waterbrook Road, Alton GU34 2UD

Regulatory Committee

Date 22 June 2022

1:4,000

R

Application No: 51471/008

Site Reference: EH156

Drawn by: Strategic Planning

Page 37



**Hampshire
County Council**

Economy, Transport and Environment

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Activity 1 (Trailer location 2)



Activity 1 (Trailer location 1)



Activity 2 Road Planings



LEGEND

 EXISTING BUILDINGS

 **GREY FOX**
— RECYCLING —

 **SLR**
global environmental solutions

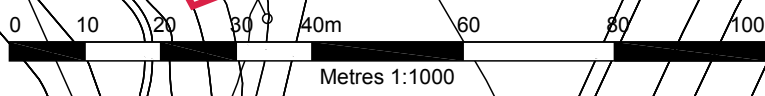
3RD FLOOR
THE BREW HOUSE
JACOB STREET
BRISTOL, BS2 0EQ
T: 01179 064280
www.slrconsulting.com

WATERBROOK ROAD, ALTON
HAMPSHIRE, GU34 2UD

PROPOSED SITE LAYOUT

002

Scale: 1:1000 @ A3 Date: DECEMBER 2021



416.12706.00001.002.PO-PROPOSED SITE LAYOUT.dwg

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DATED 25 February 2021 ~~2020~~

HAMPSHIRE COUNTY COUNCIL (1)

and

WALTET LIMITED (2)

and

HANDELSBANKEN PLC (3)

**PLANNING OBLIGATION BY DEED OF AGREEMENT
UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

Relating to Unit 5 and 6 Waterbrook Alton

Barbara Beardwell, MA., Solicitor
Head of Law and Governance and
Monitoring Officer
Hampshire County Council
The Castle
Winchester
Hampshire SO23 8UJ

HCC Legal File Ref: 130109/CAC

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DATE 25 February 2021

~~2020~~

PARTIES

- (1) HAMPSHIRE COUNTY COUNCIL of The Castle, Winchester, Hampshire
SO23 8UJ ("County Council")
- (2) WALTET LIMITED of Andes Road, Nursling, Southampton, SO16 0YZ
(‘the Owner’)
- (3) HANDELSBANKEN (Company registration number 11305395) whose
registered office is at 3 Thomas More Square, London, E1W 1WY
(‘the Mortgagee’)

INTRODUCTION

1. The County Council is:
 - 1.1 a local planning authority for the purpose of Section 106 of the Act
 - 1.2 the Local Highway Authority for Hampshire (save for trunk roads and special roads)
 - 1.3 the Transport Authority for Hampshire for the purpose of the Transport Act of 1985 and 2000
 - 1.4 the waste and minerals planning authority for Hampshire
2. The Owner is the freehold owner of the Site
3. The Mortgagee has an interest in the Land by virtue of a legal charge dated ~~6~~
~~Re April 2018~~ 29 JANUARY 2021 (PENDING REGISTRATION)

4. The Owner has submitted the Application to the County Council and the parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed
5. The County Council resolved on 29 July 2020 to grant the Planning Permission subject to the prior completion of this Deed

NOW THIS DEED WITNESSES AS FOLLOWS:

OPERATIVE PART

1. DEFINITIONS

For the purposes of this Deed the following expressions shall have the following meanings:

“Act”	the Town and Country Planning Act 1990.
“Application”	the application for planning permission submitted to the County] Council for the Development and allocated reference number 51471/007
“Commencement of Development”	the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out and “Commence Development” shall be construed accordingly.
Conditioned Operating Hours	0700-1800 Monday to Saturday
“Development”	the Development of the Site with as set out in the Application.
“Director”	the Director of Economy Transport and Environment at the County Council or his appointed representative for the time being or successor
“Interest”	interest at four per cent above the base lending rate of Barclays Bank Plc from time to time.
“Lorry Route”	the route to and from the Site along <ol style="list-style-type: none"> a. A31 – strategic road network b. Montecchio Way

	<p>c. Mill Lane</p> <p>d. Waterbrook Road</p> <p>shown in green on the vehicle route drawing attached hereto</p>
“Occupation” and “Occupied”	<p>occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations.</p>
“Plan ”	<p>the plan Location Plan marked attached to this Deed.</p>
“Planning Permission”	<p>the full planning permission subject to conditions to be granted by the Council pursuant to the Application as set out in the Second Schedule.</p>
“Site”	<p>the area shown edged in red on the Plan edged attached hereto and described in detail in Schedule</p>

2. CONSTRUCTION OF THIS DEED

- 2.1. Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2. Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3. Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.4. Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and severally unless there is an express provision otherwise.
- 2.5. Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and

directions for the time being made, issued or given under that Act or deriving validity from it.

- 2.6. References to any party to this Deed shall include the successors in title to that party and to any person deriving title through or under that party and in the case of the Council and County Council the successors to their respective statutory functions.
- 2.7. The headings and contents list are for reference only and shall not affect construction.

3. LEGAL BASIS

- 3.1. This Deed is made pursuant to Section 106 of the Act Section 111 of the Local Government Act 1972 the Localism Act 2011 and all other enabling powers.
- 3.2. The covenants, restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the County Council in the case of covenants made with them as local planning authority against the Owner.

4. CONDITIONALITY

This Deed is conditional upon:

- (i) the grant of the Planning Permission; and
- (ii) the Commencement of Development

save for the provisions of Clauses 6-15 which shall come into effect immediately upon completion of this Deed.

5. THE OWNER'S COVENANTS

The Owner covenants with the County Council as set out in Schedule Three.

6. MISCELLANEOUS

- 6.1. The Owner shall pay to the County Council on completion of this Deed the reasonable legal and technical costs of the County Council incurred in

the negotiation, preparation and execution of this Deed.

- 6.2. No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999
- 6.3. This Deed shall be registered as a local land charge
- 6.4. In accordance with the requirements of the Land Registration Act 2002 the Owner and the Mortgagee hereby consent to the noting of this Deed in the Charges Register of title number SH22748
- 6.5. Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the County Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement, consent, approval or expression of satisfaction shall be given on behalf of: the County Council by the Director and any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party.
- 6.6. Following the performance and satisfaction of all the obligations contained in this Deed and following written request from the Owner to the County Council to do so the County Council shall effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.
- 6.7. Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 6.8. This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Owner) it is modified by any statutory procedure or expires prior to the Commencement of Development.
- 6.9. No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Site but without prejudice to liability for any subsisting breach arising prior to parting with such interest.
- 6.10. Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.

7. MORTGAGEE'S CONSENT

7.1. The Mortgagee acknowledges and declares that this Deed has been entered into by the Owner with its consent and that the Site shall be bound by the obligations contained in this Deed and that the security of the mortgage over the Site shall take effect subject to this Deed PROVIDED THAT the Mortgagee shall otherwise have no liability under this Deed unless it takes possession of the Site in which case it too will be bound by the obligations as if it were a person deriving title from the Owner.

8. WAIVER

8.1. No waiver (whether expressed or implied) by the County Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the County Council from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

9. CHANGE IN OWNERSHIP

9.1. The Owner agrees with the County Council to give the County Council immediate written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan.

10. INTEREST

10.1. If any payment due under this Deed is paid late, Interest will be payable from the date payment is due to the date of payment.

11. VAT

- 11.1. All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

12. DISPUTE PROVISIONS

- 12.1. In the event of any dispute or difference arising between [any of] the parties to this Deed in respect of any matter contained in this Deed such dispute or difference shall be referred to an independent and suitable person holding appropriate professional qualifications to be appointed (in the absence of an agreement) by or on behalf of the president for the time being of the professional body chiefly relevant in England with such matters as may be in dispute and such person shall act as an expert whose decision shall be final and binding on the parties in the absence of manifest error and any costs shall be payable by the parties to the dispute in such proportion as the expert shall determine and failing such determination shall be borne by the parties in equal shares.
- 12.2. In the absence of agreement as to the appointment or suitability of the person to be appointed pursuant to Clause 12.1 or as to the appropriateness of the professional body then such question may be referred by either part to the president for the time being of the Law Society for him to appoint a solicitor to determine the dispute such solicitor acting as an expert and his decision shall be final and binding on all parties in the absence of manifest error and his costs shall be payable by the parties to the dispute in such proportion as he shall determine and failing such determination shall be borne by the parties in equal shares.
- 12.3. Any expert howsoever appointed shall be subject to the express requirement that a decision was reached and communicated to the relevant parties within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any event not more than twenty-eight working days after the conclusion of any hearing that takes place or twenty-eight working days after he has received any file or written representation.
- 12.4. The expert shall be required to give notice to each of the said parties requiring them to submit to him within ten working days of notification of his appointment written submissions and supporting material and the other party will be entitled to make a counter written submission within a further ten working days.
- 12.5. The provisions of this clause shall not affect the ability of the County Council to apply for and be granted any of the following: declaratory relief,

injunction, specific performance, payment of any sum, damages, any other means of enforcing this Deed and consequential and interim orders and relief.

13. JURISDICTION

13.1. This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the non-exclusive jurisdiction of the courts of England and Wales.

14. DELIVERY

14.1. The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

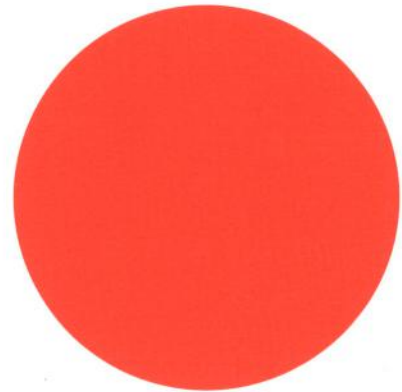
15. NO FETTER ON DISCRETION

15.1. Nothing in this Agreement shall be taken to be or shall operate so as to fetter or prejudice the County Council's statutory rights powers remedies discretions and responsibilities

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

Executed as a Deed by
affixing the common seal of **Hampshire
County Council** in the presence of: -

[Redacted]



Authorised signatory:

Name: [Redacted]

Position: [Redacted]

37/6319

Executed by **Waltet Limited**
Acting by two Directors or a Director and the Company Secretary

Director: [Redacted]

Director/Secretary: [Redacted]

Executed as a deed by Ian Townsend
and Tony Machin as attorneys for
Handelsbanken plc

[Redacted signature area]

as attorney for Handelsbanken plc

as attorney for Handelsbanken plc

in the presence of:

[Redacted witness name]

in the presence of:

[Redacted witness name]

Signature of witness

[Redacted witness name]

Name of witness (IN BLOCK
CAPITALS)

[Redacted witness name]

Name of witness (IN BLOCK CAPITALS)

[Redacted witness address]

Address of witness

[Redacted witness address]

Address of witness

[Redacted witness occupation]

Occupation of witness

[Redacted witness occupation]

Occupation of witness

SCHEDULE ONE

Units 5 and 6 Waterbrook Estate Alton

SCHEDULE TWO
[Draft planning permission]

SCHEDULE THREE

The Owner's Covenants with the County Council

1 The Owner covenants with the County Council not to Commence the Development or use the Site for purposes pursuant to the Planning Permission unless

(i) in every contract it enters into with any contractor to bring

waste material on to the Site in connection with the Development it inserts a provision which shall be binding on any such contractor that such contractor's vehicle or vehicles shall enter and leave the Land at any time outside the Conditioned Operating Hours only via the Lorry Route and that in the event any driver breaches this requirement the Owner shall immediately issue a written warning to the contractor concerned and in the event of any second breach it shall prohibit that driver's vehicle or vehicles from entering the Site for the purposes of bringing waste material on to the Site and in the event of any third breach it shall prohibit that contractor's vehicle or vehicles from entering the Site for the purposes of bringing waste material on to the Site

(ii) contractor's vehicles are not permitted to enter or leave the Site via Mill Road (South of Waterbrook Road), or the B3004 Wilsom Road outside Conditioned Operating Hours and that in the event any driver breaches this requirement the Owner shall immediately issue a written warning to the contractor concerned and in the event of any second breach it shall prohibit that driver's vehicle from entering the Site for the purposes of bringing waste material on to the Site and in the event of any third breach it shall prohibit that contractor's vehicle or vehicles from entering the Site for the purposes of bringing waste material on to the Site

2 The Owner covenants with the County Council

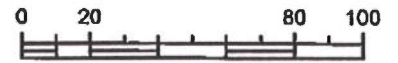
(i) that it will not deposit nor permit the deposit of any waste material on to the Site outside the Conditioned Operating Hours unless such waste material has been brought on to the Site in accordance with the Lorry Route

(ii) not to carry out any activities on the Site unless carried out in accordance with the Noise and Dust Management Plan February 2020, reference 416.073398.00001 attached hereto (or any revision that supersedes it)

-
- 3.1 The Owner covenants that it shall notify the County Council in writing or procure that it is so notified within 7 days of Commencement of Development

Notes
 Do not scale except for Planning and Building Regulations purposes.
 Ordnance Survey Licence No. 100043353

 Site



Scale 1:2500

Revision Details

D			
C			
B			
A			



Gregory Gray Associates

Chartered Town Planning Consultants

1, Alexandra Road,
 FARNBOROUGH,
 Hants, GU14 6BU.

Telephone: 01252 377277

Fax: 01252 377288

E-Mail: info@ggassociates.co.uk

Client

Hutchings and Carter

Job Title

Waterbrook Estate, Alton

Drawing Title

Location Plan

Scale

1:2500

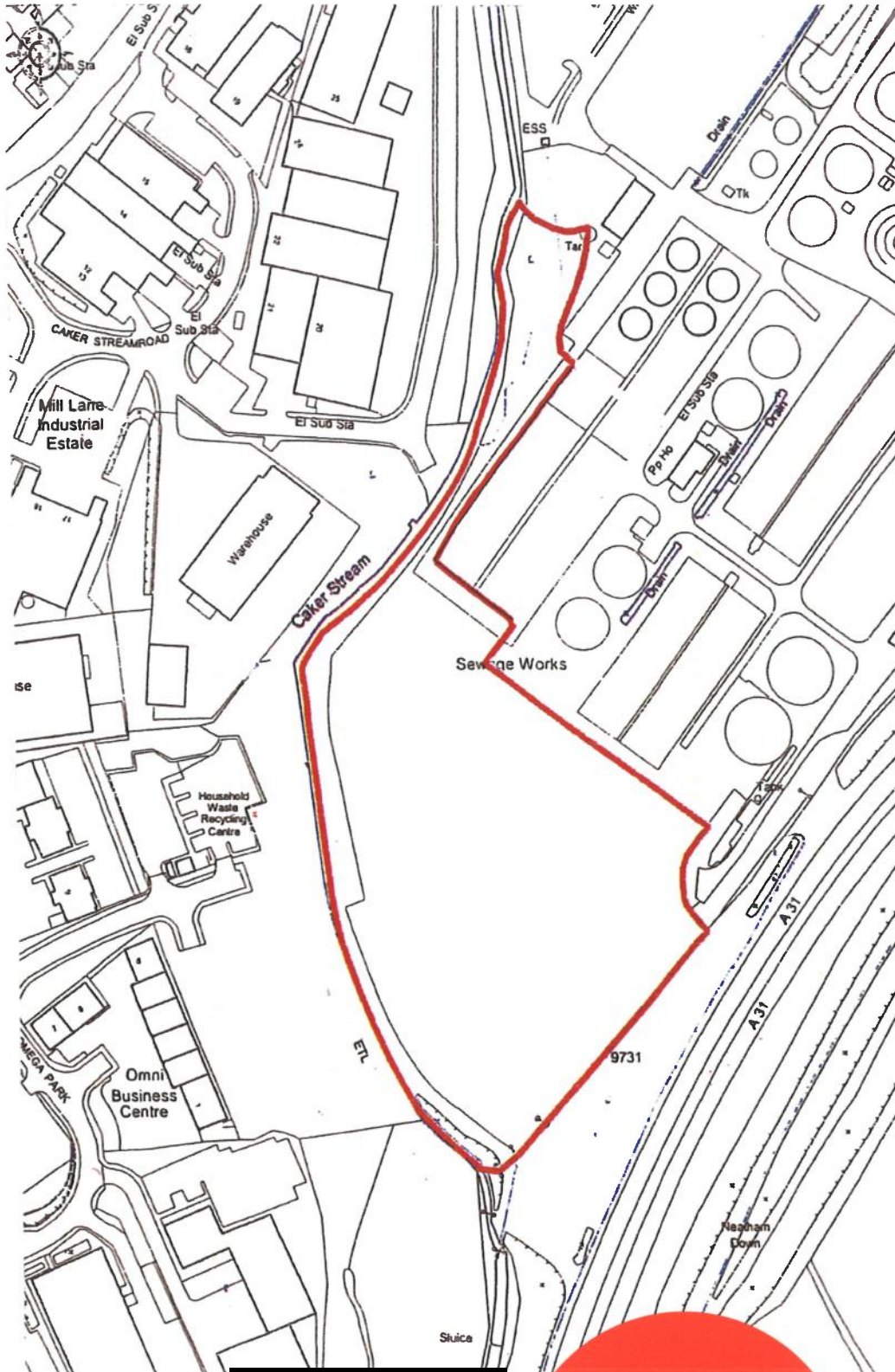
Date

Drawn By

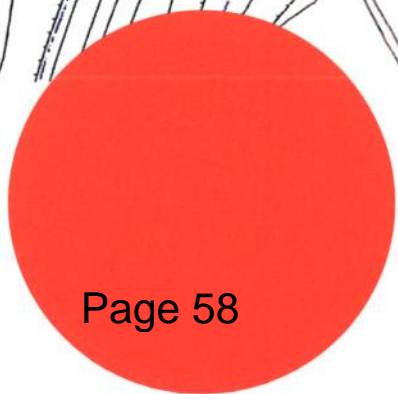
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WBE/01

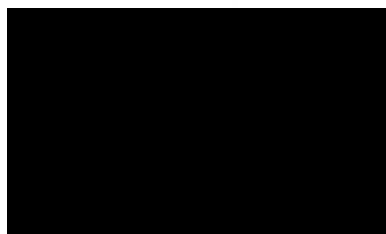
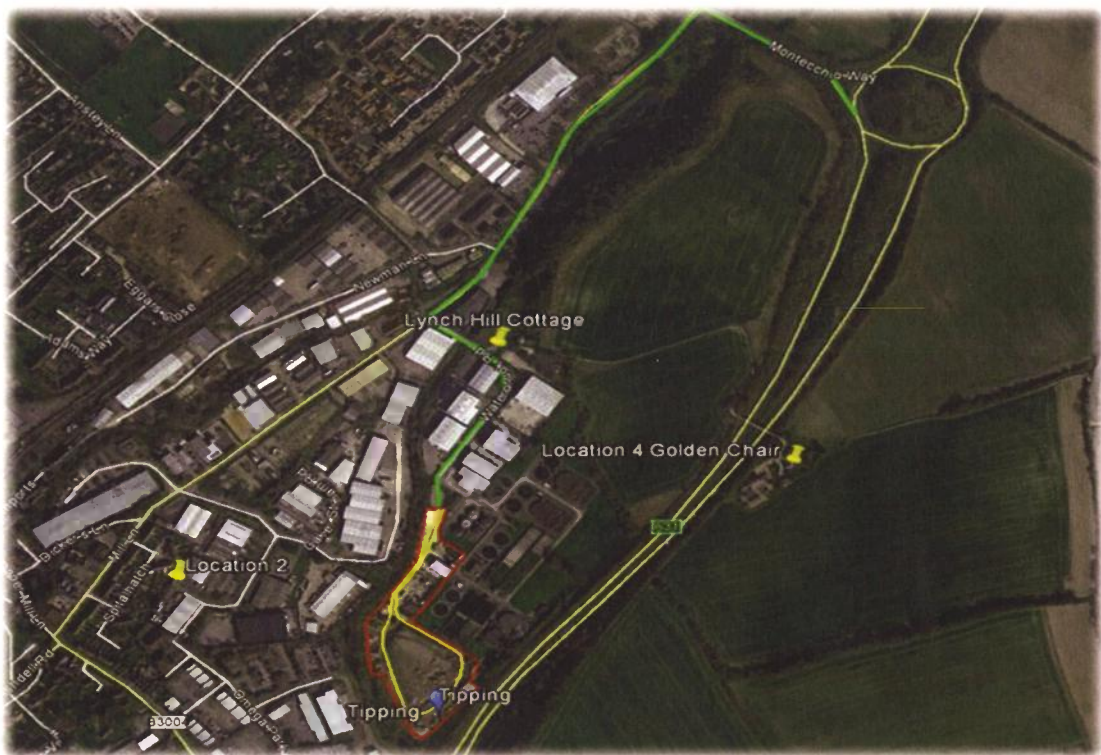
Rev.



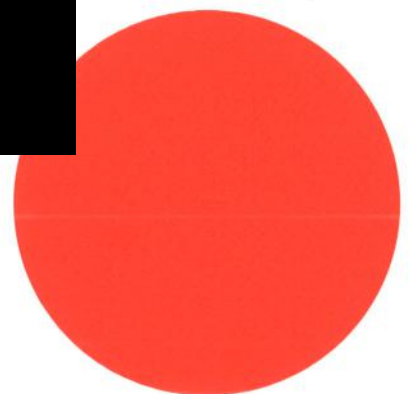
37/6319



APP 2-6 Vehicle Routing to and from the site (Green Line) as detailed in letter dated 3rd May 2018 to HCC



3716319





Town and Country Planning Act 1990

To: SLR Consulting Ltd
3rd Floor, Brew House, Jacob Street
Tower Hill
Bristol
BS20EQ

Application No: **51471/007**

HCC Ref: EH156

For: Waltet Ltd

Date of Application: 9 December 2019

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 25 conditions:

Development: **Variation of conditions 5, 11 & 18 of planning permission 51471/003 to allow for restricted night-time activities including importation of road planings**

Site address: **Unit 5-6 Waterbrook Estate, (formerly referred to as Unit 7), Waterbrook Road, Alton GU34 2UD**

Reason for Approval

It is considered that the proposed development for 12 HGV movements per night, when considered with the proposed mitigation, subject to conditions and the completion of the Section 106 agreement, would not cause an unacceptable adverse impact on public amenity, noise or light pollution, or to highway safety or amenity:

- the applicant has provided sufficient demonstration to be considered in accordance with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013) with respect to noise, lighting, dust and odour;
- the proposal is considered in accordance with Policy 12 (Managing traffic), subject to the completion of the Section 106 agreement to control the route of HGV to and from the site out of the conditioned working hours to prevent night time HGV movements through residential areas;
- the application is considered in accordance with Policies 3 (Protection of habitats and species) and 10 (Protecting public health, safety and amenity) of the HMWP (2013) with no inclusion of any site lighting as part of the proposed development; and

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**



Town and Country Planning Act 1990

Application No: **51471/007**

Continued

- the site is on the Strategic Road network, and so in principle, is considered suitable for additional development, such as this, in order to sustainably support Hampshire's provision of waste facilities in accordance with Policies 17 (Aggregate supply – capacity and source), 18 (Recycled and secondary aggregates development), 25 (Sustainable waste management) and 27 (Capacity for waste management development) of the HMWP (2013).



Town and Country Planning Act 1990

Application No: **51471/007**

Continued

Conditions

Commencement

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

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

Additional Screening

2. Prior to the commencement of the restricted night-time activities hereby granted, a scheme to improve the screening to the southern end of the western boundary of the site adjacent to the road planing storage area shall be submitted to and approved in writing by the Planning Authority. The scheme shall be designed to provide improved screening from the night-time activities on the site to dwellings on Wilsom Road. This scheme shall be implemented prior to commencement of night time activities and maintained thereafter as approved in co-ordination with Condition 6 (Landscape).

Reason: In the interests of local amenity and prevention of light pollution in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013). The condition is a pre-commencement condition as the provision of screening prior to night time activities commencing is considered to be essential.

Perimeter Bunds

3. The perimeter bunds' construction, grading, and top soil shall be maintained in accordance with the approved plan and cross section details as detailed on Drawings 4998 SK/04 Rev G and 286-02 Rev E (and 286-01 Rev C approved under permission 51471/003) for the duration of the development.

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



Town and Country Planning Act 1990

Application No: **51471/007**

Continued

Layout

4. The site shall be set out in accordance with the Layout Plan 4998 SK/04 Rev G and the Proposed Site Layout Plan 002 rev 3. The 1 metre buffer, as shown on drawing 4998 SK/04 Rev G, shall be maintained for the duration of the development.

Reason: To ensure the site is set out in the manner applied for in order to minimise any adverse impacts on local amenities in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013).

Site Levels

5. The site ground levels shall not exceed those shown on plan HCC EH156- Ground Levels survey 2016, with the exception of the approved stockpile areas.

Reason: To ensure that appropriate site levels are maintained in the interests of local amenities in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Hours of Working

6. No heavy goods vehicles shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0700-1800 Monday to Saturday. There shall be no working on Sundays or recognised Public Holidays. This is with the exception of the following hereby permitted:
 - No more than 10 HGV movements per day shall enter or leave the site between 1800 and 0700 Monday to Saturday for the delivery of road planings only, as shown on the Proposed Site Layout drawing, 002 rev 3; and
 - No more than 2 HGV movements per day shall enter or leave the site between 1800 and 0700 Monday to Saturday for the delivery and collection of a CDE waste trailer prepared within the site operating hours defined above as shown on the Proposed Site Layout drawing, 002 rev 3.

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



Town and Country Planning Act 1990

Application No: **51471/007**

Continued

Landscape

7. The landscaping for the perimeter of the site (including construction of the perimeter bunds) shall be maintained as detailed on the approved Planting Plan (drawing 286-02 Rev E). 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.

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

Protection of Water Environment

8. No solid matter shall be deposited so that it passes or is likely to pass into any watercourse.

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

9. Areas where waste is stored, handled or transferred shall be underlain by impervious hard-standing with dedicated drainage to foul sewer or sealed tank.

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

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

Associated pipework shall be located above ground where possible and protected from accidental damage.



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

Noise, Dust and Odour

11. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times, and shall be fitted with and use effective silencers.

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

12. The site shall be run in accordance with the submitted and approved Dust and Noise Management Plan, dated February 2020, reference 416.073398.00001. The management plan shall be implemented as approved for the duration of the site's operation.

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

13. All vehicles, operated within the site shall be fitted with white noise type low tonal reversing alarms. Those vehicles operating outside of the operating hours, as set out in Condition 5 (working hours) shall operate in 'night mode' as set out in the Dust and Noise Management Plan, dated February 2020, reference 416.073398.00001. This shall be implemented as approved for the duration of the site's operation.

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

14. All lorries entering and leaving the site carrying waste or recycled material shall be fully sheeted.

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



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Buildings and Plant

15. The covered waste structure shall be maintained in accordance with Plan. No. 4998 SK/05 Rev C (as approved under permission 51471/003).

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

Restriction of Permitted Development Rights

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

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

Storage

17. Stockpiles of waste and recycled material shall not exceed a maximum level of 5 metres in height above the level of the ground on which the stockpile is located for soil/hardcore processing and screened material and 4 metres in height above the level of the ground on which the stockpile is located for product storage and material storage including wood (as indicated on Drawing No 4998 SK/04 and Drawing no 002 rev 3). Stockpile heights shall be measured from the existing ground levels adjacent to the stockpiles as shown on plan HCC EH156- Ground Levels survey 2016.

Reason: To control any adverse visual impact and to control windborne dust in accordance with Policies 10 (Protecting public health, safety and amenity) and 13



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(High-quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013).

18. Measuring poles marked at 4 metre and 5 metre heights, shall be retained on site near the stockpiles to be used as a reference. Within one month of the date of this permission, the location of these measuring poles shall be submitted to the Waste Planning Authority for approval and maintained for the duration of the development as approved.

Reason: To control any adverse visual impact and to control windborne dust in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013).

Types of Materials

19. Material imported to the site shall comprise of inert construction and demolition waste (CDE waste). This shall comprise only of clean, uncontaminated soils, rubble, concrete, wood and road planings.

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

20. There shall be no burning or processing of wood on site.

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

Lighting

21. No additional lighting is to be installed as part of the development hereby permitted, including no lighting for the road planings bay. No lighting is to be used for out of operating hours, as set in Condition 5 (Working hours), activities on the site other than those attached to HGVs and considered necessary for the safe unloading, trailer drop off and pick up and driving of those HGVs.



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Reason: In the interests of biodiversity and local amenities in accordance with Policies 3 (Protection of habitats and species) and 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).
Highways

22. No more than 612 HGV movements shall take place in any one week (Monday-Sunday). A record of all Heavy Goods Vehicles entering and exiting the site shall be kept on site and shall be made available for inspection by the Minerals and Waste Planning Authority upon request.

Reason: To ensure that the level of HGV traffic generated by the site does not have a detrimental impact on the local highway network in accordance with Policy 12 (Managing Traffic) of the Hampshire Minerals & Waste Plan (2013).

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

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

24. The HGV movements hereby permitted outside of the operating hours of 0700-1800, set out by Condition 5 (Working hours), shall enter and leave the site using the agreed routing plan in the Section 106 agreement.

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



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Plans

24. The development hereby permitted shall be carried out in accordance with the following approved plans: **01, 002Rev3, 4998 SK/04 Rev G, 286-02 Rev E, EH156 Ground Levels survey 2016, WBE/01, 286-01 Rev C, 4998SK/05 Rev C**

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 based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the 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) 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 Minerals and Waste Planning Authority, in line with the Hampshire Minerals and Waste Plan (2013), recommends that the site operator should set up and run a regular liaison panel to aid in addressing public complaints about the existing activities on the site, to assist resolution of any possible future issues, and support community relationships.
4. 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.
5. There is a legal agreement attached to this permission to secure the routing of out of hours Heavy Good Vehicle movements to and from the site.

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