

HAMPSHIRE COUNTY COUNCIL
Decision Report

Decision Maker:	Regulatory Committee
Date:	Wednesday 19 th October 2022
Title:	The winning and working of up to 230,000 tonnes of soft sand with phased working and restoration through backfilling with up to 435,000 tonnes of clean inert waste/materials (inclusive of reinstatement of material from original extraction), associated internal access routes, plant and infrastructure at Five Oaks Farm, Winchester Road, Shedfield, SO32 2HS (No. 20/01483/HCS) WR242
Report From:	Assistant Director of Minerals, Waste and Environment

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Recommendation

1. That planning permission be **REFUSED** for the following reasons, as outlined in **Appendix A:**
 - a) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in unacceptable adverse visual and amenity impacts to occupiers of nearby properties as well as wider amenity impacts associated Heavy Goods Vehicle movements, contrary to the requirements of Policies 10 (Protecting public health, safety and amenity), 12 (Managing traffic) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) and Policy DM20 (Development and Noise) of the Winchester City Council Local Plan Part 2 (2017);
 - b) The development is considered to be contrary to Policy 2 (Climate Change mitigation and adaptation) of the Hampshire Minerals & Waste Plan as it has not fully evidenced mitigation or adaptation measures to minimise its impact on climate change;
 - c) The development is contrary to the requirements of Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013) as it cannot be demonstrated that the development can protect local amenity and can protect water quality and surface water drainage and cause no additional flood risk;
 - d) On the basis of the information submitted, the development is contrary to the requirements of Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013) and Policy DM18: Access and Parking of the Winchester City Council Local Plan Part 2 (2017) as it does not have a safe and suitable access to the highway network and does not include

suitable mitigation measures to mitigate any significant adverse effects on highway safety.

2. On the basis of the above reasons, the proposal is considered to be contrary Policy 1 (Sustainable minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) as the proposal does not constitute a sustainable minerals and waste development.

Executive Summary

3. The planning application is for the winning and working of up to 230,000 tonnes of soft sand with phased working and restoration through backfilling with up to 435,000 tonnes of clean inert waste/materials, associated internal access routes, plant and infrastructure at Five Oaks Farm, Winchester Road, Shedfield.
4. The proposed development is an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). An Environmental Statement was submitted as part of the planning application.
5. This application is being considered by the Regulatory Committee as it is considered to be a major minerals and waste development and an Environmental Impact Assessment [EIA] development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). The application is accompanied by an Environmental Statement (ES).
6. Key issues raised are:
 - Impact on amenity;
 - Climate change mitigation and adaptation;
 - Highways impacts and safety;
 - Landscape and visual impacts;
 - Air Quality and dust;
 - Flood risk and drainage; and
 - Impact on Public Rights of Way (PRoW);
7. A committee site visit by Members took place on Monday 3rd October 2022 in advance of the proposal being considered by the Regulatory Committee.
8. On balance, it is considered that the proposal would not be in accordance with the Policies 2 (Climate Change mitigation and adaptation), 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity), 11 (Flood risk and prevention), 12 (Managing traffic) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013). It is acknowledged that the proposal would be a time limited, could require a countryside location by virtue of minerals having to be worked where they are found. The proposal could also contribute to maintaining an adequate and steady supply of aggregate and

would also be subject to a requirement for restoration and aftercare, the proposal is not considered to be acceptable on the following grounds:

- Inadequate consideration of mitigation and adaptation measures in relation to climate change impacts; (contrary to Policy 2);
- The proposal is not considered to meet the highest standards of design, operation; (contrary to Policy 13);
- It has not demonstrated that a suitable and safe site access can be achieved and so is not acceptable in terms of highway capacity and safety (contrary to Policy 12);
- It will have adverse amenity and visual impacts, particularly on the nearest residents, including noise and dust (contrary to Policies 10 and 13); and
- is not clear whether it would protect water quality and surface water drainage and cause no additional flood risk (contrary to Policies 10 and 11).

9. For the above outlined reasons, is it recommended that planning permission be refused for the following reasons (as listed in **Appendix A**):

- a) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in unacceptable adverse visual and amenity impacts to occupiers of nearby properties as well as wider amenity impacts associated Heavy Goods Vehicle movements, contrary to the requirements of Policies 10 (Protecting public health, safety and amenity), 12 (Managing traffic) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) and Policy DM20 (Development and Noise) of the Winchester City Council Local Plan Part 2 (2017);
- b) The development is considered to be contrary to Policy 2 (Climate Change mitigation and adaptation) of the Hampshire Minerals & Waste Plan as it has not fully evidenced mitigation or adaptation measures to minimise its impact on climate change;
- c) The development is contrary to the requirements of Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013) as it cannot be demonstrated that the development can protect local amenity and can protect water quality and surface water drainage and cause no additional flood risk;
- d) On the basis of the information submitted, the development is contrary to the requirements of Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013) and Policy DM18: Access and Parking of the Winchester City Council Local Plan Part 2 (2017) as it does not have a safe and suitable access to the highway network and does not include suitable mitigation measures to mitigate any significant adverse effects on highway safety.

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

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

The Site

11. The site is located off the B2177 Winchester Road approximately 500 metres (m) to the south of Waltham Chase and 2.3 kilometres (km) north of Wickham on the northern outskirts of Shedfield. Junction 10 of the M27 is located approximately 6.3km to the south of the site.
12. The site is bounded to the east by residential properties alongside Winchester Road (B2177), agricultural land to the south, woodland to the west and the Five Oaks Farm complex to the north.
13. The Site itself consists of agricultural land and field boundaries which form part of the wider land holdings associated with Five Oaks Farm. The field boundaries on and adjoining the site are comprised of fencing, hedgerows and trackways.
14. The topography of the site ranges from approximately 40m Above Ordnance Datum (AOD) along the northern boundary to approximately 50m AOD in the southern extent of the site, with a high point to the east of the application site.
15. An area of historic landfill is located within the northern confines of the Site. It is understood that this landfill was licensed for the disposal of inert waste between 1988 and 1995.
16. Current access to the Site is via the existing highways junction into Five Oaks Farm from Winchester Road (B2177). This is located along on the northern bounds of the wider farm holding. The access is located within the Five Oaks Farm operational yard and is linked to the Site by an existing farm track of sufficient width for agricultural machinery. The yard consists of a large concrete pad of approximately 310m² in area which is surrounded by three farm storage properties.
17. Meon Valley Golf Course bounds the site to the west, whilst the associated hotel is located 0.6km to the south-west of the site. An area of deciduous woodland associated with the golf course abuts the western boundary of the site.
18. The nearest residential properties are along the Winchester Road (B2177) eastern site boundary, which have gardens immediately adjacent the proposed working site. These include a Grade II listed building (Sandy Hill Farmhouse).
19. Waltham Chase Meadows Site of Special Scientific Interest (SSSI) lies approximately 0.9km north from the site and The Moors SSSI lies approximately 2.5km north.

20. St Anne's Wood Site of Importance for Nature Conservation (SINC) runs parallel with the south-eastern boundary of the site on the opposite side of St Anne's Lane.
21. The site is also located approximately 1.6km west of the South Downs National Park at its nearest point.
22. The site lies within [National Character Area \(NCA\) 128](#) – South Hampshire Downs Lowland. This area is comprised of low-lying plains between chalk hills of the Hampshire and South Downs and Southampton water. Typical of this NCA, views into and out of the site are generally short. The site also lies within the Shedfield Heathlands portion of the [Winchester Landscape Character Area](#) (LCA).
23. There are two public rights of way (PRoW) on or in close proximity to the Site. Footpath 3 bounds the south eastern and southern extent of the Site, travelling in an approximate east-west direction linking Winchester Road and the Meon Valley Golf Club Hotel. Footpath 4 bounds the north western corner of the Site, before crossing through the centre of the site and then travelling south-eastwards to link up with Footpath 3.
24. The site sits within, and forms part of, a Local Gap - as identified in [Winchester District Council's Local Plan Pt 1 \(2013\)](#).

Planning History

25. A planning appeal (87/00052/REF) for the infilling of the site was allowed 25th February 1988. There is also extensive records of other planning applications submitted prior to this date, relating largely district planning jurisdictions. Of those permissions granted, these related to equestrian uses. A full summary of these records can be found in **Section 2 of the ES Non-Technical Summary**.
26. A Scoping Opinion was issued October 2019 ([SCO/2019/0622](#)) for the extraction of soft sand and restoration with inert fill in advance of the submission of this planning application.

The Proposal

27. All documents associated with the planning application can be found on the planning application [webpage](#).
28. The planning application is for the winning and working of up to 230,000 tonnes of soft sand with phased working and restoration through backfilling with up to 435,000 tonnes of clean inert waste/materials, (inclusive of reinstatement of material from original extraction) associated internal access routes, plant and infrastructure.

29. The site covers an area of 7.9 hectares (ha), with the proposed mineral extraction would take place within 3.9ha of the site.

Duration

30. It is anticipated that the development will achieve final restoration within 6 years from commencement of the minerals working.

31. It is anticipated that a total of 66,000 tonnes of soft sand would be extracted per annum (5,500 tonnes per month) for the duration of the extraction works. A total of 73,500 tonnes of clean inert waste materials would be imported per annum (6,125 tonnes per month) for the duration of the restoration.

Site layout

32. In terms of the site layout (see **Site Preparation & Phase 1 Working Plan (FO PR-1Rev0)** and **Phase working plans**), the extraction area is located within the south-western confines of the application site area, whilst areas for stockpiling topsoil, subsoil and overburden are provided within the northern and eastern bounds of the site.

33. It is proposed that a northern most soil bund will be positioned over an area of former landfill. To ensure this landfill remains undisturbed, a geotextile warning layer (e.g. Terram Hi-Vis or similar alternative) will be placed at current ground level before the stockpile is placed on top. This will ensure that the removal of the stockpile can be carefully managed during the latter stages of development.

34. The Site would require the following machinery in order to implement the proposed operations:

- 1 no. Hitachi Excavator 210 LC -5B;
- 1 no. Hitachi Loading Shovel ZW220-5B;
- 1 no. McCloskey 105 screen; and
- 1 no. Tractor and bowser.

35. Mobile plant will be located within the base of the minerals void and moving west to east with the face of extraction.

36. The remaining site area (4ha) will be occupied by soil storage bunds, mitigation planting, site management area and the internal haul routes. With the exception of the internal haul routes and position of the mobile plant, no alterations to the general layout of the site will take place across the different phases of extraction.

37. A SUMP water attenuation feature will be located within the eastern confines of the site for the duration of the extraction phases. This feature will be removed as part of the restoration and a settlement and surface

water attenuation pond created within the north-western corner of the site. This position forms the low point of the wider application site.

38. A weighbridge, rumble strip, parking and vehicle waiting area, and staff management area are all to be located within the northern confines of the application site, adjacent to the site access through the Five Oaks farm.
39. A staff management area will include the accommodation of a small temporary mobile cabin to be used as an office and welfare facility for members of staff.

Access and transport

40. The haul route will enter the application site from the northern boundary, off the B2177, and travel in a north-south direction through the working area, accessing the minerals void within the southern confines of the site. This haul route and the ramp into the minerals void will progressively move with the extraction phases.
41. An average of 40 trips per day (80 two-way Heavy Goods Vehicle (HGV) movements per day) are estimated to be generated by the proposed development during years when both export and import are occurring simultaneously at the site; when movements are likely to be at their highest.
42. Access to the Site will be via the existing priority T-junction into Five Oaks Farm from Winchester Road (B2177). The access is located on the northern boundary of the wider farm holding and is linked to the site by an existing farm track stated to be of sufficient width for agricultural machinery see **Site Access Improvements (416.00492.00048.07.0003.0Rev0)**.
43. The **Traffic and Transport Section** of the EIA states that the T-junction measures 5.9m with a bell mouth measuring 9.3m. The visibility splay north of the site access junction is stated to be 376m with the visibility splay to the south stated to be 93.9m.
44. The proposal includes highway works for improvements to the vertical alignment of the access road serving Five Oaks Farm and the widening of the existing priority junction to accommodate the anticipated traffic volumes associated with the development proposals. An internal haul road will link the site to the highway. The highway works also include the realignment of the footway along the western side of Winchester Road and a new uncontrolled crossing across Five Oaks Farm access road which is set back from Winchester Road.
45. It is stated that inbound vehicles to the site would arrive from both directions of the B2177 Winchester Road, from the north (from the direction of Waltham Chase) and from the south (from the direction of Wickham).

But outbound vehicles would be left out only, towards the north and Waltham Chase.

46. Six parking spaces will be provided within the Site Management Area (4 no. staff and 2 no. visitor spaces). There will also be a passing space / holding area for any HGVs waiting to enter or leave the site.
47. No provision is being made for the site to be accessed on foot or bicycle which it is stated to be for health and safety reasons.

Operations and phasing

48. Soils and overburden would be stripped from each working area and placed in temporary storage mounds in the north and east of the site, outside of the extraction area (see **phasing plans** and **ES Chapter 7 Soil and Land Quality**). The sand is extracted by wheeled loading shovel and 360° excavator and processed through a mobile screening plant, situated near to the working face, prior to being stockpiled and exported to the local market.
49. Once sufficient void space has been created by the sand extraction on site, clean inert materials will be imported and placed within the void to a sufficient depth to allow the subsequent placement of overburden and soil from the next extraction phase to be placed on top. An impermeable geological barrier will be constructed around the outer edges of the void using the underlying London Clay Formation. This progressive extraction and restoration will proceed until such time that the sand has been fully extracted and the void backfilled with clean inert materials prior to placing the remaining overburden and soil to return the landform to the pre-extraction elevations.
50. The in-situ topsoil and subsoil would be stripped in advance of accessing each area (including the site management area and access road) and either placed into temporary storage for later re-use and restoration, or direct placed into final profiles. Topsoil and subsoils would be stripped to average thickness of 1m.
51. Soil storage mounds around the perimeter of the site would be formed to 1:2 side slopes and be between 2m to 4m in height. Where contrasting units of topsoil and subsoil are adjacent within a bund then they would be separated by a geotextile. Topsoil would be stripped from beneath areas of stockpiled subsoil. All soil mounds would be seeded to prevent erosion and improve appearance.
52. Minerals extraction will be undertaken in three distinct phases in a west to east direction across the site (see **phasing plans**)). Each phase of the proposed development will be undertaken in three key stages:
 - Stage 1 - Stripping of topsoil and stockpiling for reinstatement;
 - Stage 2 - Extraction of sand; and

- Stage 3 - Restoration by backfilling the void created with clean inert waste/materials.

53. For security of the site, a two-metre-high close board fence (exact details of which would need be agreed with the Waste Planning Authority) which will surround the working area of the Site to prevent access by members of the public for the duration of the works.

54. It may be necessary that the operations will require some artificial lighting for health, safety and security requirements during the winter months; likely to be between November and March between the hours of 07:00 to 08:00 and 16:00 to 18:00 hours. Any such lighting would be limited to the car park/site management area, roadways and footpaths. Any such lighting would be localised and temporary in nature and would be designed to ensure that there was no 'glare' or light trespass.

55. The PRoW Footpath (Shedfield:4) which crosses the application site would be temporarily closed for the duration of the works and fencing installed to restrict access along its current route. Directional signage would be erected for the duration of the works to notify members of the public to utilise Footpath Shedfield: 3 along the southern boundary of the site, and along a temporary footpath routed along the western boundary of the site which would link into the retained section of Footpath Shedfield: 4 to the north west of the site. In addition, works would be undertaken to upkeep footpath Shedfield: 3 for the duration of the works (i.e. vegetation clearance and ensuring suitable for health and safety purposes).

Hours of working

56. The proposed development would be operational Monday through Friday, 07:00 to 18:00. Minerals extraction and restoration works would be undertaken between the hours of 08:00 to 17:00. The hour period at the start and end of each operational day would be required for staff arrival, site set up, maintenance and management. No operations would take place weekends, nor on Bank or Public Holidays.

Other matters

57. The proposed development would generate a maximum of four full time jobs on site. These would be located entirely on site and associated with the winning and working of minerals, and subsequent restoration of the site.

Environmental Impact Assessment

58. As already noted, a Scoping Report for this site was issued on 4 October 2019 ([SCO/2019/0622](#)) which required a number of things to be scoped into any further planning application. These included the significance of socio-economic effects, consideration of alternative sites, requirement for a

design-led scheme, additional viewpoints to consider visual impacts, further consideration of ecological and biodiversity effects, impacts and effects on climate change, and inclusion of cumulative impacts amongst others.

59. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) and is considered to be an Environmental Impact Assessment development. Screening under the EIA Regulations has been carried out on the proposed development as supplied. The development is classified as a Schedule 2 development as it falls within Category 2, (a) and also within Category 11, (b) and meets the size criteria. An Environmental Statement (ES) has been supplied by the applicant and has been considered alongside the application documents.
60. Following the initial round of public consultation, the Minerals and Waste Planning Authority concluded that further information was required for the purposes of determining the application. In accordance with Regulation 25 of the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#), the Waste Planning Authority issued a Regulation 25 request on 3 December 2020 (hereafter referred to as Regulation 25 request 1). This requested further information on a number of matters including air quality, noise and vibration, water environment, highways, archaeology, ecology, landscape, arboriculture as well as further clarification on rights of way and the fill figures for the extraction void.
61. The requested information was submitted by the applicant on 3 February 2021 and was subject to a public consultation between 12 February 2021 – 15 March 2021.
62. Following the first Regulation 25 request, the Waste Planning Authority issued a further Regulation 25 request on 19 July 2021 (hereafter referred to as Regulation 25 request 2). The request for further information is summarised as follows:
 1. Amendments to the Air Quality Assessment to include further detail relating to the correct soil storage bund measurements and their locations;
 2. Revisions to the Noise Impact Assessment to include Information regarding the weather conditions during the baseline noise survey, supply all data relating to sound power levels from all plant and equipment to be used on the site, clarify how the noise levels from lorry movements on and around the site have been calculated, provide a noise contour plot for all phases of the development and for noise exposure levels 3 at first floor of the nearest noise sensitive receptors should be provided;
 3. Amendments to the ES Chapter 10 (Water Environment) to include a detailed drainage layout drawings and infiltration testing;
 4. Amendments to ES Chapter 11 (Traffic & Transport) to include the vertical alignment response relates to a direct access, changes to design,

- information on carriageway levels, footway adjustment and Vehicle track plot speeds; and
5. Amendments to ES Chapter 12 (Archaeology & Cultural Heritage) to include a Geophysical Survey.
63. Additional areas of clarification (not requested under Regulation 25) were also requested in relation to public representations, level of void, fill materials and why the proposed infill weight of material so much higher than the proposed extraction.
64. The information was submitted by the applicant on 24 November 2021 and subject to a public consultation between 10 December 2021 – 24 January 2022.
65. A further Regulation 25 request was issued by Waste Planning Authority issued a further Regulation 25 request on 28 March 2022 (hereafter referred to as Regulation 25 request 3). The request for further information is summarised as follows:
1. Amendments to the Air Quality Assessment to include further detail the exact soil storage bund measurements and their specific locations across the site;
 2. Revisions to the Noise Impact Assessment to include Information regarding supply all data relating to sound power levels from all plant and equipment to be used on the site, clarify how the noise levels from lorry movements on and around the site have been calculated; and further detail on possible mitigation measures;
 3. Amendments to the ES Chapter 10 (Water Environment) to include updates to the Flood Risk Assessment & Surface Water Drainage Strategy documents in accordance with the revised proposals and the Surface Water Checklist;
 4. Amendments to ES Chapter 11 (Traffic & Transport) to include inclusion of Tactile paving, amendments to Site Access Drawing (416.00492.00048.07.0003.0 Rev 0), requirement for an independent Road Safety Audit, visibility splays; and
 5. Amendments to ES Chapter 14 (Landscape & Visual) to include updated to landscape restoration plan FO PR-4 Rev 0, Cross sections of the site showing existing and proposed ground levels.
66. In addition, further clarification to be submitted (not requested under Regulation 25) was required on public representations.
67. The information was submitted by the applicant on 26 May 2022 and subject to a public consultation between 10 June 2022 – 11 July 2022.
68. In all instances, requested information was considered to be necessary to enable the full and proper consideration of the likely environmental effects of the proposed development. All subsequent consultations undertaken on Regulation 25 submissions were undertaken in accordance with the adopted [Statement of Community Involvement \(2017\)](#).

69. A further response was received from the applicant on 31 August 2022 in response to highway comments following the last round of Regulation 25 consultation. This was provided outside of the Regulation 25 process.

70. Full copies of all Regulation 25 requests are available to view on the applications [webpage](#).

71. A discussion of the findings of the ES and the subsequent Regulation 25 consultation's is set out in the relevant [commentary](#) sections of this report.

Development Plan and Guidance

72. Section 38(6) of the [Planning and Compulsory Purchase Act 2004](#) requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise. Therefore, consideration of the relevant plans, guidance and policies and whether the proposal is in accordance with these is of relevance to decision making.

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

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

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

75. The following policies are relevant to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 2 (Climate change – mitigation and adaptation);
- Policy 3 (Protection of habitats and species);
- Policy 4 (Protection of the designated landscape);
- Policy 5 (Protection of the countryside);
- Policy 7 (Conserving the historic environment and heritage assets);
- Policy 8 (Protection of soils);
- Policy 9 (Restoration of quarries and waste developments);
- Policy 10 (Protecting public health, safety and amenity);
- Policy 11 (Flood risk and prevention);
- Policy 12 (Managing traffic);
- Policy 13 (High-quality design of minerals and waste development);
- Policy 15 (Safeguarding - mineral resources);
- Policy 17 (Aggregate supply – capacity and source);
- Policy 20 (Local land-won aggregates);

- Policy 25 (Sustainable waste management);
- Policy 27 (Capacity for waste management development);
- Policy 29 (Locations and sites for waste management); and
- Policy 30 (Construction, demolition and excavation waste development).

Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) (WCCJCS (2013))

76. The following policies are relevant to the proposal:

- Policy MRTA4: Development in the Countryside;
- Policy CP10: Transport;
- Policy CP13: High Quality Design;
- Policy CP16: Biodiversity;
- Policy CP18: Settlement Gaps;
- Policy CP19: South Downs National Park; and
- Policy CP20: Heritage and Landscape Character.

Winchester City Council Local Plan Part 2 – Development Management & Allocations

77. The following policies are relevant to the proposal:

- Policy DM1: Location of New Development;
- Policy DM10: Essential Facilities and Services in the Countryside;
- Policy DM16: Site Design Criteria;
- Policy DM17: Site Development Principles;
- Policy DM18: Access and Parking;
- Policy DM19: Development and Pollution;
- Policy DM20: Development and Noise;
- Policy DM21: Contaminated land;
- Policy DM23: Rural Character;
- Policy DM24: Special Trees, Important Hedgerows, and Ancient Woodlands;
- Policy DM26 (Archaeology); and
- Policy DM29 (Heritage Assets).

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

National Planning Policy Framework (2021) (NPPF)

79. 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;
- Paragraphs 84-85: Rural economy;

- Paragraph 100: Public rights of way and access;
- Paragraphs 104, 110-113: Sustainable transport;
- Paragraph 120: Types of land;
- Paragraphs 126-136: Design;
- Paragraphs 153-158: Planning and climate change;
- Paragraphs 159-169: Planning and flood risk;
- Paragraphs 174, 176-178: Contributions and enhancement of natural and local environment;
- Paragraphs 180-181: Biodiversity and planning;
- Paragraphs 183-188: Ground conditions and pollution;
- Paragraphs 194-208: Heritage assets;
- Paragraph 209, 211: Facilitating the sustainable use of minerals;
- Paragraphs 213: Steady and adequate supply of aggregates; and
- Paragraphs 214: Steady and adequate supply of industrial minerals.

National Planning Practice Guidance (NPPG)

80. The following paragraphs are relevant to the proposal:

- Paragraphs 005, 006 and 008: [Air quality](#) (November 2019);
- Paragraphs 001, 002, 004, 009: [Climate change](#) (March 2019);
- Paragraphs 001, 009, 012, 016: [Design](#) (October 2019);
- Paragraphs 001-053: [Environmental Impact Assessment](#) (May 2020);
- Paragraphs 001-068: [Flood risk and coastal change](#) (March 2021);
- Paragraphs 001-012: [Healthy and safe communities](#) (August 2022);
- Paragraphs 001-002, 006-064: [Historic Environment](#) (July 2019);
- Paragraphs 001-043: [Natural environment](#) (July 2019);
- Paragraphs 001-017: [Noise](#) (July 2019);
- Paragraph 001-015: [Travel plans, transport assessments and statements](#) (March 2014);
- Paragraphs 001-030: [Use of planning conditions](#) (July 2019);
- Paragraphs 001-055: [Waste](#) (October 2015); and
- Paragraphs 019, 016, 018: [Water supply, wastewater and water quality](#) (July 2019)

Specifically for [minerals](#) (March 2014):

- Paragraph 012: What is the relationship between planning and other regulatory regimes?
- Paragraph 013: What are the environmental issues of minerals; working that should be addressed by mineral planning authorities?
- Paragraph 014: What issues are for other regulatory regimes to address?
- Paragraph 017: How should mineral planning authorities assess the cumulative impact of minerals development?
- Paragraph 018: Are separation distances/buffer zones appropriate?
- Paragraph 019: Noise emissions;
- Paragraph 023: Dust emissions; and

- Paragraph 059: Landscape strategy;

Consultations

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

82. **Bishops Waltham Parish Council:** No comment.

83. **Botley Parish Council:** Object to the proposal on the following grounds:

- Highway impacts via Botley High Street and need for a routing agreement;
- Impacts on the Botley High Street as a Conservation Area;
- Air quality impacts.

84. **Conservation Officer (Winchester City Council):** No objection.

85. **County Arboriculture (Hampshire County Council):** No objection subject to conditions securing a Construction Exclusion Zone around Root Protection Areas of trees, and requirements for a monitoring regime to check the health of trees on a cyclical basis and advise on remedies should any trees be suffering from the impact of the works.

86. **County Archaeologist (Hampshire County Council):** No objection subject to conditions securing a geophysical survey, a subsequent trenched survey, and a mitigation programme for the archaeological sites discovered by the survey.

87. **County Councillor Lumby:** Was notified.

88. **County Ecologist (Hampshire County Council):** No objection subject to conditions. Comments were provided as follows:

- Response 1 (16/10/2020) - The initial information supplied was not deemed to be sufficient. The Ecologist identified a number of limitations such as the initial survey being carried out in February, limiting information on vegetation contained within the site. Surveys had not been carried out for any protected or notable species beyond GCN, which given the habitat type, was not considered to be acceptable and surveys were suggested for bats, dormice and breeding birds. Landscape restoration was welcomed, but again, further detail was required to be provided.
- Response 2 (16/06/2021) – Further information on vegetation accepted, though survey still noted to not be done at an appropriate time of year. Ecologist accepted further information relating to bats, dormice and breeding birds, though still suggests the information provided was not suitably comprehensive. Requested an ecological

mitigation, compensation and enhancement strategy is secured by condition to ensure appropriate restoration.

- Response 3 (06/02/2022) – Had no further comments and re-iterated the requirement for a condition to secure an ecological mitigation, compensation and enhancement strategy.

89. County Landscape Architect (Hampshire County Council): No objection subject to conditions. Comments provided as follows:

- Response 1 (04/08/2020) - Requested further information and clarification in relation to the Soil Resource Plan, treatment of any invasive weeds, further assessment of the removal of the upslope and its effect on water availability for the woodland, details of species for planting & seeding, plant spacing, and landscape specification together with establishment maintenance for at least 5yrs following implementation should be provided and clarification of the height of bunding. Also comments on visual impacts to ROW users and nearest residences to the east.
- Responses 2 (12/03/2021) and 3 (15/03/2021) – satisfied that further information addresses queries and requests conditions which must cover: protection of existing/adjacent vegetation (woodland and trees) especially to protect the 10m buffer zone along the west boundary but also the mature trees along the east residential boundary; handling, storage and replacement of soils in line with industry standards; landscape proposals to achieve the restoration plans submitted detailing planting, seeding, establishment and aftercare for 5 years following implementation including replacement of any planting that fails to thrive in order to achieve the aims of the restoration proposals plan. Comment again that although short term, there will be a high negative impact on near views for users of the rights of way on the south boundary of the site. And for residents along the east boundary although soil bunding is proposed to screen the works.
- Response 4 (14/01/2022) – Requested that the two new ponds proposed as part of the drainage submission be reflected in an updated landscape plan as well as the submission of cross sections to show existing and proposed ground levels to be able to assess the restoration landform.
- Response 5 (08/07/2022) – accept submitted plans and continue to request conditions relating to protecting the soil resource, protecting existing vegetation and to ensure appropriate restoration.
- **CPRE:** Object to the proposal on the basis that, the site is not allocated in the Hampshire Minerals and Waste Plan, there is not a need for soft sand locally and in Hampshire, amenity impacts of noise, dust and traffic, it will cause damage to the rural environment, both for wildlife and for residents, and impact on footpaths.

90. Curdridge Parish Council: Object to the proposal on the following grounds:

- Responses 1 (11/09/2020) and 2 (22/02/2021) – the proposal is a landfill application, not a mineral extraction, lack of need for the sand, flaws in noise and dust assessments, traffic and highways impacts, flaws in ecological surveys, contamination potential on the water environment, impacts to users of ROW.
- Responses 3 (21/12/2021) and 4 (28/06/2022) – agree with WCC objection, countryside location not justified, still concerned about amount of inert fill, traffic impacts, amenity impacts to nearest residents and ROW users.

91. **Defence Infrastructure Organisation:** No objection.

92. **Droxford Parish Council:** Objects to the proposal based on impacts of HGV movements on roads and surrounding villages.

93. **Durley Parish Council:** Object on highways impacts, due to the additional amount of traffic and size of vehicles associated with the proposal travelling along Winchester Road and other nearby roads. Councillors are concerned that lorries going to and from this site would not use the Winchester Road.

94. **Environment Agency:** No objection subject to conditions on the following areas:

- Remediation;
- a scheme to secure de-watering of the site (including the protection of licensed and un-licensed sources of water, the maintenance of spring-fed flows and the protection of groundwater dependent terrestrial ecosystems);
- an intrusive investigation to determine if significant waste deposits are located in the northern boundary of the site and , the extent of confining clay in near surface conditions adjacent to the waste mass;
- a scheme / further details on the storage of materials, chemicals, oil, and hazardous materials,
- proposed method of working;
- more details on the proposed maintenance and after-care of the site;
- more details on future landscaping;
- more details on the provision of road and wheel cleaning facilities; and a
- proposed scheme for monitoring.

95. **Environmental Health Officer (Winchester City Council):** Object on the basis of significant adverse noise amenity impacts on those nearest residences to the site. Also suggested there would need to be conditions relating to contamination and requiring the submission of a dust management plan on any potential permission.

96. **Local Highway Authority:** Object on the basis that safe access to the site has not been achieved, and the traffic generated by the proposal and the

increase in vehicle movements will cause severe highway safety and capacity impacts on the local highway network.

97. **Lead Local Flood Authority:** Are unable to comment due to a lack of information. A variety of information was requested throughout the process and the most recent response still had questions regarding

1. *The operational phase:*

- Discharge rates: Groundwater and surface water that fall on the site are being pumped into the pond/sump feature at 15.0 l/s. But it is not clear what rate 3 flows are being discharged from this feature via the orifice plate. Please state the discharge rate during the operational phase.
- Dealing with increased discharge volumes: The operation drainage layout is discharging the southern catchment into the northern catchment. This will increase the amount of flows the northern catchment will receive in addition to the dewatered groundwater flows. To ensure that of site flood risk is not increased, the extra volume should be managed by discharging at greenfield QBAR. Please confirm that the discharge rate from the site will be at or below the greenfield QBAR rate.
- Runoff that misses the pump system: The positioning of the pond/sump means that water can only reach this if pumped. How will flows that might come off other parts of the site, be prevent from leaving in an uncontrolled manner and via the water treatment system? There did not appear to be any inception ditch/ filter drain/ swale located to capture flows that would not be picked by the pump system.

2. *The Restoration Phase:*

- Need to confirm whether the inert material will be permeable. Given that the sand being extracted is permeable and much of the abstraction will be below the water table, the fill (if not of a similar permeable) could affect the below ground flows and could lead to groundwater building up behind areas of infilling. If the inert infill material is impermeable, please confirm how potential issues with groundwater will be mitigated.
- Need to confirm if 'peak runoff' referred to is the Proposed peak runoff. 'Peak runoff' rates are given for the detention basin north and south under the results section. The labelling is unclear.

98. **Natural England:** No objection but advised consideration of ACL soils and impacts to protected landscapes (South Downs National Park) and protected species. Recommend a Biodiversity Mitigation and Enhancement Plan (BMEP) be submitted and it's acceptability be assessed by Hampshire County Council Ecologists.

99. **Owslebury Parish Council:** Object to the proposal on the grounds of increased traffic on Winchester Road (B2177) towards Bishops Waltham.

100. **Public Health (Hampshire County Council):** No objection but encourage mitigation for noise and dust impacts.

101. **Public Health England:** No comment.
102. **Rights of Way Manager (Hampshire County Council):** No objection subject to the applicant securing a section 261 agreement for a ROW route diversion and the provision of enhancements to the local network including the replacement of two footbridges and surfacing improvements to the eastern end of Shedfield Footpath 2.
103. **Southampton Airport Safeguarding:** No objection subject to a condition relating to a Bird Hazard Management Plan.
104. **South Downs National Park Authority:** No objection.
105. **Shedfield Parish Council:** Object to the proposal on the following grounds:
- Bias of the Scoping and Planning report - No adverse or detrimental comments are made, this demonstrates that the document does not maintain a balanced view. There is no consideration given to the potential negative impact on the environment, ecology, and effect on the community.
 - Lack of need for soft sand;
 - Need for the quality of the sand needs to be further assessed;
 - Does not comply with policies of the HMWP;
 - Noise impacts
 - Dust and air quality particularly in relation to PM2.5;
 - Ecological impacts;
 - Impacts to ROW;
 - Impacts on the Water environment;
 - Impact on the wider environment, including the National Park;
 - Impact on Bishops Waltham, Wickham, Botley, Swanmore and local commuters;
 - The area is Green Belt;
 - Over 700 local community members have objected to the proposal;
 - Residential properties within 100 metre buffer and several inside the 250m buffer zone.
 - Sensitive human receptors including garden and paddock areas.
 - Site access is unsuitable and unsafe;
 - Highway safety concerns;
 - Potential for the site to include contamination.

The Parish Council submitted an independent noise assessment, flood risk assessment, and highways impacts and safety assessment of the application.

106. **Swanmore Parish Council:** Object to the proposal on the following grounds:

- The increased volume of traffic will cause congestion and exacerbate road safety concerns on an already busy country road. There is a potential for works traffic to divert to roads within the Parish of Swanmore;
 - Noise impacts; and
 - Dust particles from plant and vehicles on air quality.
107. **Upham Parish Council:** Object to this proposal due the major impact on the Winchester Road due to the volume of traffic proposed and concerns over the use (e.g. crossing school children) and existing safety concerns associated with this road.
108. **Wickham Parish Council:** Objects to the above application for the following reasons:
- The proposals are contrary to Policy CP18 of Winchester District Local Plan Part 1 - Joint Core Strategy;
 - The site has not been identified in Hampshire's Minerals Plan as a suitable site for extraction so is premature;
 - Industrialising the site will damage and diminish the distinctive and valued landscape, visually and physically diminishing the local gap for what will be the lifetime of many current residents;
 - Significant negative impact of the proposals on the amenity for nearby residents including noise and dust;
 - The impact of heavy lorries on the local roads and in nearby settlements and additional congestion and impact on Wickham's historic centre;
 - It will also place the health and safety of Wickham's residents at risk, particularly of those very elderly people living in sheltered accommodation alongside the narrowest part of Winchester Road just north of Wickham Square. This notoriously busy and narrow choke point is already the subject of great local safety concern;
 - Local rural and village roads around the Five Oaks Farm site are unsuitable for the high volume of traffic envisaged in the proposal;
 - No justification has been made within the application to justify the sourcing of sand from this particularly difficult site; and
 - Sand for Welbourne can be supplied from existing extraction points better positioned to use major roads and motorways to gain access.
109. **Winchester City Council:** Objects to the proposal on the following grounds:
- the information submitted with the application does not demonstrate that the works can be carried out on the site without harm to the rural character and tranquillity of the area;
 - The proposal will have a detrimental impact on the residential amenities of occupants of neighbouring dwellings via noise and dust;
 - despite the proposed screening with mounds and fences along the eastern edge of the site, the magnitude of change (albeit of short duration) combined with the proximity and sensitivity of the nearby

residential receptors, particularly people living adjacent to the east of the site and at the northern end of St Anne's Lane, would result in significant harm to residential amenity;

- Impacts to Rights of Way;
- Conditions would be required to protect Archaeological potential of the site; and
- Biodiversity Net Gain of 10% will potentially be achieved but has not been properly evidenced.

110. **Whiteley Parish Council:** Was notified.

Representations

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

- Published a notice of the application in the [Hampshire Independent](#);
- Placed notices of the application at the application site;
- 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.

112. As already set out earlier in the [Environmental Impact Assessment](#) section of the report, further rounds of public consultation took place as part of Regulation 25. All information was re-consulted upon in accordance with the SCI.

113. As of 10 October 2022, a total of 629 representations (from 449 individuals) to the proposal have been received (in response to the original planning consultation and all subsequent Regulation 25 consultations). 1 representation was in support of the application, the rest objected to the proposal.

114. The main areas of concern raised in the objections related to the following areas:

- Vibration from HGV's;
- Impacts on Highways capacity and traffic;
- Highways safety, particularly relating to the access on blind S bend;
- surrounding highways/local roads not suitable for additional HGV movements;
- impacts on Rights of Way, including damage to users views;
- impact on wildlife/designated sites;
- Habitat loss;
- impact of the site and its activities on the rural location;
- impacts to tranquillity of the area;

- impact on nearby countryside / agricultural land, particularly the equestrian community;
- The application is not what it is being represented as - it is a land-raising project not confined to landfill;
- Inappropriate development in the countryside setting;
- Impact on the nearby school;
- visual amenity and landscape impact;
- proximity to residential properties;
- Impact on the amenity and quality of life of the village and local residents;
- noise impacts and quality of noise assessment provided;
- Loss of trees;
- Unacceptable changes to the topography;
- dust impacts;
- impact on air quality;
- associated health impacts;
- pollution and emissions associated with the development, particularly from HGV's;
- contamination risk from historic landfill;
- Risk of flooding;
- Pollution of watercourses;
- lack of demonstrated need for the development in Hampshire;
- lack of public consultation and community engagement;
- lack of benefits for the local community;
- detrimental to local businesses (pubs, golf course, equestrian centres);
- Site is not allocated in HMWP;
- lack of consideration of other / alternatives sites and locations for the development; and
- impact on house prices.

115. A representation was received from Flick Drummond MP in September 2020 objecting to the proposal and raising concerns. These can be summarised as follows:

- Arboriculture – concerns over tree and root protection, impact of dust pollution, removal of trees, maintenance of woodland which is not to be disturbed within the application site;
- Landscape – various concerns including the setting of a listed building and disruption to a public right of way;
- Archaeology – recommend investigation of “a potentially nationally important Roman pottery industry” at the site before granting permission and then need for appropriate consideration of Archaeological and Cultural Heritage matters;
- The general environmental impacts of the site are also material planning considerations;
- Lack of a complete noise survey;

- Other pollution from dust and contaminated water has not been adequately covered in the application;
- It should also be observed that, the extraction of sand seems to be to facilitate the creation of a landfill site, rather than one where there is remediation of a quarry through landfill;
- There are valid concerns about the traffic impact and road safety around the site;
- The site entrance is in a location where the speed limit and curvature of the road compromise visibility and reaction time both for those entering or leaving the site and those passing it. The applicants themselves state that a large number of vehicle movements will be involved and that these will have an impact on nearby residential areas;
- There are serious flaws with this application.

116. The Minerals and Waste Planning Authority is aware of a petition on [Change.org](#) has over 3000 signatures but this was never formally submitted to the Minerals and Waste Planning Authority so cannot be considered by the authority in decision making.

117. The applicant prepared a response to public representations and submitted this as part of the submission for Regulation 25 in May 2022.

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

Habitats Regulation Assessment:

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

- Special Protection Areas [SPAs];
- Special Areas of Conservation [SACs]; and
- RAMSARs.

120. 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.

121. It is acknowledged that the proposed development includes environmental mitigation essential for the delivery of the proposed development regardless of any effect they may have on impacts on European designated sites.

122. The HRA screening hereby carried out by the Minerals and Waste Planning Authority considers the proposed development to have **no likely significant effect** on the identified European designated sites due to:
- It is not located at a distance to be considered to have proximity to directly impact on the European designated sites;
 - The site is not considered to have any functional impact pathways connecting the proposed works with any European designated sites; and
 - The proposal does not have any significant increase on any adverse impacts the wider site may have.
123. Links to the emerging requirements for Biodiversity Net Gain (BNG) requirements are covered in the [Ecology](#) section of the commentary section of this report, where they are relevant to the proposal.

Climate Change

124. Hampshire County Council declared a [Climate Emergency](#) on 17 June 2019. Two targets have been set for the County Council, and these also apply to Hampshire as a whole. These are to be carbon neutral by 2050 and preparing to be resilient to the impacts of temperature rise. A [Climate Change Strategy and Action Plan](#) has since been adopted by the Council. The [Climate Change Strategy and Action Plan](#) do not form part of the Development Plan so are not material to decision making. However, it is true to say that many of the principles of the Strategy and Action Plan may be of relevance to the proposal due to the nature of the development. Where these principles are of relevance, they are addressed in the relevant parts of the Commentary section.
125. As already noted, the Scoping Report issued ([SCO/2019/0622](#)) required a number of things to be scoped into the planning application. This included more information on the impacts and effects on climate change.
126. Consideration of Sustainability, Climate and Carbon is set out within the **Chapter 17 of the ES**. No formal Climate Change Assessment has been undertaken, although some assessment of the potential impact of the proposed development on climate change has been included within the ES aiming to demonstrate how public health, safety and amenity issues are suitably and sustainably addressed. This focuses on the sustainable use of minerals and sustainable Waste Management. There is little evidence in the application how mitigation and adaptation measures have been incorporated into the design.
127. There is a reliance on heavy fossil fuelled plant and HGVs to extract and export mineral from the site. No suggestion of alternative technologies or mitigation has been suggested to try and address this during the operational phase of the development.

128. Although information within the application for the proposed restoration of the site alludes to a net benefit to biodiversity and landscape improvements, this is not quantified or properly evidenced and as such cannot be considered to be climate change mitigation nor would it compensate for the emissions of the proposed development.
129. The development has also not yet fully addressed climate change impacts to hydrology as detailed further in the commentary below.
130. Based on what has been included in the planning application, the proposed development has been subject to consideration against Policy 2 (Climate change – mitigation and adoption) of the [HMWP \(2013\)](#), Policy DM16 (Site Development Criteria) of the [WCCLP Pt2 \(2017\)](#) and Paragraphs 152-158 of the [NPPF \(2021\)](#). The development is not considered to meet these policies as it has failed to provide sufficient evidence to effectively demonstrate it will not have climate change impacts and in particular has not explored the Biodiversity Net Gain it could provide to mitigate its impacts. This is despite being advised to consider this issue at the scoping stage. Whilst this alone is not sufficient reason to refuse planning permission, it is a consideration in the planning balance when looking at the determination of the application.

Commentary

Principle of the development

131. The mineral resources located at the site are safeguarded through Policy 15 (Safeguarding – mineral resources) of the adopted [Hampshire Minerals & Waste Plan \(2013\)](#). The application represents an opportunity to utilise the mineral resources, contributing towards supply of aggregates. The application will provide 230,000 tonnes of soft sand which is supported by Policy 17 (Aggregate supply – capacity and source) of the HMWP, which requires an adequate and steady supply of aggregates until 2030, of which 280,000 tonnes per annum should be soft sand. These matters are covered in more detail in the [Demonstration of need and capacity for mineral resource](#) section of the commentary.
132. The site is not allocated in the adopted [HMWP \(2013\)](#) as a location for the extraction of mineral, under Policy 20 (Local land-won aggregate). It is important to note that the lack of a site allocation cannot be considered as a reason for refusal. This is because Policy 20 includes criteria to allow other minerals development so come forward.
133. The site lies outside the settlement boundary defined within the Winchester District Local Plan, and as such is located in Countryside under Policy MRTA4 (Development in the Countryside) of the [WCCLP Pt 1 \(2013\)](#) and Policy 5 (Protection of the countryside) of the HWMP (2013).

134. Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#) supports development which encourages sustainable waste management and reduces the amount of residual waste currently sent to landfill. This development uses inert waste to restore a minerals working, which is considered to be a beneficial use, making it a recovery of waste rather than disposal. This means it meets the national and local requirements driving waste to be managed at the highest achievable level within the waste hierarchy. The submitted **Planning Statement** outlines that inert waste will be utilised in the restoration of the site. This could be considered to be a beneficial outcome for the use of Construction, Demolition and Excavation (CDE) waste in line with Policy 30 (Construction, demolition and excavation waste development) of the [HMWP \(2013\)](#) as long as it is only residual wastes used. These matters are covered in more detail in [Need for waste management provision](#).
135. In summary, the proposal is considered to be in accordance with Policies 15 (Safeguarding – mineral resources), 17 (Aggregate supply – capacity and source), 20 (Local land-won aggregates) and 25 (Sustainable waste management) of the [HMWP \(2013\)](#) and Paragraph 213 of the [NPPF \(2021\)](#).
136. Whether the proposal is considered to be in accordance with paragraph 11 of the [NPPF \(2021\)](#), the other policies of the [HMWP \(2013\)](#) and is a sustainable minerals and waste development in accordance with Policy 1 (Sustainable minerals and waste development) will be considered in the remaining sections of this commentary section.

Demonstration of need and capacity for mineral resource

Need for mineral

137. Hampshire's most widely worked local mineral is land-won sand and gravel. This is comprised of minerals resources of sharp sand and gravel, and soft sand. In Hampshire, sharp sand and gravel is much more common than soft sand and there are fewer opportunities for extracting soft sand locally and in neighbouring areas. Accordingly, soft sand is a relatively scarce resource which is significant not just for Hampshire but also for surrounding areas. There are no viable alternatives for soft sand, meaning that it can only be sourced from land won resources. The proposal relates to the extraction of soft sand only.
138. Soft sand tends to feed different markets to sharp sand and gravel with uses in the production of materials such as plaster, mortar and asphalt (soft sand).
139. The applicant has not looked at whether there is a local need for aggregates beyond noting that the proposal would support the ongoing success of TJ Transport Ltd and contribute towards the shortfall of soft sand extraction identified within the whole of Hampshire and help meet the

identified need for this resource within the Hampshire Minerals and Waste Plan (2013).

140. When looking at the issue of need, it is important to consider aggregate supply and demand. The focus of this is on the performance of Policy (17) (Aggregate – supply and source) of the [HMWP \(2013\)](#) through annual monitoring.
141. A landbank is the number of years of reserves remaining at an annual rate of aggregate supply. Hampshire has a requirement to ensure a 7-year landbank to meet Paragraph 213 of [NPPF \(2021\)](#). The NPPF supports mineral extraction and recognises the importance of ensuring a long-term supply through a 7-year landbank. There is no theoretical maximum landbank that a minerals authority can achieve and Paragraph 209 of the [NPPF \(2021\)](#) states that '*it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs*' which supports the proposed development assuming that there is an identified local need and market for the minerals. Landbank requirements are translated into Policy (17) (Aggregate – supply and source) of the [HMWP \(2013\)](#).
142. The [HMWP \(2013\)](#) is supported by the annual Local Aggregate Assessment (LAA) report. The [LAA \(2021\)](#) gave an annual sales rate of 0.23mtpa, and a landbank of currently approximately 0.73 years for soft sand (based on the LAA rate). If the landbank is compared to local area requirements this would be 0.60 years and 5.25 years combined. Finally, the landbank based on average sales from 2011-2020 provides a landbank of 1.04 for soft sand (8,38 combined). In all scenarios, Hampshire is currently below the national set landbank target of 7 years for soft sand. It is noted that for both soft sand and sharp sand and gravel combined it is 7.12 years. The LAA notes that sales have reduced significantly due to temporal supply issues at existing soft sand sites and the landbank at these sites are low.
143. Furthermore, the [LAA \(2021\)](#) identifies that there are some significant infrastructure projects coming forward within the County; namely transport and highways improvements projects, including the Southampton Airport expansion which has now been granted permission. As well as approximately 120,000 new homes and a number of schools. These projects are of significant scale to require their future demand to be accounted for in future aggregate supplies, over and above the annual infrastructure delivery programme. Using a number of growth factors (MPA, population or GDP based), the LAA (2021) identifies that there could be an upper demand for soft sand anywhere between 0.23-0.35 million tonnes per annum. However, having reviewed the differing growth factor approaches, the [LAA \(2021\)](#) identifies that the 2018 extraction rate of 0.23 million tonnes per annum would be set for future soft sand demand within the County. This is lower than the [HMWP \(2013\)](#) target rate of 0.28 million tonnes per annum but considered in line with the future forecasts. There is

currently a need for soft sand supply in Hampshire, as demonstrated within the 2020 LAA and AMR, and should this site be considered suitable for extraction, this proposal would contribute to meeting this need.

144. At this time, there are only two sites producing soft sand in Hampshire, Frith End Quarry and Kingsley Quarry. An extension to Kingsley Quarry, the other soft sand quarry in Hampshire, was granted planning permission in 2020 (planning application [51188/003](#)). This was for the extraction of approximately 1,000,000 tonnes of soft sand, equal to a 4.35 year contribution to the soft sand landbank (at the 2021 LAA sales rate of 0.23 Mtpa – 2020 sales rate was exceptionally low due to incidents at two soft sand quarries preventing sales). This permission is yet to be implemented and the extraction at Kingsley Quarry is currently mothballed, meaning there is a further reduction (albeit temporary) in soft sand supply currently. Planning permission was recently granted for the extension to the quarry extraction area at Frith End Quarry, slightly increasing the capacity of the site (planning permission [30633/041](#)). This site is due to be completed by 31 December 2024. There may be some incidental soft sand extraction at sharp sand and gravel sites, dependant on geology.
145. The Minerals and Waste Planning Authority is currently considering a planning application for Purple Haze which is a site allocation under part 3 of Policy 20 (Local land-won aggregate) of the [HMWP \(2013\)](#) (planning application [21/10459](#)). The proposed development is for the extraction of approximately 4.5 million tonnes of building (soft) sand with incidental sharp sand and gravel, over a period of 25-35 years, at a rate of 150-200,000 tonnes per annum. The planning application is yet to be determined and so the potential reserves from Purple Haze cannot be given significant weight and its resources are not considered to form part of Hampshire's permitted reserves. Should it be granted permission, it would make a significant contribute to the soft sand landbank. However, even if permission were to be granted, it is likely that it would not commence exporting soft sand to market until 2024-2025 at the earliest, meaning that the extraction at the Site would have progressed a number of years (should permission be granted) by the time the Purple Haze comes on stream.
146. The site is not identified as a site allocation for minerals in Policy 20 (Local land-won aggregates) the [HMWP \(2013\)](#). It is therefore considered to be a windfall minerals development. Policy 20 (Local land-won aggregate) of the [HMWP \(2013\)](#) allows additional sites to come forward under Part 4 of the policy. Part 4 (a) specifies that proposals for new land-won aggregates sites will be supported where monitoring indicates the sites identified are unlikely to be delivered to meet landbank requirements. Given the significant shortfall in Hampshire's current soft sand aggregate landbank, this proposal is considered to meet these requirements. Parts b and c are not relevant to the proposal. Part d relates to the development having a specific local requirement. As it stands currently, Hampshire will not meet landbank requirements, and as identified in the [LAA \(2021\)](#) there is a Hampshire wide requirement for soft sand. Furthermore, paragraph 6.83 of

the [HMWP \(2013\)](#) states that the Plan expects to provide contingency in aggregate supply through unplanned opportunities, which includes windfall sites such as this.

147. Taking into account the need to ensure an adequate and steady supply of minerals as well the requirement for a 7-year landbank for sand and gravel (including soft sand), it is considered that the proposal, is in accordance with Policies 17 (Aggregate supply and source) and 20 (Local land-won aggregate) of the [HMWP \(2013\)](#) as well as Paragraph 209 of the [NPPF \(2021\)](#).

Need for waste management provision

148. Following the extraction of soft sand, the site will provide a void capacity of 435,000 tonnes. The importation of the clean inert wastes will allow for progressive backfilling of the minerals void to restore the site back to the existing topographic levels and return it to an agricultural use through the restoration of the site.
149. Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#) supports development which encourages sustainable waste management and reduces the amount of residual waste currently sent to landfill. This development uses inert waste to restore a mineral working, which is considered to be a beneficial use, making it a recovery of waste rather than disposal. This means it meets the national and local requirements driving waste to be managed at the highest achievable level within the waste hierarchy.
150. Paragraph 016 of the [NPPG \(Waste\)](#) is clear that everyone involved in waste management is expected to use all reasonable methods to apply the waste hierarchy, except where, for specific waste streams, departing from the hierarchy is justified in life cycle on the overall effects of generations and the management of waste to assist and ensure that waste should be recycled and is not sent to landfill. This legal obligation on waste producers and transferors provides over-arching controls within the waste industry and assists in ensuring that waste that should be recycled is not sent to a recovery facility or landfill for treatment or final disposal. It also seeks to ensure that planning decisions are made in the context of the waste hierarchy.
151. Landfill in Hampshire is considered to be 'disposal' except if the waste is inert and has a significant beneficial use. Inert wastes which are used to restore mineral workings, in civil engineering developments or for other beneficial uses are not considered disposal (landfill), but recovery. This is because the land is restored to the desired levels and it can also provide other environmental and amenity benefits.
152. Initially there were some concerns raised about the level of void created by mineral extraction. The Minerals and Waste Planning Authority requested

further information under Regulation 25 on this matter. This as submitted as part of Regulation 25 request 2. The figure provided included site-won materials to be placed back into the void for restoration purposes, which comprise wastage from mineral processing, clay overburden and interburden, as well as the existing topsoil and subsoil to reinstate the ground surface. They effectively total in the region of c.95,000m³, which if you subtract from the gross void of 237,800m³ results in a net void for restoration of 143,100m³. They effectively total in the region of c.95,000m³, which if you subtract from the gross void of 237,800m³ results in a net void for restoration of 143,100m³. This clarifies that the phased working and restoration through backfilling with up to 435,000 tonnes of clean inert waste/materials is inclusive of reinstatement of material from original extraction.

153. The principles of the waste hierarchy are translated into Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#). As the site would allow for the recovery of inert waste through the restoration of a minerals site, it is considered to achieve the highest level within the waste hierarchy could be achieved as well as reducing the amount of waste sent to landfill.
154. Policy 27 (Capacity for waste management development) of the [HMWP \(2013\)](#) sets out arisings of 2.49mtpa of inert waste by 2030. The [AMR \(2020\)](#) shows that the amount of inert waste put to beneficial uses has decreased by 10.2% from 1.18mt in 2019 to 1.06mt in 2020. Production of recycled and secondary aggregate has not decreased below 1mtpa. However, 2020 saw a production decrease to its lowest level. The submitted **Planning Statement** outlines that inert waste will be utilised in the restoration of the site.
155. Policy 30 (Construction, demolition and excavation waste development) of the [HMWP \(2013\)](#) states that where there is a beneficial outcome from the use of inert construction, demolition and excavation waste in developments, such as the restoration of mineral workings, the use will be supported provided that as far as reasonably practicable all materials capable of producing high quality recycled aggregates have been removed for recycling. It is unclear from the application what the “clean inert fill material” will consist of and therefore, in order to fully comply with Policies 25, 27 and 30 (Construction, demolition and excavation waste development) the development would need to clarify this.) as it stands. The Minerals and Waste Planning Authority would expect that the type of inert waste to be used at the site would include waste which cannot be used for any other beneficial outcome to ensure delivery of Policy 25, 27 and 30. It is considered that this could be secured by the inclusion of a condition.
156. Subject to a condition limiting the type of inert fill to be used, the proposal is considered to be in accordance with Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development) and

30 (Construction, demolition and excavation waste development) of the [HMWP \(2013\)](#).

Impacts on South Downs National Park

157. Paragraph 174 of the [NPPF \(2021\)](#) requires that planning decisions contribute to and enhance the natural and local environment by, amongst other considerations 'protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)'. Furthermore, paragraph 176 states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'*.
158. The site is located 1.6 km from the South Downs National Park at its nearest point. Although the site is located outside of the South Downs National Park, the potential impact on the setting and qualities of the Park are of relevance. Policy 4: Protection of the designated landscape of the [HMWP \(2013\)](#) relates to proposals within the National Park. The potential impacts on the statutory purposes, special qualities and setting of the National Park are of relevance to the proposal.
159. The statutory purposes of the South Downs National Park are as follows:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and
 - To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
160. Decision makers must take the statutory purposes into account when considering development proposals which may have an impact on the National Park.
161. Understanding the special qualities of the South Downs National Park is also key to understanding the potential landscape and visual effects of the development on it, and how this contributes to achieving its special qualities. These are defined in the South Downs Local Plan as follows:
- Diverse inspirational landscapes and breath-taking views;
 - Tranquil and unspoilt places;
 - A rich variety of wildlife habitats including rare and internationally important species;
 - An environment shaped by centuries of farming and embracing new enterprise;

- Great opportunities for recreational activities and learning experiences;
 - Well-conserved historical features and a rich cultural heritage; and
 - Distinctive towns and villages, and communities with real pride in their area.
162. A **Landscape and Visual Impact Assessment (LVIA)** was prepared as part of the ES This assessed the impact of the development on 21 viewpoints, including viewpoints from the National Park. This concludes that the proposal is not located within an area that will be highly visible from the key viewpoints in the South Downs National Park.
163. A number of public representations received raised concerns that the statutory purposes would be impacted by the proposal, and these concerns are acknowledged.
164. South Downs National Park Authority were consulted on the development and raised no objection to the proposal.
165. The County Landscape Architect considers that with mature vegetation outside a large percentage of its perimeter, the site is enclosed from most external viewpoints, and the more open landscape to the south is shielded from view by the rising landform. They did not raise any specific concerns relating to impacts on the South Downs National Park.
166. On this basis, the proposal is not considered to have any adverse visual impact on the South Down National Park and is not considered to impact the statutory purposes or the special qualities of the Park.

Development in the countryside

167. Paragraph 130 of the [NPPF \(2021\)](#) requires that planning decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by (amongst other considerations) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
168. Paragraph 209 of the [NPPF \(2021\)](#) and paragraph 6.14 of the [HMWP \(2013\)](#) both highlight that that mineral resources such as sand and gravel, need to be extracted from where they are available. This can be said to justify the requirement of the development for a countryside location in some instances.

169. Policy 5 (Protection of the countryside) of the [HMWP \(2013\)](#) states that minerals and waste development in the open countryside, outside the National Parks and Areas of Outstanding Natural Beauty, will not be permitted unless it is a time-limited mineral extraction or related development or the nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location or the development provides a suitable reuse of previously developed land, including redundant farm or forestry buildings and their curtilages or hard standings. The policy also includes an expectation that the highest standards of design, operation and restoration will be met and there will be a requirement that it is restored in the event it is no longer required for minerals and waste use.
170. Supporting this are Policies 9 (Restoration of quarries and waste developments), 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the [HMWP \(2013\)](#). These all require temporary minerals development to be restored in a phased manner to beneficial after-uses that are in keeping with the character and setting of the local area, and which contribute to the delivery of local objectives for habitats, biodiversity or community use where applicable.
171. The site lies outside the settlement boundary defined within the Winchester District Local Plan (2013) and as such is located in the countryside. Policy DM1 (Location of New Development) specifies that outside of these areas, countryside policies will apply and only development appropriate to a countryside location will be permitted. Policy MTRA4 (Development in the Countryside) of the [WCCLP Pt 1 \(2013\)](#) will only permit development that has an operational need for such a location. This means that in order to meet Policy 5 (Protection of the countryside) of the [HMWP \(2013\)](#), the nature of the development must require a countryside or isolated location.
172. A number of the public representations received object on the grounds of landscape and visual impact and these are acknowledged.
173. Although some representations note that the site is located within an area of Green Belt, the Minerals and Waste Planning Authority can confirm that the site is not located in the Green Belt. The only area of Green Belt in Hampshire lies in the south-west of the county (the South West Hampshire Green Belt).
174. Development Policy DM10 (Essential Facilities and Services in the Countryside) of [WCCLP Pt2 \(2017\)](#) does allow essential facilities and services in the countryside, subject to its compliance with a number of criteria including the necessity to minimise harmful impacts on landscape character and ensuring traffic impacts can be addressed satisfactorily. Winchester City Council do not consider that the application demonstrates that the works can be carried out on the site without harm to the rural character and tranquillity of the area.

175. Policy CP18 (Settlement gaps) of [WCCLP Pt 1 \(2013\)](#) seeks to retain the generally open and undeveloped nature of defined settlement gaps. The site is located in a designated settlement gap between Shedfield, Shirrell Heath and Waltham Chase and Policy CP18 states that within these areas only development that does not physically or visually diminish the gap will be allowed. Given the limited timescale of the development, and its intention to restore the land to provide improvements to the landscape character and biodiversity of the site, it is considered that the development meets the requirements of this policy.
176. Policy DM23 (Rural Character) of the [WCCLP Pt2 \(2017\)](#) is also of relevance here, with regards to the effect on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment.
177. Minerals development is a temporary change to the landscape. In this case, the proposal will be completed within 6 years. As a time limited development, the proposal is considered to meet part a of Policy 5. In relation to part b of the policy, the proposal is not related to countryside activities and does not specifically require an isolated location. The applicant has set out what it considers to be the need for the proposal as summarised in [Demonstration of need and capacity for mineral resource](#) and [Need for waste management provision](#). Part c of the policy is not of relevance to the proposal.
178. In order to accord with Policy 5 (Protection of the countryside) the development would be expected to meet the highest standards of design, operation and restoration. Policies 9 (Restoration of quarries and waste developments), 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) are also of relevance here and covered by other parts of this commentary.
179. The Scoping Report ([SCO/2019/0622](#)) specified a requirement for any future planning application to be a design-led scheme, taking into account the locality and its rural nature, the scale, duration and phasing of the quarry and its restoration and how it's design and appearance can aid its integration into this setting.
180. A **Landscape and Visual Impact Assessment (LVIA)** was prepared as part of the ES. This assessment has identified that the local context of the proposal includes a range of landscape and visual receptors that are potentially sensitive to potential developments. Landscape and visual effects as a result of the proposed development would generally be very limited, localised and not significant in relation to landscape or visual receptors. The notable exception to this is in relation to residential properties adjacent to the east of the site, where major/moderate and significant effects are predicted during the operational phase. Effects on

other landscape and visual receptors are predicted to be no greater than moderate adverse and not significant.

181. The County Landscape Architect stated that regardless of the short timescale associated with the project, there would be significant visual impacts to both the nearest residences on the eastern boundary of the site, as well as on the users of the two public rights of way (Shedfield: 3 & 4) in close proximity to the site.
182. A large number of public representations raised concerns about the adverse impacts of the development on the tranquillity of the rural countryside setting. These are noted.
183. Winchester City Council objected to the proposal for a number of reasons, including adverse impact on the landscape character of the area. They consider that the extraction of minerals will inevitably have a significant impact on the rural character and appearance of the site during the works and whilst this may be for a temporary, if lengthy period, little information has been provided about the measures for the restoration of the footpath and landscaping of the site. Without such details there is potential for a long term and adverse impact on the rural character which would detract from the enjoyment of the countryside.
184. If permission were to be granted a number of conditions would need to be included to secure further details be provided to ensure the acceptability of the development within a countryside location is more suitably justified.
185. The re-introduction of hedgerows with larger areas of planting in copses, and the addition of a short section of path to the PRow network is welcomed. The completed restoration of the site should represent an enhancement and has the potential to deliver a long-term beneficial change and effect for landscape and visual receptors.
186. It is recognised that the proposal meets part (a) of Policy 5 (Development in the countryside) in that it is a time limited minerals extraction. development. However, the Waste Planning Authority has concerns that the highest standards of design, operation and restoration in accordance with Policy 5 (Development in the countryside) the development has not currently demonstrated that it meets these, and policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the [HMWP \(2013\)](#) as covered by other areas of this commentary. For the reasons outlined elsewhere in this commentary section, concerns about impacts on amenity are noted. It is also not considered to meet policy requirements for countryside developments set out in the Winchester Local Plan as it is not considered to have minimised its harmful impacts on the landscape, contrary to Policy DM10 (Essential Facilities and Services in the Countryside) and it will have visual impacts and disrupt the tranquillity of the setting which is contrary to and Policy DM23 (Rural Character) of the [WCCLP Pt2 \(2017\)](#).

Site location alternatives

187. The Scoping Report issued by the Minerals and Waste Planning Authority in 2019 ([SCO/2019/0622](#)) set out a requirement for the applicant to appropriately explore alternative sites and locations, with particular emphasis on those sites listed within Policy 20 (Local land-won aggregate) of the [HMWP \(2013\)](#).
188. Paragraph 2 of Schedule 4 to The [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) requires that an Environmental Statement should include: “*A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the applicant or appellant which are relevant to the proposed project and its specific characteristics and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.*”
189. **ES Chapter 6: Consideration of Alternatives** summarises the consideration of alternatives in the application. Three main scenarios for considering alternatives were considered, A ‘do nothing’ or ‘no change’ scenario, an ‘alternative sites’ scenario and an ‘alternative design’ scenario.

The ‘do nothing’ scenario:

190. The applicant notes that a ‘do nothing’ scenario would fail to achieve the objectives of the applicant to extract a viable mineral resource and allow for the subsequent restoration of the site through the importation of inert waste materials. The applicant also notes that this scenario would fail to extract a mineral which could potentially be sterilised in the longer term and the County would continue to be unable to demonstrate a 7-year landbank for soft sand. There is no evidence before the Minerals and Waste Planning Authority which suggests that this mineral is at risk of sterilisation from other proposed uses. The mineral is also safeguarded through the provisions of Policy 15 (Safeguarding – mineral resources) of the [HMWP \(2013\)](#).
191. The applicant also notes that an opportunity would be lost to meet an identified for waste recovery as part of the restoration strategy by way of backfilling the minerals void with clean inert waste materials. The need for waste fill is covered elsewhere in the commentary.
192. The applicant also states that the ‘do nothing’ scenario would fail to achieve the identified job opportunities created by the proposed development.

Alternative sites:

193. No 'alternative sites' to the application site have been considered as part of the development process. The applicant has an existing working relationship with the owner of the land and both parties would benefit from a symbiotic relationship of extraction minerals and subsequent restoration through the importation of inert waste materials in this location.
194. In terms of other sites allocated within the [HMWP \(2013\)](#), the applicant already operates at the minerals workings at Forest Lodge Home Farm, Hythe. The remaining sites are owned or operated by other parties and, as such, are not 'available' options to the applicant. Potential minerals extraction from these sites has not been considered as part of the alternatives assessment. The applicant notes that it is considered entirely unrealistic for the applicant to have considered alternative sites when the application site is suitable, available and viable.
195. Alternative designs options have also been considered and are set out in more detail in [Design and sustainability](#).
196. Despite a request at the Scoping Stage, is it the view of the Mineral and Waste Planning Authority that the applicant has failed to demonstrate that alternatives have been adequately assessed. Whilst it is recognised that the applicants interest in the site has governed its selection, the Planning Authority would have liked to have seen a more thorough assessment of other potential alternatives sites.

Visual impact, landscape and design

197. The [Planning Act 2008](#) places great importance on good design and sustainability. Paragraph 126 of the [NPPF \(2021\)](#) confirms that good design is a key aspect of sustainable development and helps create better places in which to live and work to make development acceptable to communities. In addition, paragraph 130 requires that planning decisions ensure that developments '*will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting*'. Paragraph 134 of the [NPPF \(2021\)](#) also advises that permission should be refused for development that is not well designed.
198. Policy 13 (High-quality design of minerals and waste development) of the [HMWP \(2013\)](#) requires that minerals waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape. The design should be appropriate and should be of high-quality and contribute to sustainable development. This reinforces the requirement of Policy 5 (Protection of the countryside) for highest-quality design. In addition, Policy 10 (Protecting

public health, safety and amenity) protects residents from unacceptable adverse visual impact

199. Policy CP13 (High Quality Design) of the [WCCLP Pt 1 \(2013\)](#) states that new development will be expected to meet the highest standards of design. It sets out criteria for new development including factors such as demonstrating an analysis of the constraints and opportunities of the site and its surroundings have informed the principles of design and how the detailed design responds positively to its neighbours and the local context, the proposal making a positive contribution to the local environment and creates an individual place with a distinctive character and the accompanying landscape framework has been developed to enhance both the natural and built environment and maximise the potential to improve local biodiversity.
200. Policy DM23 (Rural Character) of the [WCCLP Pt2 \(2017\)](#) states that development will be permitted where they do not have an unacceptable effect on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment.
201. Policy DM16 – Site Design Criteria Development of the [WCCLP Pt2 \(2017\)](#) also sets out further design criteria.
202. The site is set within the [Forest of Bere \(2e\) Hampshire Landscape Character Area](#), this landscape type comprises “settled lowland mosaic ancient forest”. The site area is low lying, gently undulating landscape with mature woodlands, assarts and permanent pasture, occasional market gardening and nurseries, while peripheral, urban fringe areas include golf courses, horse paddocks and scattered housing in medium sized plots.
203. The [Winchester Landscape Character Assessment](#) (Shedfield Heathlands character area) also provided more information on the character area and notes the following values and sensitivities:
 - Varied geology resulting in a varied ecology as well as supporting thriving brick-making and sand-extraction industries up until the 20th century;
 - Roman kilns.
 - Scattered species-rich neutral grassland retained in the Hamble catchment, including Waltham Chase Meadows SSSI and numerous SINC.
 - Heathland at Shedfield, with remnant heath indicators elsewhere, including acid grassland, gorse, birch and oak. Much of the area was open heath and forest until the mid-19th century, forming part of the former hunting ‘chase’.
 - Some areas such as Black Horse Lane and Sandy Lane are ancient in character, with narrow winding lanes and irregular fields.
204. Views in the area are generally short, due to the undulating topography, frequent buildings, trees and often-overgrown hedgerows, although occasional longer views create a dramatic contrast.

205. The [Winchester Landscape Character Assessment 2022](#) (Shedfield Heathlands character area) highlighted the creeping suburbanisation, loss of heathland and sub-division of pastureland into paddocks with associated sheds and equestrian furniture. The landscape strategies outlined in WLCA recommended restoration of hedgerows, removal of paddock fencing & sheds and the replanting of hedgerow trees, in a bid to restore a more rural character to this increasingly suburbanised landscape. Generally a peaceful, tranquil landscape with a rural character away from urban influences.
206. The parent [National Landscape Characterisation – South Hampshire Lowlands](#) identified opportunities for landscape improvement which included encouraging new tree planting and restoring grassland within the historic Forest of Bere, linking areas of woodland; using native plant species; restoring, replanting and linking hedgerows and hedgerow trees to strengthen the traditional field boundary pattern and contribute to the well-wooded character of the NCA; encourage rough woodland edges, the construction of ponds to strengthen pastoral character and increase wildlife habitats.
207. The nearest residents are less than 50 metres away from close the boundary of the site in some so the visual impact on these residents is an importance consideration.
208. **Chapter 14 of the ES (Landscape & Visual)** contains a **Landscape and Visual Impact Assessment (LVIA)**. This assessed the impact of the development from 21 viewpoints. This concludes that the site itself and the majority of the immediate surroundings are not covered by any landscape designations. In addition, it is a relatively enclosed landscape, resulting from the local landform and vegetation, which would limit the potential extent of any change. Key sensitive visual receptors within the area surrounding the Site, which are likely to be affected by the proposed development, include local residents (particularly associated with properties on Winchester Road and St Anne's Lane) and people walking the Public Rights of Way that cross or are routed adjacent to the site boundary.
209. The Scoping Report issued by the Minerals and Waste Planning Authority in 2019 ([SCO/2019/0622](#)) stated *“the proposed development/project should be a design-led scheme, taking into account the locality and its rural nature, the scale, duration and phasing of the quarry and its restoration and how it's design and appearance can aid its integration into this setting (in conjunction with Landscape and Visual Impact). This consideration should be scoped into the ES (within Landscape and Visual) and the planning application, taking into account the responses of the County's Arboricultural, Landscape and Rights of Way officers in particular”*.
210. Although the County Landscape Architect has not objected to the proposal, they have nevertheless stated that despite the short timescale of the development it will have a significant adverse impact on the nearest

residences along the eastern boundary of the site and on users of the two nearest PRoW. The Landscape Architect at Winchester City Council has also agreed with this. They have also requested a number of conditions to secure further details were permission to be granted including; protection of existing/adjacent vegetation (woodland and trees) especially to protect the 10m buffer zone along the west boundary but also the mature trees along the east residential boundary; handling, storage and replacement of soils in line with industry standards; submission of landscape proposals to achieve the restoration plans detailing planting, seeding, establishment and aftercare for 5 years following implementation including replacement of any planting that fails to thrive in order to achieve the aims of the restoration proposals plan, and the treatment of any invasive weeds to minimise adverse amenity impacts.

211. **Chapter 3 (Description of the proposed development)** of the ES provides more information on the proposal. In addition, **Chapter 18 (Mitigation, Benefits & Consultations)** provides more information on the proposed mitigation in relation to Soils & Land Quality, Air Quality, Noise & Vibration, the Water Environment, Highways & Transport, Archaeology & Cultural Heritage, Ecology, Landscape & Visual and Socio-Economics. The applicant indicated that the mitigation measures proposed are all deliverable within the remit of the Project. These include phasing, soil management, screening, restoration and the reinstatement of Public Right of Way FP-4 as part of the restoration, thereby increasing local access to the countryside.
212. It is clear that a number of conditions would be required to secure further details should permission to be granted. This would include aspects such as the protection of existing/adjacent vegetation (woodland and trees) especially to protect the 10m buffer zone along the west boundary but also the mature trees along the east residential boundary; handling, storage and replacement of soils in line with industry standards; submission of landscape proposals to achieve the restoration plans detailing planting, seeding, establishment and aftercare for 5 years following implementation including replacement of any planting that fails to thrive in order to achieve the aims of the restoration proposals plan, and the treatment of any invasive weeds to minimise adverse amenity impacts.
213. Alternative design options including the layout, phasing, access, stockpiling and general arrangement of the site in the context of the site opportunities and constraints have been considered (see **ES Chapter 6: Consideration of Alternatives**). The applicant has indicated that the development proposals have been through a number of design iterations which have been influenced and guided by the range of technical assessments undertaken in support of the ES.
214. No comments were received from consultees in relation to the overarching design of the scheme. However, concerns have been raised about the

visual impact and adequacy of the proposed bunding. Although the applicant has provided some information regarding the design iterations that the proposal has gone through, it is the opinion of the Minerals and Waste Planning Authority that this does not fully detail why each design was reworked, providing no explanation as to which constraints are being addressed in what elements of the design, and what the solutions to these constraints are in each iteration of the design.

215. It is the Minerals and Waste Planning Authority's view that the design and layout of the proposal will have visual amenity impacts as already set out in [Visual impact and landscape](#). The Minerals and Waste Planning Authority is not satisfied that unacceptable adverse visual impact will be mitigated and nearby residents are protected from adverse visual impacts. There are also concerns about the impact on the tranquillity even though it is recognised that this is for a temporary period. On this basis of the information before the Minerals and Waste Planning Authority, the proposal is not considered to be in accordance with Policies 13 (High-quality design of minerals and waste development) and 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\) \(part d\)](#), Policy CP13 (High Quality Design) of the [WCCLP Pt 1 \(2013\)](#) and Policy DM16 – Site Design Criteria Development of the [WCCLP Pt2 \(2017\)](#). However, the recognised adverse impacts on the landscape character area would not in itself, and in isolation, amount to a sustainable reason for refusing planning permission.

Ecology

216. Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) sets out a requirement for minerals and waste development to not have a significant adverse effect on, and where possible, should enhance, restore or create designated or important habitats and species. The policy sets out a list of sites, habitats and species which will be protected in accordance with the level of their relative importance. The policy states that development which is likely to have a significant adverse impact upon the identified sites, habitats and species will only be permitted where it is judged that the merits of the development outweigh any likely environmental damage. The policy also sets out a requirement for appropriate mitigation and compensation measures where development would cause harm to biodiversity interests.
217. Policy CP16 (Biodiversity) of the [WCCLP Pt 1 \(2013\)](#) states that the Local Planning Authority will support development which maintains, protects and enhances biodiversity across the District, delivering a net gain in biodiversity, and has regard to a number of factors such as the protection of sites of international, European, and national importance, new development showing how biodiversity can be retained, protected and enhanced through its design and implementation, for example by designing for wildlife, avoiding adverse impacts, maintaining a District wide network of local wildlife sites and corridors and supporting and contributing to the targets set out in the District's Biodiversity Action Plan (BAP).

218. No statutory or non-statutory ecological sites are situated in close proximity to the application site. Waltham Chase Meadows SSSI is situated over 600m to the north of the application site and the nearest SINC is St Anne's Wood (WC0300) which is situated 220m to the south-east. No ancient woodland is present within the site or in close proximity.
219. **Chapter 13 of the ES (Ecology)** contains an Ecological Impact Assessment (EclA) to assess the potential ecological effects arising from a proposal. As part of the EclA, a desk study has been undertaken using a 2km radius to record the presence of statutory and non-statutory ecological sites, ancient woodland, UK Priority habitats and obtain previous records of notable and protected species.
220. The Phase 1 habitat survey found that the application site predominantly comprises of agriculturally improved grassland which is used for the grazing of horses. This is a ubiquitous habitat on a national and local level which is of low ecological value as it lacks floristic and structural diversity. The paddocks are internally sub-divided mainly by post and rail fencing. A short length of native hedgerow is also present. All native hedgerows are UK Priority Habitats.
221. The Phase 1 habitat survey found that habitats with the potential to support protected and / or notable species were largely absent from the application site. As such, no further surveys other than for badger have been undertaken within the application site. In respect of badger, a mammal excavation was recorded during the Phase 1 survey which it was considered had the potential to be used by badgers. It was subject to further investigation using a trail camera which revealed that rabbits were occupying the structure. Badgers were only seen on two nights over a period of more than one month passing through this part of the application site and were not resident.
222. An off-site pond, present some 170m from the application site within the Meon Valley Golf Course was assessed for its potential to support great crested newts (GCN) and based on this initial appraisal was subject to a follow-on survey which involved the taking water samples to detect the DNA of GCN in mid-June. The result was negative for this species.
223. A number of public representations object on the grounds of impact to the environment and protected species and these are acknowledged.
224. **Chapter 18 – Mitigation, benefits and conclusions** highlights proposed mitigation measures which have either been incorporated within the design or are proposed to monitor and manage works on site. These include buffer zones, new hedgerows, the removal of vegetation would be timed to avoid the nesting season (March to August inclusive), a watching brief would be maintained in respect of bunds and stockpiles to check for the potential presence of Badger setts, installation of earth ramps, the removal of the short length of hedgerow would be undertaken under the supervision of an

Ecological Clerk of Works (EcOW), hedgerow management, wider ecological enhancing and restoration of the site.

225. The achievement of Biodiversity Net Gain (BNG) is not currently mandatory, although maximising the net gain from all developments is encouraged by the Waste Planning Authority and is considered to be best practice. The proposed development provides the opportunity to reinstate nearly 700m of native hedgerow and to establish two new copses of broad-leaved woodland (0.23ha). Furthermore, a new pond is proposed to manage surface water which will be designed to have a wildlife value. Conservation headlands would also be developed around the fields. Collectively, these measures will result in an increase in the biodiversity of the site and would deliver local benefits to ecological networks by connecting off-site features and providing new corridors for wildlife to move around the local landscape. The proposal has not used the DEFRA Biodiversity Net Gain Metric to quantify these net gains, and as such it's unclear how much enhanced value the proposal would add.
226. The County Ecologist questioned the methodology of some of the submitted survey information and although the proposed restoration is welcomed, it is pointed out that there is essentially no detail on the establishment or management of the proposed areas of new habitat. For instance, the proposed conservation headlands would require regular cultivation (if arable flora is the aim) or some other management (e.g. if rough grassland is the aim). Further details of the proposed management and monitoring (when? by whom?) of these habitats would also need to be established. Similarly, the proposed woodland block will need active management to ensure its proper establishment and development. Again, details of how, when and by whom will be required. These factors are essential if biodiversity net gain is to be achieved in the long-term. A condition is recommended should permission be granted requiring the submission of a fully-detailed Ecological Mitigation, Compensation and Enhancement Strategy.
227. Natural England noted that the western boundary of the site is adjacent to lowland mixed deciduous woodland and a 10m buffer is proposed. They recommended the submission of a Biodiversity Mitigation and Enhancement Plan (BMEP). They recommend that this also includes a woodland management and enhancement plan and retention of wide buffers. The operational phase has the potential to impact the woodland from dust, and they suggest the BMEP or similar operational plan sets out the steps and measures such as dust suppression that will be implemented to avoid or mitigate impacts on species and habitat.
228. On the basis that the County Ecologist did not continue to pursue their issues with survey methodologies, and subject to the inclusion of conditions relating to the submission of a BMEP/ Ecological Mitigation, Compensation and Enhancement Strategy, the proposal would be considered to be acceptable and in accordance with Policy 3 (Protection of

habitats and species) of the [HMWP \(2013\)](#) and Policy CP16 (Biodiversity) of the [WCCLP Pt 1 \(2013\)](#).

Arboriculture

229. Policy 13 (High quality design of minerals and waste development) of the [HMWP \(2013\)](#) and Policies DM15 (Local distinctiveness) and DM24 (Special Trees, Important Hedgerows and Ancient Woodlands) of the [WCCLP Pt2 \(2017\)](#) all protect trees from unnecessary damage and destruction.
230. A total of 2 trees (of low and moderate grade) and 1 low grade hedge of trees will need to be removed to implement the application with a 10m buffer being provided to the offsite woodland along the western side of the site.
231. The applicant has indicated that the landscape proposals will look to reflect a historic field pattern and will seek to improve and strengthen the vegetation across the site to increase the biodiversity and net gain through the establishment of hedges for wildlife connectivity and through creating copses and an attenuation pond. Detailed and full landscape details would need to be secured by way of condition if permission were granted.
232. The County Arboriculturist indicated that the tree loss proposed will be insignificant given the level of new planting proposed at the end of the scheme, which will compensate for this loss long term. They did raise concerns about the 'Heras' type of tree protection fencing, but the applicant has since clarified that close boarded fencing would be used and this is considered to be acceptable. This would need to be covered by a condition if permission were granted.
233. The County Arboriculturist also raised issue with the proposed approach to works within the Root Protection Area (RPA) of trees and suggests a Construction Exclusion Zone would be a better approach. The applicant is happy to commit to ensuring there is no conflict with the RPAs, and as such it is felt that a condition could appropriately address this issue.
234. The submitted **Tree Report** has not considered the impacts of dust pollution to the trees, and the woodland along the western edge of the site. Given the nature of the works a monitoring regime should be in place to check the health of the trees on a cyclical basis and advice on remedies should any trees be suffering from the impact of the works. It is considered that this could be addressed by way of planning condition.
235. With the proposed mitigation and subject to conditions, if permission were to be granted, the proposal is considered to be in accordance with Policy 13 (High quality design of minerals and waste development) of the [HMWP \(2013\)](#) and Policies DM15 (Local distinctiveness) and DM24 (Special

Trees, Important Hedgerows and Ancient Woodlands) of the [WCCLP Pt2 \(2017\)](#).

Soil Protection

236. Paragraph 174 of the [NPPF \(2021\)](#) states that planning decisions ‘*should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)*’.
237. Policy 8 (Protection of soils) of the [HMWP \(2013\)](#) requires minerals and waste development to protect and, wherever possible, enhance soils. It also states that development should not result in the net loss of best and most versatile agricultural land and gives provisions for the protection of soils during construction.
238. The [Agricultural Land Classification \(ACL\)](#) system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a.
239. The site comprises predominantly open fields laid to grass and paddocks for horse grazing. This site is noted as Grade 3 ACL. However, only 2.9 ha of the site have been identified as Grade 3a good quality agricultural land, with 4.9 ha being Grade 3b moderate quality land. Natural England consider any site less than 20 hectares in size to not represent a significant loss of best and most versatile agricultural land.
240. **Chapter 7 of the ES (Soils & Land Quality)** considers the baseline soil and land quality conditions at the application site and includes an assessment of the potential impact of the proposed quarrying and restoration activities on site workers, soil and agricultural land quality.
241. A **Soil Resource Plan** describing the inherent mitigation of soil effects is included in **Appendix 7-2** line with the DEFRA CoP for Sustainable Use of Soils on Construction Sites. The management and restoration of soils is also described in **ES Chapter 3 (Description of Development)** and takes due note of the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.
242. Based on the assessment in the ES, no significant soils impacts have been identified and no additional mitigation, beyond the embedded mitigation included within the design of the site, are considered to be required. In terms of embedded mitigation, this relates to the conservation of the soil resources on site for restoration purposes and the presence of a historic landfill on site.
243. It is noted that the historical inert landfill on the northern boundary of the site is outside of the area of planned mineral extraction. However, the area

above part of the historical inert landfill will be used for the stockpiling of topsoil stripped from the extraction area. In order to ensure no disturbance of the underlying inert waste, a geotextile warning layer (e.g. Terram Hi-Vis or similar alternative) will be placed on the ground surface above the area of inert waste, prior to the placement of stripped topsoil on top, to ensure appropriate segregation of materials.

244. The applicant has indicated that following restoration of the site it is considered that the soils and land quality will return to a comparable or improved standard than the baseline setting and there will therefore be no residual effects on the soils and land quality beyond the project timescales / longer term. This would be managed through any soil management and restoration conditions applied to the development, should permission be granted.
245. The County Landscape Architect requested clarity about the proposal to store top and subsoils together in one mound separated by a geotextile membrane. Concerns were also raised about the use of a geotextile in the mound may make the topsoil more prone to slippage particularly if the slopes are to be 1:2 although seeding of the mounds will help with surface soil stabilisation. Following the submission of further information, and subject to a condition requiring soil handling guidelines be followed, they were satisfied that this issue had been addressed.
246. It is acknowledged that the proposal would result in the loss of 2.9ha of grade 3a and 4.9ha of 3b land. However, with regards to the area and ALC grading of land affected, Natural England do not object to the loss of Agricultural Land. In the event permission would be granted, conditions could be applied on soil handling and management during the development. On this basis, the proposal would be considered to be accordance with Policy 8 (Protection of soils) of the [HMWP \(2013\)](#) and paragraph 174 of the [NPPF \(2021\)](#).

Public Access

247. There are two PRow on or in close proximity to the Site. Footpath Shedfield:3 bounds the south eastern and southern extent of the Site, travelling in an approximate east-west direction linking Winchester Road and the Meon Valley Golf Club Hotel. Footpath Shedfield:4 bounds the north western corner of the Site, before crossing through the centre of the site and then travelling south-eastwards to link up with Footpath 3.
248. The application includes proposals for the temporary closing of Footpath 4 and provision of an alternative and permanent route on the western boundary of the quarry site and the retention of Footpath 3 (see **FO PR-4 Rev 0**). **Site preparation and phase 1 Working Plan**). In order for the mineral workings to be undertaken, and to protect user of the footpath, it would be necessary for PRow footpath Shedfield: 4 to be appropriately diverted for the duration of the works.

249. The County Landscape Architect states that users of the PRoW Footpath 4 will be disadvantaged for the life of the quarry working. Although the route will be maintained via a diversion, the proximity of the extraction works will inevitably have a negative effect on the walking experience.
250. The County Rights of Way Team note the proximity of the proposed haul road to the Footpath 3, and that the phasing and layout of the proposed works does not include screening of the right of ways. Footpaths should be kept open throughout the operational period and further consideration should be given to the ensuring the safety, amenity and convenience of users of the rights of way. It was noted that proposals should include monitoring and report on condition of the rights of way to ensure compliance with appropriate standards and to enable an effective response to complaints. The Rights of Way officer also advised that conditions should be included for the submission of a detailed landscaping and dust management plans in order to protect users of the rights of way. These conditions should be included if permission were granted.
251. Paragraph 98 of the [NPPF \(2021\)](#) states that consideration needs to be made for the need to provide further enhancements to the local network. The County Rights of Way Team suggested that this could include replacement of two foot bridges and surfacing improvements to the eastern end of Shedfield Footpath 2. The applicant has confirmed they would be amenable to carrying out these works subject to the granting of permission.
252. The proposed restoration also includes the provision of an additional PRoW (see **FO PR-4 Rev 0**).**Final Restoration Plan**). Policy 9 (Restoration of minerals and waste sites) of the [HMWP \(2013\)](#) states that sites should be restored to beneficial after-uses and should contribute to the delivery of local objectives such as (amongst other considerations) providing improved public access to the natural environment through improvements to the strategic right of way network and the provision of additional footpaths. More information on this aspect is set out in the [Restoration](#) section of this commentary.
253. It should be noted that the granting of planning permission is separate from consents that may be required in relation to access and diversions of rights of way. It cannot be assumed that because planning permission has been granted that an order under [section 261 of the 1990 Town & Country Planning Act](#) for the diversion or extinguishment of the right of way will invariably be made or confirmed.
254. It is considered that the development would not have a significant adverse impact upon PRoW, as long as footpath 4 is diverted in accordance with [section 261 of the 1990 Town & Country Planning Act](#), and provided that improvements to Footpath 2 to enhance connections to Shedfield and to provide two footbridges in line with the [HMWP \(2013\)](#) and paragraph 98 of

the [NPPF \(2021\)](#)), are secured through planning conditions and/or a S106 agreement should permission be granted.

255. On the basis of the proposed mitigation measures, and associated conditions and legal agreement should permission be granted, the proposal is considered to be in accordance with Policies 13 (High-quality design of minerals and waste development) and 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) in relation to PRowS and access.

Cultural and Archaeological Heritage

256. Paragraph 130 of the [NPPF \(2021\)](#) relates to developments which are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. In addition, paragraph 194 of the [NPPF \(2021\)](#) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 194 states that *'any harm to or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'*. Paragraph 195 states that *'where a proposed development will lead to substantial harm to a designated heritage asset planning permission should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm'*. Paragraph 196 states that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
257. Policy 7 (Conserving the historic environment and heritage assets) of the [HMWP \(2013\)](#) requires minerals and waste development to protect and, wherever possible, enhance Hampshire's historic environment and heritage assets (designated and non-designated), including their settings unless it is demonstrated that the need for and benefits of the development decisively outweigh these interests.
258. Policy CP20: Heritage and Landscape character of the [WCCLP Pt 1 \(2013\)](#) sets out criteria for conservation and enhancement of the historic environment. Policy DM26 (Archaeology) of the [WCCLP Pt2 \(2017\)](#) sets out Archeology should be considered through planning applications.
259. Policy DM29 (Heritage assets) of the [WCCLP Pt2 \(2017\)](#) states that works which would cause an unacceptable level of harm to the special interest of heritage assets or their setting, or would lead to the unsympathetic subdivision of their grounds, will only be permissible in exceptional circumstances.

260. **Chapter 12 of the ES (Archaeology & Cultural Heritage)** considers the potential impacts on the historic environment from the proposed quarry. It includes a Historic Environment Desk-Based Assessment (HEDBA) undertaken to inform the baseline, and then an impact assessment of the proposed scheme on the heritage significance of the identified assets. This has shown that there is a moderate potential for Romano-British kilns to be found within the site, as well as medieval cultivation remains, and a programme of archaeological investigation is recommended to mitigate the potential direct impact and moderate effect of the quarry on this resource. In addition, the development is located within the general surroundings and setting of a Grade II listed building (Sandy Hills Cottage), and temporary indirect impacts would occur during the construction and operational phases before restoration of the land would reverse the moderate effect.
261. **Chapter 18 – mitigation, benefits and conclusions of the ES** highlights that a phased approach to archaeological investigation is recommended to mitigate potential harm to buried archaeological remains within the area for extraction. This is seen to mitigate any potential impacts associated with the development.
262. Whilst the County Archaeologist agreed with the conclusions in the ES, initially they requested a preliminary geophysical survey to establish the presence or absence of Roman British first century kilns. The applicant carried out this work and submitted the survey with the second Reg 25 request details submitted on 24 November 2021, and the geophysical survey concluded the presence of these were highly unlikely. The County Archaeologist is satisfied with these findings and recommends a condition to secure the phased approach to understanding the archaeology with an initial geophysical survey, informing a subsequent trenched survey, in turn informing a mitigation programme for the archaeological sites discovered by the survey, should permission be granted.
263. Sandy Hills Cottage (Grade II Listed building) is located adjacent to the eastern boundary of the proposed site. The site is also immediately adjacent to Shedfield House historic park and gardens, which is situated to the west of the proposed quarry.
264. The Winchester City Council Conservation Officer was consulted and whilst they understand that the proposal is temporary and that the land will be restored, minimising the risk of long term harm, concluded that the proposal is likely to have a negative impact on the setting of the designated and non-designated heritage assets in the short term, leading to some harm. However, overall they consider that this harm would be negligible and subject to appropriate landscape restoration being secured, they believe that no long-term harm would be caused by the development and do not raise any objection.
265. The County Landscape Architect raised concern about the setting of the residential properties adjacent to this proposal and in particular the Listed

building, Sandy Hill House. The LVIA acknowledges the high susceptibility and high value of the views from these properties but states this will be tempered by the relatively short duration of the works and the planned restoration. For the life of the quarry however, the outlook from these properties will be obscured by the steep soil mounds (up to 4m). We query whether this height should be reduced to 2m along this boundary to reduce the impact of the workings on residential views.

266. On balance, due to the temporary nature of the development, it is considered that subject to the inclusion of appropriate conditions if permission were granted, the proposal would be considered to be in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the [HMWP \(2013\)](#) and Policies DM26 (Archaeology) and DM29 (Heritage Assets) of the [WCCLP Pt2 \(2017\)](#).

Impact on public health, safety and amenity

267. Paragraph 174 of the [NPPF \(2021\)](#) states that planning decisions should *'contribute to and enhance the natural and local environment by: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate'*.
268. In relation to wider pollution control and associated health issues, Government policy concerning pollution control is most clearly set out within the [NPPF \(2021\)](#) and the [NPPW \(2014\)](#) including its supporting planning practice guidance. Paragraph 185 of the [NPPF \(2021\)](#) states that *'planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'*.
269. Paragraph 015 (Reference ID: 27-015-20140306) of the National Planning Practice Guidance (NPPG) considers minimising the impact of development upon properties and the local environment in close proximity to mineral workings. In addition, Paragraph 019 Reference ID: 27-019-20140306 of the NPPG covers appropriate noise standards for mineral

operators for normal operations. Furthermore, Paragraph: 023 (Reference ID: 27-023-20140306) of the NPPG considers how mineral operators seek to minimise dust emissions.

270. Planning and permitting decisions are separate but closely linked. Planning permission determines if a development is an acceptable use of the land. More information on the links to permitting is set out later in the [commentary](#).
271. As detailed in the [representations](#) section, there have been a number of concerns raised over the potential for adverse impacts to local amenity and health. This includes the potential impact on the amenity of nearby residential areas, on further proposed development and nearby schools. These are acknowledged. These issues are interlinked but have been split into subcategories for the purpose of clarity in this report. Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts, this is echoed in Policy DM19 (Development and Pollution) of the [WCCLP Pt2 \(2017\)](#). Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development
272. There are a number of houses located immediately to the east of the site, along Winchester Road. Potential amenity impacts on these properties need to be effectively considered. Impacts on the nearby residents along the HGV routes, including a school also need to be considered.
- a) *Emissions to the atmosphere (air quality):*
273. **Chapter 8 of the ES (Air Quality)** considers the impact of the proposed development on air quality. The proposed development has the potential to affect local air quality due to the release of fugitive dust and particulate matter (PM10 and PM2.5) emissions as a result of operational activities. Road vehicle exhaust emissions from traffic associated with the proposed development once operational have also been screened. The conclusions of the Air Quality Assessment, undertaken using the [IAQM 'Guidance](#) on the are that:
- the effect on amenity at sensitive receptors is considered to be 'not significant';
 - the effect on PM10 concentrations at sensitive receptors is considered to be 'not significant';
 - the effect from dust on ecological receptors is considered to be 'not significant'; and
 - the effect from traffic emissions on human and ecological receptors is considered to be 'not significant'.
274. The overall conclusion of the assessment is that effects on air quality are 'not significant'.

275. There has been considerable concern from local residents and other interested parties regarding PM2.5 and the health effects from silica dust. The EHO commented that this is not a matter for the Environmental Protection Team and such concerns should be addressed by Public Health England or the Director of Public Health.
276. Public Health England (PHE) were notified of the proposal but do not normally comment on applications of this type unless there are specific chemical & environmental hazard concerns which have the potential to impact on the health of local communities. It should also be noted that if the application involves a Part A(1) Environmental Permit and depending on the nature of the permit, PHE may be consulted by the Environment Agency at this stage to identify any public health concerns.
277. The Director of Public Health welcomed the proposals to mitigate the impact of dust from the proposed site, and they encourage developers to follow COSHH guidance on mitigating and minimising harm from dust, due to the potential risk proposed by this site. They did not raise any objection to the development.
278. The applicant was asked for further information on air quality and dust impacts within Regulation 25 Request 1 and they provided further information on; guidance to be used for soil stripping, procedures and process for the water bowser, meteorological and site topography issues, discrepancies on soil bund heights, details on protection of PRoW, dust monitoring and complaints procedure.
279. **Chapter 18 – Mitigation, benefits and conclusion of the ES** highlights proposed mitigation measures in relation to dust monitoring procedures. These include monitoring weather forecasts, monitoring of current weather conditions, particularly wind direction and visual monitoring for airborne dust, or emerging dust sources (e.g. haul road drying out). Other operational mitigation measures include excavation, Lifting and Movement of Material, minimising drop heights, protecting from exposure to wind where possible, vehicle Transportation management, use of water sprays and mechanical road, restriction of vehicle speeds, storage of materials (i.e. stockpiles and soil mounds) and seeding of bunds.
280. Based on current evidence relating to air quality impacts, the proposal is considered to be in accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy DM19 (Development and Pollution) of the [WCCLP Pt2 \(2017\)](#).

b) Noise and vibration:

281. **Chapter 9 of the ES (Noise and Vibration)** has considered the potential for the proposed development to impact upon the noise environment near the application site. It has considered any potential significant

environmental effects the proposed development would have on the baseline noise environment. The assessment has shown that if all operations were to operate simultaneously, at each receptor assessed, the cumulative noise level would be below the limit of 10dB(A) above the background noise level. For all receptor locations, except for the receptors to the east for Phase 3 operations, the noise level would be below the internal ambient noise level considering open window ventilation. A worst-case scenario has been assessed considering that the equipment is operational 100% of the time. Therefore, it is anticipated that the equipment would not be operational 100% of the time and the predicted specific sound level at these properties would be lower. It is anticipated that the noise level would be below the internal ambient noise level considering open window ventilation. The applicant has therefore considered that the operational noise being generated by the site would have no significant impact during all time periods assessed in conjunction with the relevant guidance.

282. **Chapter 18 – Mitigation, benefits and conclusion of the ES** highlights proposed mitigation measures in relation to noise. This includes site design incorporating several features that provide mitigation against potential noise impacts such as screening mounds/stockpile bunds, good site management practices, routing of internal haul routes, maintenance of the haul roads, maintenance and operation of all mobile plant and equipment.
283. Policy DM20 – Development and Noise Development of the [WCCLP Pt2 \(2017\)](#) sets out further consideration of a noise generating or noise sensitive development.
284. The Regulation 25 requests issued all included requests for further information on noise. The applicant updated the **ES Chapter 9 (Noise and Vibration)** and provided a **Technical Noise Addendum** as well as covering letters to address concerns regarding the baseline noise survey, sound levels of plant and machinery, noise of HGV vehicles movements in and out of site, and further detail on possible mitigation measures to reduce adverse noise impacts.
285. Whilst additional information was provided by the applicant, the Environmental Health Officer was still not satisfied that the Noise Assessment provided is reliable. Queries regarding the figures used to represent the average background noise level persist and it is still not clear whether all plant and machinery have been fully assessed (there is still no reference to noise from HGV movements on and off the site, for example). The Noise Assessment predicts that the noise criteria of 10dB(A) above background will only just be met, allowing for no margin of error. This is less than ideal and provides very little protection for those residents whose properties surround the application site.
286. It is also noted by the Environmental Health Officer that the dwellings which are located on the boundary of the application site already experience high

volumes of road traffic noise from the B2177 and the proposed development would introduce an additional noise source to the rear façade which currently provides quiet amenity. The proposals will therefore result in very little respite from high noise levels for those residents. Paragraph 019 of [Planning Practice Guidance \(minerals\)](#) sets out how noise matters should be controlled and mitigated. The applicant has made very little attempt to mitigate noise levels, instead relying on achieving the arbitrary 10dB(A) above background as a target level. This level should be seen as an absolute maximum rather than a target level and measures ought to be taken to reduce the impacts as far as reasonably practicable.

287. The [Noise Policy Statement for England](#) (NPSE) states that all development should 'promote good health and a good quality of life through the effective management of noise within the context of government policy on sustainable development' and that developments should:
- avoid significant adverse impacts on health and quality of life;
 - mitigate and minimise adverse impacts on health and quality of life; and
 - where possible, contribute to the improvement of health and quality of life.
288. The applicant has not demonstrated that the significant noise impacts arising from the proposals will be mitigated to reduce the impacts on those living closest to the proposed development site. Although the noise levels are predicted to meet the objectives in the [Planning Practice Guidance \(minerals\)](#), the noise impacts on the nearest noise sensitive receptors will be significant and it is therefore recommended that this application is refused on the basis of adverse noise amenity impacts.
289. Based on the evidence before the Minerals and Waste Planning Authority, the applicant has still not provided enough information to demonstrate that it will not cause unacceptable adverse amenity impacts, particularly relating to noise on those residents adjoining the site to the east on Winchester Road. On the basis of these concerns and recommendations from the Environmental Health Officer, the proposal is not considered to be in accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy DM20 (Development and Noise) of the [WCCLP Pt2 \(2017\)](#).
- c) *Dust:*
290. As already noted, there are a number of houses located immediately to the east of the site, along Winchester Road. There is a potential for an impact on these properties through dust pollution from the works without appropriate mitigation.
291. **Chapter 8 of the ES (Air Quality)** considers the impact of the proposed development on dust emissions. The proposed development has

the potential to affect local air quality due to the release of fugitive dust and particulate matter (PM10 and PM2.5) emissions as a result of operational activities. The chapter identifies potential activities or sources that have the potential to release dust during site preparation, mineral extraction, screening of material, storage of material, on-site transportation, off-site transportation and restoration.

292. **Chapter 18 – Mitigation, benefits and conclusion of the ES** highlights proposed mitigation measures in relation to dust monitoring procedures. These include monitoring weather forecasts, monitoring of current weather conditions, particularly wind direction and visual monitoring for airborne dust, or emerging dust sources (e.g. haul road drying out). Other operational mitigation measures include excavation, Lifting and Movement of Material, minimising drop heights, protecting from exposure to wind where possible, vehicle Transportation management, use of water sprays and mechanical road, restriction of vehicle speeds, storage of materials (i.e. stockpiles and soil mounds) and seeding of bunds.
293. The Environment Agency did not raise concerns regarding dust. The Environmental Health Officer has concerns regarding the elevated nature of the site (particularly the parts which are closest to the neighbouring dwellings) and the potential for wind-blown dust as a potential source of nuisance. Notwithstanding the proposed mitigation, the Environmental Health Officer disagrees with the assertion that the difference in bund height would not 'materially alter the conclusions of the assessment' as a higher bund would increase dust deposition and a lower bund would certainly increase noise levels to sensitive receptors. They suggest it is crucial that the correct bund measurements and locations are clarified before planning permission is granted. This could be covered by condition. They also requested a condition on the submission of a Dust Management Plan prior to the commencement of development. This is to ensure that the management of dust is effective throughout the life of the development.
294. Subject to the proposed mitigation measures and inclusion of the recommended conditions the proposal is considered to be in accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy DM19 (Development and Pollution) of the [WCCLP Pt2 \(2017\)](#) in relation to dust.

d) Lighting:

295. The development will require some artificial lighting for health, safety and security requirements during the winter months, it is stated that this is likely to be between November and March between the hours of 07:00 to 08:00 and 16:00 to 18:00 hours. Any such lighting would be limited to the car park/site management area, roadways and footpaths. This would ensure lighting would be localised and temporary in nature, and would be designed to ensure that there was no 'glare' or light trespass.

296. Subject to a condition securing time limitations and light spill restrictions, it is considered that the inclusion of lighting during the winter months for a limited time each day would not have a significant amenity impact on residents. Therefore on this issue, the proposal is in accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy DM19 (Development and Pollution) of the [WCCLP Pt2 \(2017\)](#) in relation to lighting.

e) Contamination and Remediation

297. An area of historic landfill is located within the northern confines of the Site. It is understood that this landfill was licensed for the disposal of inert waste between 1988 and 1995. A small area in the north-western section of the site is located.

298. **ES Chapter 6 (Consideration of Alternatives)** mentions that the final site design has allowed a further topsoil storage bund to be located in the northern confines of the site, above the area of former landfill, creating a suitable barrier that is proposed to ensure that the landfill will remain undisturbed during both the soil stripping and subsequent restoration phases.

299. **ES Chapter 7 (Soil and Land Quality)** includes site investigation of the historic landfill areas which were completed in 2019 and recorded Made Ground, consistent with an inert landfilled waste, was identified in BH/03 to a depth of 4.5mbgl and typically comprised dark grey to black sandy, gravelly clay with wood and ceramic inclusions. This location was beyond the site boundary to the northeast. Boreholes BH01 and BH02 located within the site boundary recorded no Made Ground to be present.

300. Aside from this, there is little information provided relating to the potential contaminated land contained within the confines of the site area and nothing further relating to any mitigation measures proposed.

301. In the event that permission were granted, Winchester City Council requested a condition on the cessation of work if contamination was discovered on site. In addition, the Environment Agency requested that a condition is included the submission of a Remediation Strategy if any areas of contamination are discovered. The EA are satisfied that no further intrusive investigation is required however the condition is required, as there is the potential for previously unidentified sources of contamination to be encountered. The condition would help to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with provisions of the [NPPF \(2021\)](#).

302. Subject to the inclusion of these conditions, the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of

the [HMWP \(2013\)](#) and Policy DM19 (Development and Pollution) of the [WCCLP Pt2 \(2017\)](#) in relation to contamination.

f) *Cumulative impacts:*

303. **Chapter 16: Assessment of cumulative effects of the ES** assesses potential combined effects associated with the proposal. This concludes that the majority of the adverse effects identified are considered to be either negligible or minor in impact. The only moderate adverse effect identified is associated with the archaeological potential at the site. In this instance, mitigation is proposed to ensure this can be actively managed through the construction and operation phases of the development. In terms of in-combination effects, these are considered unlikely given the level of effect associated with the individual impacts considered and the fact they are unlikely to interact. As such, it is concluded that the potential for in-combination effects are limited to the Site and adjoining occupiers (inc. Residential, Economic & Heritage Receptors and Views). Of those which could interact, it should be noted that each of the residual effects identified are 'worst case' assessments. In addition, as outlined within Table 16-1, there are some beneficial effects associated with socio-economics, landscape & visual and ecology which of benefit to the scheme. It is concluded that these are unlikely to interact to create a more significant beneficial effect associated with the proposed development. Nevertheless, they mitigation measures are considered to offset any adverse effects associated with these topics in the longer term. To conclude, it is considered that the potential for truly significant levels of adverse impact from combined effect are limited as the interaction of the residual effects identified are unlikely to culminate in more than a minor to moderate adverse or beneficial impact.
304. A satisfactory assessment of cumulative impacts has been prepared meaning that the proposal is in accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) in relation to cumulative impacts.

Impact on coastal, surface or groundwaters and flooding

305. Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) states that minerals and waste development should not cause unacceptable impact on coastal, surface or groundwaters.
306. Policy 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) relates to minerals and waste development in flood risk areas and sets criteria which developments should be consistent with relating to flood risk offsite, flood protection, flood resilience and resistance measures, design of drainage, net surface water run-off and Sustainable Drainage Systems.
307. Policy CP17 (Flooding, Flood Risk and the Water Environment) of the [WCCLP Pt 1 \(2013\)](#) requires that development avoids flood risk, does not

cause unacceptable deterioration to water quality or have an unacceptable impact on water quantity (including drinking water supplies), is located at a sufficient distance from existing wastewater treatment works to allow adequate odour dispersion, or takes appropriate odour control measures, and ensures that water supply, surface water drainage and wastewater infrastructure to service new development are provided and connect to the nearest point of adequate capacity.

308. Mineral deposits have to be worked where they are found, and these are often located in flood risk areas. Mineral extraction and processing can take place in flood risk areas, provided any potential impact on the site and surrounding area is adequately managed so that the risk of flooding does not increase including during the restoration phases. Applications for minerals and waste proposals within Source Protection Zones or areas at risk of groundwater flooding should be accompanied by a Hydrological and Hydrogeological Risk Assessment. Mineral extraction may provide opportunities for flood water to be alleviated, by providing water storage when the area is restored.
309. **Chapter 10 of the ES (Water Environment)** provides a description of the baseline hydrological and hydrogeological conditions at the application site and an assessment of the potential impact of the proposed quarrying and restoration activities on groundwater and surface water receptors. The baseline assessment indicates that the main receptor from the proposed development relates to groundwater within the underlying Whitecliff Sand Member Secondary A aquifer and nearby watercourses (Shawfords Lake and its tributaries). An assessment on levels, flows and quality of both identified receptors was undertaken. Assessment of the potential effect of the proposed development on groundwater levels, flow, recharge and quality have confirmed that subject to the implementation of suitable best practice the overall significance of impact from the development on groundwater will be 'negligible' to 'minor'. Assessment of the potential effect of the proposed development on surface water flow, flood risk and quality have confirmed that subject to the implementation of suitable best practice and surface water management plan the overall significance of impact from the development on surface water will be 'negligible' to 'minor'. Following restoration of the site it is considered that the hydrological and hydrogeological regime will return to a comparable or improved standard than the baseline setting and there will therefore be no residual effects on the water environment beyond the project timescales / longer term.
310. **Appendix 10.1 Flood Risk Assessment & Surface Water Drainage Strategy** was also included as part of the ES. This concluded that the site was at low risk of flooding.
311. The proposed development presents a risk to groundwater which is particularly sensitive in this location because the proposed development site is located upon in an area which is considered to be a Secondary aquifer.

312. The site is located in Flood Zone 1 with a low risk of fluvial flooding. There are two surface water overland flow routes running through the site: one just inside the northern boundary and one just inside the southwestern corner of the site. Both overland flow routes flow northwest to the Shawford Lake Watercourse. The geology is Whitecliff Sand Member overlaying London Clay with the London Clay outcropping in the north of the site. As a result, the north of the site has poor infiltration while the rest of the site is more permeable. The Whitecliffe Sand member is considered to be a secondary aquifer, holding groundwater locally and supplying baseflow to watercourses. Groundwater levels in February 2020 were found to be 3.7-6.6m bgl. Three infiltration tests have been run. While viable discharge rates were obtained, the rates were extrapolated, and the test were not repeated 3 times. i.e., the results are not in accordance with BRE 365. However, site drainage is relying on discharge rather than infiltration.
313. During the operational phase, a pond is being provided in the south-eastern corner of the site at the high point. Surface water and groundwater that collects in the extraction areas will be pumped uphill into the pond/sump at 15.0 l/s, this is then discharged via an orifice plate to a petrol interceptor and then via a swale to a ditch northwest of the site. As the existing site has two catchments, the surface water from the southern catchment is for the duration of the works being discharged to the northern catchment. Sufficient water treatment is being provided to meet the requirements of the Simple Index Approach (SuDS Manual). The drainage for the restoration phase is divided into two catchments (north and south). Both catchments will have a pond located in the bottom corner of the catchment. Two filter drains will be used one along the northern boundary and one along the southern boundary to intercept surface water runoff and feed it into the ponds. The ponds have been sized to contain the 1 in 100 plus 40% climate change storm event.
314. The Environment Agency (EA) reviewed the information submitted with the application at the beginning and all subsequent information provided under Regulation 25 requests. The EA believe it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission and therefore proposed a number of conditions, some of which are to ensure that the proposed development does not harm the water environment in line with paragraph 109 [174] relevant paragraphs of the [NPPF \(2021\)](#). Without the inclusion of these, they would object to the proposal. These conditions could be included should permission be granted,
315. In relation to the water environment, **Chapter 18: Mitigation, benefits and conclusion of the ES** concludes that embedded mitigation comprising a swale to promote infiltration to ground throughout the extraction phase and the SuDS infrastructure is proposed as part of the restoration strategy are satisfactory to mitigate this development, The applicant indicated that no

further mitigation is required beyond the embedded mitigation included within the design of the development.

316. The Lead Local Flood Authority (LLFA) required the submission of these details prior to determination of the application to ensure that the development site has a secure outfall to dispose surface water, and to demonstrate that the quantum of development is achievable, whilst ensuring that flood risk will not be increased on or off site.
317. Based on the evidence submitted to date, there is still a requirement for submission of further details and information to allow the EA and the LLFA to provide a finalised view on whether the development could be considered acceptable in relation to flood risk and the water environment. It is therefore not clear whether the development would protect water quality and surface water drainage and is therefore not considered to be in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) and Policy CP17 (Flooding, Flood Risk and the Water Environment) of the [WCCLP Pt 1 \(2013\)](#).

Links to Environmental Permitting

318. 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](#)).
319. Planning and permitting decisions are separate but closely linked. The Environment Agency has a role to play in both. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.
320. The need for an Environmental Permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an Environmental Permit. An application for an Environmental Permit will include an assessment of the environmental risk of the proposals including the risk under both normal and abnormal operating conditions. The Environment Agency will assess the application and the adequacy of the impact assessment including whether the control measures proposed by the operator are appropriate for mitigating the risks and their potential impact.
321. The scope of an Environmental Permit is defined by the activities set out in the [Environmental Permitting Regulations \(England and Wales\) 2016](#) (EPR). The aim of the EPR regime is to protect the environment from potential impacts associated with certain liable facilities or installations. The permitted activities may form a part of, but not all, of the development

needing planning permission. In these cases, the planning application will need to address environmental considerations from those parts of the development that are not covered by the permit.

322. The Environment Agency carry out unannounced inspection visits to ensure sites are operating in accordance with permit conditions and scrutinise data associated with the development. The Environment Agency has the powers to suspend any permits it considers are not being fully complied with and are creating an unacceptable risk.
323. Should a permit be granted for the operation, it will be monitored and enforced in the same manner as any other regulated site by the Environment Agency. Several mechanisms are put in place to monitor to ensure compliance such as audits, site visits, data analysis and compliance checks are carried out by the regulator.
324. The EA note that this development may require an Environmental Permit, a variation of an existing permit or an exemption from an Environmental Permit from the Environment Agency. The Minerals and Waste Planning Authority does not have any information on whether an Environmental Permit has been applied for.

Highways impact

325. Paragraph 110 of the [NPPF \(2021\)](#) advises that *'when assessing planning applications opportunities should be taken to promote sustainable transport modes, ensure development sites have safe and suitable access for all users and where there are any significant impacts on the transport network in terms of capacity, congestion or highway safety these should be cost effectively mitigated to an acceptable degree'*. In addition, paragraph 112 of the [NPPF \(2021\)](#) states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'* Within this context, Paragraph 112 of the NPPF (2021) states applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – facilitate access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

326. 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.
327. Policy DM18 – Access and Parking of the [WCLP Pt 2 \(2017\)](#) is also of relevance in particular relation to safe access, making provision for access to the site in accordance with any highway requirements on the grounds of safety, of the surrounding area.
328. The majority of the public representations received in relation to this proposal included issues relating to highways safety (including pedestrian, cyclist and equestrian users) and capacity. These concerns are acknowledged.
329. A **Transport Assessment** was prepared as part of the ES.

Traffic Flows Data

330. HGV trip generation has been calculated from the annual tonnages based on an average of 21 working days per month (252 working days per annum). This is based on a 5-day working week, minus 8 Bank and Public Holidays per annum.
331. Traffic generated by the proposed development would involve vehicle movements associated with the export of soft sand and importation of clean inert restoration materials to infill the minerals void. An average load of 14 tonnes per vehicle for exports and imports have been assumed, with no backhauling of materials.

332. A breakdown of HGV movements can be seen below:

	Mineral	Inert fill
Total volume per annum (tonnes)	66,000	73,500
Total volume per month	5,500	6,125
Volume per day	262	292
Trips per day	19	21
Two-way movements per day	38	42
Trips per hour	2	2
Two-way movements per hour	4	5

333. An average of 40 trips per day (80 HGV movements per day) are estimated to be generated by the proposed development during years when both export and import are occurring simultaneously at the site; when movements are likely to be at their highest. There would also be movements from light vehicle trips which would be generated by

approximately 4 staff members. This is a maximum figure when extraction and restoration are operating simultaneously. In total, there would be a maximum of 4 two-way movements daily, accounting for a worst-case scenario of staff members all travelling to work via single occupancy car use.

334. For the distribution of vehicles in the **Transport Assessment**, a 50/50 split for inbound and outbound vehicle movements was assumed. However, it is now proposed that inbound HGV traffic would come from both directions on Winchester Road (B2177) but outbound would be left (north) only. (Upham and Durley Parish Councils both raised concerns about the use of Winchester Road by HGVs associated with the development and the possibility of them using smaller countryside routes through their small villages away from the main road. The applicant is amenable to a Section 106 securing HGV routing to prevent this from happening should permission be granted.

Highway Safety

335. Personal Injury Accident (PIA) data covering the section of the B2177 Winchester Road near to the site access junction (between Soloman's Lane in the north and Black Horse Lane in the south) have been obtained for the most recent five-year period between 1st January 2014 and 31st December 2019.
336. One accident was recorded during the five-year period which was classified as 'serious'. The casualty was a horse rider involved in a collision with a car outside of The Black Dog Pub. It is noted that the horse stepped into the carriageway into the path of the car, both of which were travelling southbound. The Highway Authority is satisfied the accident record has not identified any patterns that are likely to be exacerbated by this application.

Traffic Management

337. It is stated that a Traffic Management Plan (TMP) will be implemented by the client which will include the following guidelines:
- No overloading of HGVs;
 - Installation of rumble strip (clarification needs to be provided with regards to the location of this strip and whether any consultation with local residents has been undertaken);
 - Covering of any materials in transit; and
 - Monitoring of construction dust and dirt levels.
338. When the application was first submitted, no physical improvements were proposed to the existing highways access from Winchester Road. A site visit was made by the Highway Authority, and the following comments were made:
- The current access does not appear wide enough geometrically to accommodate the passing, and safe access/egressing of HGVs;

- The vertical alignment will need to be reviewed to create a 'flatter' area for vehicles to safely exit the development. A dwell area - relative in length to the size of commercial vehicle used - should be created. The maximum gradient will be dictated by the super-elevated crossfall of the main road. This will help vehicles exit the site at a reasonable and safe speed, and ensure smaller vehicles are clearly visible;
- Visibility to the left is to tangent, and there is a maximum achievable visibility to the right due to the left-hand bend;
- Pedestrian facilities should be considered where the existing footway crosses the access;
- Adequate visibility should be provided along the access road where the footway crosses the access.

339. As a result of the above, additional information was requested as part of **Regulation 25 request 1** (3 December 2020) which required improvements to the current access, with detailed proposals for these works to be submitted, and clarification regarding the location of the rumble strip and whether any consultation with local residents had been undertaken.

340. The applicant agreed that improvements to the access would be beneficial and submitted further details. These were still considered to be insufficient by the Highways Authority, who then requested the following details which were included in **Regulation 25 request 2** (19 July 2021):

- The vertical alignment response relates to a direct access, which in simple terms is a crossover with traffic restrictions. CD123, DMRB 4.1 states that direct accesses shall only be used where access is to a single field or dwelling with less than 50 vehicle movements per week. As traffic levels are anticipated to exceed this, then a 'simple' priority access junction would be more appropriate.;
- In my previous response, the designer was asked to consider the 'flattening' of the steep vertical profile over a length proportionate to the largest vehicle that will frequently serve the development. However, the designer has proposed a 4% (1:30) over 5.0m (family saloon car length) and a further review is therefore recommended, as achieving 2 an appropriate design could have a much larger impact on the proposed access road;
- Carriageway levels have not been provided for the main road, so if (as suspected) the road is 'superelevated', there could be an algebraic difference of between 6.5 - 9%. A difference that high would cause problems for longer vehicles, as they run the risk of 'grounding out'. A centreline longitudinal profile of the access road, extending across the main road to demonstrate adequate tie-in should be provided;
- Footway adjustment to both sides of the access will be required to tie into the revised vertical design. It is anticipated that the existing crossing level could raise by several hundred millimetres, so 'feathering' back into existing levels will be necessary; and

- Vehicle track plot speeds should be shown on the drawings.

341. The applicant therefore amended their design with the following:

- to be a simple priority junction in accordance with CD123, DMRB 5.6.1 with a minimum corner radius of 15m to the north and 10m to the south for rural areas;
- The access road has now been designed in Civil 3D to provide initial design levels for the access, as part of the re-design the vertical profile has been amended to provide a flattening of the vertical profile to accommodate the largest vehicle that will frequently serve the development that being a large tipper truck with a length of around 10.2m. The initial 11.2 m of the access road will now be at a gradient of 1:30 before the gradient gradually steepens further into the development to connect with existing ground levels;
- The new drawing now provided existing levels along Winchester Road. Winchester Road is superelevated around the bend at the location of the access. A longitudinal section has now been provided showing the tie in across Winchester Road and along the new access;
- The footway has now been re-aligned and tied into the vertical profile of the new access; this has required the footway to be raised to meet the new levels. The re-alignment of the footway is shown to allow pedestrians to cross the access at a narrower section due to the increase of the junction bellmouth radii.
- Vehicle track plots using a 10.2m large tipper which will be the largest vehicle to use the access have now been shown on the drawing. AutoTrack does not have a function to show “plot speeds”, we have assumed that you are actually referencing vehicle track plots.

342. Following this, it was still felt that further highways information was required and this was included in the third and final **Regulation 25 Request 3** (28 March 2022).

343. The Highways Authority made the following comments:

- Whilst footway levels appear to have been amended, the point at which the footways tie back into the existing provision extends beyond the survey in the drawing's viewport. A longitudinal profile will be required to fully assess this, this can be undertaken at the detailed audit stage, providing the scheme comes forward for a minor works s278 Agreement.
- The applicant was asked to provide vehicle track plot speeds and responded that AutoTrack does not have a function to show “plot speeds” and that they assumed I was referencing vehicle track plots. Vehicle track plot speeds can be configured in most conventional software packages, including AutoTrack. Vehicle track plots should be 'driven' and performed at a desired minimum speed of 10mph. Manoeuvres below the speed can under-represent the impact of turning and space requirement. This should be provided. I have additional comments as follows:

- Tactile paving should be provided across the access, including appropriate visibility along the access road. Visibility shall be 1.5m back measured from the mid-point of the crossing landing. • Site Access Drawing (416.00492.00048.07.0003.0 Rev 0) only shows tracking for vehicles turning right in and left out. Drawings should be provided for a right out / right in configuration as the current overriding of the centre line by the vehicle turning in to the access would potentially be in conflict with a vehicle positioned to turn right out of the site.
- An Independent Road Safety Audit (RSA) 1, including designer's response, has not been supplied. Please note that comments are made without prejudice to any future RSA and design risk/ liability is always retained by the applicant. An RSA 1 should be provided that considers the following:
 1. The B2177 has a double white-lining system and I am particularly interested to see how an independent safety auditor views the increased vehicle accessing movements in relation to this solid white lining system.
 2. Visibility to the south of the access - it is stated that vehicles accessing the site will be evenly split on the B2177 Winchester Road with 50% accessing / egressing from the north and 50% from the south. As stated previously, there is a maximum achievable visibility to the right due to the left-hand bend. The recorded 85th percentile speed of 43.4mph northbound shown within the Traffic Survey Data (Appendix 11-1 of the Environmental Statement) would require a visibility splay of a minimum of 2.4 x 118m, however only 94m is shown to be achievable. This is concerning due to the likely slow speed of an HGV leaving the site (particularly with the incline of the road). This matter should be considered as part of the Road Safety Audit.

344. The applicant then provided details in their response 26 May 2022 of a drawing Ref **SAI DWG-001 REV PO2** to show tactile paving and the tracking for vehicles, as well as a **Road Safety Audit** and **Designers response**.
345. Following a review of this information, the Highway Authority were satisfied that some of the issues could be agreed at detailed design stage, following the possible grant of planning permission. However, they still required:
- 3.1- "Provide junction visibility splays that commensurate with recorded 85th percentile speed. Alternatively provide measures to reduce vehicle speeds on Winchester Road commensurate with achievable junction visibility splays." It is agreed that visibility splays should be commensurate with 85th percentile speeds otherwise a Departure from Standard (DfS) should be requested. Alternative measures to reduce vehicle speeds would be considered as part of any mitigation. The designer's response to 3.1 states that 118m visibility to the north is achievable but the drawing appears to show a maximum 109m 'y' distance is available within highway land.

Further, the designer has stated that 104m 'y' distance is achievable to the south and explains that the shortfall is mitigated through current signing and lining. Further information is needed as to whether mitigation will be provided or a DfS will be sought.

- 3.2 - "Confirmation that forward visibility splay on Winchester Road southbound approach to the site access accord with highway standards."

346. The Highway Authority's final comments were an objection to the development on the grounds that it has still not been demonstrated to their satisfaction that the traffic generated by the proposal and the increase in vehicle movements will not cause severe highway safety and capacity impacts on the local highway network.
347. As previously mentioned, a large proportion of the public representations received in relation to the proposal related to concerns regarding the impact of the proposed number of HGV's on highways safety and capacity. Within these was the mention that the 'Park and Stride' for children attending St Johns School in Waltham Chase, is located in the 'Black Dog' Public House car park. The 'Black Dog' is located to the north of the development site on the western side of the carriageway. St John The Baptist C of E Primary School is located on the eastern side of the carriageway. This means that children have to cross Winchester Road (B2177) at the start and end of the school day. Whilst the road already has HGV's and other large vehicles using it without posing a higher risk to pedestrians, the additional HGV movements included in this proposal is considered by The Planning Authority to increase safety concerns and the possibility of significant adverse effects on pedestrian safety under Policy 12 (Managing traffic) of the [HMWP \(2013\)](#). It would therefore be expected that if planning permission were to be granted, highway improvements to crossings would be sought to ensure compliance with this policy.
348. A further response was received from the applicant on 31 August 2022 in response to highway comments following the last round of Regulation 25 consultation. This was provided outside of the Regulation 25 process.
349. The applicant then requested to address the final points 3.1 and 3.2 prior to Regulatory Committee, which they did in a letter dated 31 August 2022: *"It has been confirmed that the 85th percentile speed, as measured by surveys completed the week commencing 24/02/2020, is 43.4 mph in a northbound direction and 43.3 mph in a southbound direction. The DMRB standards (CD109) require a forward visibility of 160m as desirable minimum for a road subject to a 50mph speed restriction (85kmp design speed), and 120m for a road with a 40mph (70kph) speed restriction. It is noted that these standards (Table 2.5) apply to urban roads. The visibility achievable has been confirmed in SLR drawing SAI-DWG-001.P02 as 118m to the north and 109m to the south. As such the proposed design will fall short of the DMRB standards. The access being considered is not a new access junction but is an existing access which currently*

accommodates large vehicle movements, and a number of improvements are to be delivered as part of the proposed development. As pointed out in the Designers Response, the proposed warning signs combined with the existing double white line will serve to manage the speed of vehicles past the site. In addition the road safety in the vicinity of the site is not considered to be an issue, as confirmed in your initial response”.

350. The applicant has responded to confirm that the proposed design will fall short of the DMRB standards and that they are willing to pursue a Departure from Standards but not until planning permission has been secured. The Local Highway Authority are not satisfied with this approach and sufficient mitigation, or submission of a formal Departure from Standards should be submitted at this stage, in order to enable the acceptability of the access proposals to be fully considered in safety terms at this stage.
351. In the opinion of the Minerals and Waste Planning Authority the proposal involves development that cannot be reconciled with the paragraph 112 of the [NPPF \(2021\)](#) and Policy 12 (Managing traffic) of the [HMWP \(2013\)](#) in that the proposed access is inadequate to accommodate the development safely. This would result in an unacceptable impact on the safety of users of the development and users of the adjoining highway contrary to the [NPPF \(2021\)](#) and HMWP (2013). On the basis of the information submitted, it has not been demonstrated that the traffic generated by the proposal and the increase in vehicle movements will not cause severe highway safety and capacity impacts on the local highway network. As such the proposal is considered to be contrary to Policy 12 (Managing traffic) of the [HMWP \(2013\)](#) and Policy DM18: Access and Parking of [WCLP Pt 2 \(2017\)](#).

Restoration

352. Policy 9 (Restoration of minerals and waste developments) of the [HMWP \(2013\)](#) requires temporary minerals and waste development to be restored to beneficial after-uses consistent with the development plan. Restoration of minerals and waste developments should be in keeping with the character and setting of the local area, and should contribute to the delivery of local objectives for habitats, biodiversity or community use where these are consistent with the development plan. It also indicates that restoration of mineral extraction and landfill sites should be phased throughout the life of the development.
353. The final phase of the working scheme involves the completion of the importation of clean inert materials and removal of the temporary overburden and soil stores to return the landform to the pre-extraction level. **ES Chapters 13 - Ecology** and **14 - Landscape and Visual** provides more detail on the proposed restoration.

354. In summary, the water SUMP, storage areas, and infrastructure areas will be restored in accordance with the **Final Restoration Plan**. As part of the restoration of the site, a settlement and surface water attenuation pond will be constructed in the north-west corner of the site. Hedgerow and copses of trees would be planted and the east-west public right of way will be reinstated to complete the restoration of the site. Finally, the land would be returned to agricultural grazing land.
355. The applicant has indicated that the restoration scheme has been designed to respond to a number of different constraints and opportunities, these include:
- To draw from the guidelines within the published local landscape character assessment and relevant planning policy;
 - Opportunity to restore the baseline landform by importing inert materials to the quarry void;
 - To reinforce and enhance the landscape pattern by replanting new hedgerows;
 - To reinforce local landscape pattern via the introduction of new woodland copses;
 - To enhance biodiversity via aforementioned planting and the consideration of management regimes that improve biodiversity; and
 - Respond to the nature and quantity of available restoration materials.
356. The proposed Restoration Scheme would return the site to its current (pre-extraction) landform, albeit with the levels being refined in places to better facilitate drainage. Planting is proposed. The applicant has indicated that overall the restoration scheme seeks to enhance the local landscape to the site when compared to the existing scenario, this is with regards to the landscape structure and ongoing maintenance with the consideration of leaving field margins free from more intensive agricultural practice (such as the application of fertiliser or heavy grazing in order to create 'conservation headlands' which will provide a buffer to the hedgerows and opportunity for a more diverse sward to establish.
357. The restoration of the site would require 435,000 tonnes of clean inert waste/materials and is inclusive of reinstatement of material from original. Concerns were raised about the inaccuracies on the level of void required as more information on this is set out in [Need for waste management provision](#).
358. It is anticipated that the restoration and landscape works will require a further 6-12 months to complete following the cessation of minerals working.
359. The restoration of the site would also link to wider aspects such as [nature conservation / net gain](#), [landscape requirements](#) and [Public Access](#).

360. In the event that permission were granted, condition would need to be applied relating to the restoration and aftercare of the site. A minimum 5-year aftercare period would be required following the restoration of the site.
361. In the event that permission were granted and the application of appropriate restoration and aftercare conditions, the proposal would be considered to be in accordance with Policy 9 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#).

Socio-economic impacts

362. Paragraph 7 of the [NPPF \(2021\)](#) states that achieving sustainable development is the primary objective of the planning system, with paragraph 8 confirming the importance that the economic role of development has in delivering sustainable development. Further to this, the [NPPF \(2021\)](#) incorporates planning policy in relation to the socio economic effects of development. Specifically, paragraph 81 of the [NPPF \(2021\)](#) states that: *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'*.
363. **Chapter 15 of the ES (Socio-Economics)** considers the likely effects of the proposed development on the socio-economic receptors in the context of both the Site and surrounding area. The conclusions of this socio-economic assessment are that:
- the effect on the local economy within Winchester district is likely to be beneficial due to the creation of new jobs at the Site and support for the local supply chain, but not significant;
 - the effect on local recreational and tourism businesses is likely to be no more than minor and not significant;
 - the effect on the local Public Rights of Way network, in particular Footpath 4 which would be subject to diversion, would be minor (adverse) during the operational phase. As the diversion would be for a temporary period only and the diverted route maintains existing linkages with other parts of the PRow network, the effect would be not significant; and
 - the effect on the local Public Rights of Way network due to the permanent creation of a new link between Footpaths 3 and 4 along the western boundary of the Site would be minor (beneficial) during the afteruse phase, a level of effect which is not significant in EIA terms.
364. The applicant states that the following socio-economic benefits are relevant to the proposal:
- The creation of 4 no. full time jobs and economic benefits to the local supply chain;

- Supporting the ongoing growth and success of a local employer in the form of TJ Transport Ltd;
- Aspirations of the HMWP and LAA will be met, including ensuring a mineral resource is not sterilised in the longer term;
- Up to 230,000 tonnes of sand and gravel will be released to the local market;
- Accommodating up to 435,000 tonnes of clean inert waste / materials which have been taken through the waste hierarchy and require to be disposed of by way of landfill; and
- The site will help fulfil a high demand for construction necessitates within the local area with soft sand being one of the most important materials in the construction industry.

365. **Chapter 18 – Mitigation, benefits and conclusions of the ES** reports that no significant effects have been identified in relation to socio-economic effects meaning that no mitigation is proposed beyond that incorporated within the scheme design ('embedded mitigation'). This embedded mitigation includes elements such as the phasing of operations, incorporation of soil bunds along the site boundaries and the temporary diversion of footpath 4 along the western boundary of the site.

366. The potential for detrimental to local businesses (pubs, golf course, equestrian centres) was noted as an area of concerns by representations. These are acknowledged. However, no evidence was provided on how or why the development would cause detrimental impacts and as such the Minerals and Waste Planning Authority cannot make a judgement on whether this would be the case.

Other matters raised

367. Many representations noted, including Flick Drummond MP, that there were perceived flaws in the evidence submitted to support the application. This decision report provides an assessment on the ES submitted.

368. There was criticism that the applicant had failed to effectively engage with the community in many representations received. The Minerals and Waste Planning Authority previously advised the applicant to engage, both prior to the submission of the application. The Minerals and Waste Planning Authority was disappointed that the applicant did undertake community engagement as advised at the pre application stage. It is recognised that the Covid-19 pandemic has impacted the applicants ability to engage at earlier stages in the planning process. The applicant indicated in their Regulation 25 response (03 February 2021) that they regretted "*not being able to hold a public consultation event prior to the application being submitted although circumstances at the time March-July 2020 did not allow us the opportunity to do so. After the application was submitted in July 2020, a public meeting was arranged by the applicant in conjunction with Shedfield Parish Council to be held on 6 October 2020 in accordance with the Covid-19 restrictions required at the time. Unfortunately, due to the*

prevalence of Covid-19, the absence of vaccines, and the impending threat of another national lockdown, members of the public were hesitant to attend an in-person meeting, and Shedfield Parish Council requested that the event be cancelled. The applicant had suggested they would still provide a virtual presentation with further information on the scheme which would be provided online. A virtual presentation was not delivered. The Minerals and Waste Planning Authority continued to encourage the applicant to respond to concerns raised in public representations by including it within the Regulation 25 requests. The applicant did respond to concerns raised by neighbours in their Regulation 25 submission (dated 26 May 2022).

Non-material planning issues raised in representations

369. A number of representations have raised concerns as part of the planning process which although acknowledged, are not material to the planning process. These include the following matters:

a) Previous performance of applicant and enforcement

370. Any reference to the applicants previous performance at other sites in terms of compliance is not material to this decision.

b) Weight of public opinion

371. The weight of public opinion (level of objections) is not material to decision making. Material planning matters raised in objections are, where they are relevant, and these have been documented through the report.

c) Impact on house prices

372. Matters such as the potential impact on house prices or the saleability of properties have been raised in representations. These are acknowledged and the concerns of residents noted. However, as set out in national planning guidance, the impact of a development on these aspects cannot be considered to be material consideration in decision making.

d) Loss of view

373. The loss of a view is not a material considered. However, the overarching visual impact of the development is a material consideration as set out in [Visual impact and landscape](#).

Community benefits

374. Policy 14 (Community Benefits) of the [HMWP \(2013\)](#) encourages negotiated agreements between relevant minerals and waste developers/operators and a community as a source of funding for local benefits. These benefit packages can comprise bilateral arrangements between the main parties. Agreements can be between operators and local bodies such as Parish Councils or resident's associations. Whilst the Minerals and Waste Planning Authority encourages these agreements, it

cannot be party to such agreements and the agreements cannot be considered in decision making.

375. The lack of benefits for the local community was raised as a matter of concern in some representations. It has been indicated that the applicant is open to providing benefits such as PRoW improvements suggested by the County Council's Countryside Service. If permission were to be granted, the development would ultimately result in an extra bit of footpath, as footpath 4 re-route would be left in place after the site had been restored and the original route across the site reinstated.
376. Other possible benefits such as school crossings were not raised with the applicant formally. There is a possibility that this could be considered but would require a commitment from the applicant.
377. Paragraph 5.59 of the [HMWP \(2013\)](#) states that there is an expectation that all 'major' minerals and waste development will be accompanied by a site Liaison Panel. Panels should be setup between the site operator, Minerals and Waste Planning Authority, other interested parties and community representatives to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community. If permission would to be granted there would be an expectation that a Panel would be set up.

Conclusions

378. The Regulatory Committee has the option of approving, deferring, or refusing this planning application.
379. The balance of the potential impacts and proposed mitigation has been set out in the commentary section of this report.
380. The Council in its role as Minerals and Waste Planning Authority is required to determine applications in accordance with the Development Plan unless material considerations dictate otherwise.
381. The planning balance in this case is a matter of weighing the environmental impacts of the proposal set against the "great weight" given to the extraction of minerals in Paragraph 211 of the [NPPF \(2021\)](#) bearing in mind that minerals may only be worked where they are found and that this is essentially a temporary use of land.
382. A number of objectors have pointed out that the reduced amount of aggregate to be derived from the site must mean that the harm caused by the proposal would outweigh the benefit of working the site. It is recognised that the current Hampshire landbank for soft sand is below the 7-year requirement. This means that the site could contribute to supply and is therefore a consideration. The proposal is also time limited. The site would also be subject to a requirement for restoration and aftercare. It is

recognised that mitigation measures have been proposed, but the degree that these can offset impacts varies.

383. However, the proposal is not considered to be acceptable on a number of grounds based on the evidence before the Waste Planning Authority. The potential visual, amenity and highway impacts are overriding, based on the evidence before the Minerals and Waste Planning Authority. On the basis of the information submitted, and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in unacceptable adverse visual and amenity impacts to occupiers of nearby properties as well as wider amenity impacts associated Heavy Goods Vehicle movements, contrary to the requirements of Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic). The development is also considered to be contrary to the requirements of Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) as it cannot be demonstrated that the development can protect water quality and surface water drainage and cause no additional flood risk. On the basis of the information submitted, the development is contrary to the requirements of Policy 12 (Managing traffic) as it does not have a safe and suitable access to the highway network and does not include suitable mitigation measures to mitigate any significant adverse effects on highway safety. There are also concerns that the proposal has no adequately considered climate change adaptation and mitigation.
384. Taking all matters into consideration, on balance, the amenity and traffic impacts of the proposal are considered to be unacceptable and do not outweigh the aggregate need. It is therefore considered is that the proposal is considered to be contrary Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#) and paragraph 11 of the [NPPF \(2021\)](#) as the proposal does not constitute a sustainable minerals and/ waste development. Therefore, it is therefore recommended that permission is **REFUSED**.

Recommendation

385. That planning permission be **REFUSED** for the following reasons, as outlined in **Appendix A**:
- a) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in unacceptable adverse visual and amenity impacts to occupiers of nearby properties as well as wider amenity impacts associated Heavy Goods Vehicle movements, contrary to the requirements of Policies 10 (Protecting public health, safety and amenity), 12 (Managing traffic) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) and Policy DM20 (Development and Noise) of the Winchester City Council Local Plan Part 2 (2017);

- b) The development is considered to be contrary to Policy 2 (Climate Change mitigation and adaptation) of the Hampshire Minerals & Waste Plan as it has not fully evidenced mitigation or adaptation measures to minimise its impact on climate change;
- c) The development is contrary to the requirements of Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013) as it cannot be demonstrated that the development can protect local amenity and can protect water quality and surface water drainage and cause no additional flood risk;
- d) On the basis of the information submitted, the development is contrary to the requirements of Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013) and Policy DM18: Access and Parking of the Winchester City Council Local Plan Part 2 (2017) as it does not have a safe and suitable access to the highway network and does not include suitable mitigation measures to mitigate any significant adverse effects on highway safety.

386. On the basis of the above reasons, the proposal is considered to be contrary Policy 1 (Sustainable minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) as the proposal does not constitute a sustainable minerals and waste development.

Appendices:

- Appendix A – Reasons for refusal
- Appendix B - Committee Plan
- Appendix C – Site Plan
- Appendix D – Phasing Plan
- Appendix E – Restoration
- Appendix F – Site access

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/20/01483/HCS>

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 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

<https://planning.hants.gov.uk/Planning/Display/20/01483/HCS>

20/01483/HCS
WR242

Hampshire County Council

The winning and working of up to 230,000 tonnes of soft sand with phased working and restoration through backfilling with up to 435,000 tonnes of clean inert waste/materials (inclusive of reinstatement of material from original extraction), associated internal access routes, plant and infrastructure at Five Oaks Farm, Winchester Road, Shedfield, SO32 2HS

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.

Reasons for Refusal

- a) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in unacceptable adverse visual and amenity impacts to occupiers of nearby properties as well as wider amenity impacts associated Heavy Goods Vehicle movements, contrary to the requirements of Policies 10 (Protecting public health, safety and amenity), 12 (Managing traffic) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) and Policy DM20 (Development and Noise) of the Winchester City Council Local Plan Part 2 (2017);
- b) The development is considered to be contrary to Policy 2 (Climate Change mitigation and adaptation) of the Hampshire Minerals & Waste Plan as it has not fully evidenced mitigation or adaptation measures to minimise its impact on climate change;
- c) The development is contrary to the requirements of Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013) as it cannot be demonstrated that the development can protect local amenity and can protect water quality and surface water drainage and cause no additional flood risk;
- d) On the basis of the information submitted, the development is contrary to the requirements of Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013) and Policy DM18: Access and Parking of the Winchester City Council Local Plan Part 2 (2017) as it does not have a safe and suitable access to the highway network and does not include suitable mitigation measures to mitigate any significant adverse effects on highway safety.

On the basis of the above reasons, the proposal is considered to be contrary Policy 1 (Sustainable minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) as the proposal does not constitute a sustainable minerals and waste development.

Note to Applicant

1. In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2021), as set out in the Town and Country Planning Act 1990.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.

