

HAMPSHIRE COUNTY COUNCIL Decision Report

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

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Recommendation

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

Executive Summary

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

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

The Proposal

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

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

Amendments to application blue line area

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

Development in the Countryside

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

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

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

Arboriculture

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

AMS and TPP:

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

Woodland Management Plan update:

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

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

HGV movements on Station Road

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

Dust:

27. In their initial consultation response, the EHO raised no objection to the proposal. The applicant had submitted an Air Quality Assessment at the request of the EHO and this demonstrated there would be negligible effects on Nitrogen Dioxide (NO₂), and PM₁₀ or PM_{2.5} levels (Particulate Matter) at receptors on Station Road.
28. Following the request that the EHO review their earlier response, they responded that any localised dust issues on Station Road would depend on how clean the road surface is and whether dust is being entrained from the site. They stated that the subject site was not the only potential source of dust in the area. They suggested additional street cleaning during dry conditions could be a solution. A later consultation response suggested there are stretches of the road opposite the Station Road housing where additional curbs could assist the effectiveness of street sweeping.

Noise:

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

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

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

Vibration:

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

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

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

Speed limits and surfacing:

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

Conclusion on Station Road impacts:

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

Ecology Mitigation and Management

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

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

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

Representations

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

Amendments to previously recommended conditions

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

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

Summary

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

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

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

Recommendation

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

Appendices:

Appendix A – Conditions

Appendix B – January Regulatory Committee report and Update report

Appendix C – Committee Plan

Appendix D – Revised Layout Plan

Appendix E – Amended Application Plan (shows blue line and red line areas)

Appendix F – Elevations of new workshop

Other documents relating to this application:

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

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

OR

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

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

Other Significant Links

Links to previous Member decisions:

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

Direct links to specific legislation or Government Directives

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

Section 100 D - Local Government Act 1972 - background documents

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

Document

Location

HCC/2021/0784

Hampshire County Council

TV055

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

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

EQUALITIES IMPACT ASSESSMENTS:

Equality Duty

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

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

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

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

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

CONDITIONS

Reasons for approval

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

Commencement

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

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

Pre-commencement – Ecology

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

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

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

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

Pre-commencement – Highways

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

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

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

Hours of Working

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

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

Highways

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

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

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

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

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

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

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

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

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

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

Tonnage

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

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

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

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

Protection of Water Environment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Storage

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

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

Noise and Dust

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

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

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

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

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

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

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

Reason: To minimise noise disturbance from operations at the site and in the interests of visual amenity, and to ensure the development is in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan 2013.

Arboriculture

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

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

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

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

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

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

Landscape

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

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

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

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

Any trees or shrubs, planted under Condition 23, which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

Lighting

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

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

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

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

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

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

Restoration

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

The scheme shall include details of:

- (i) the thickness and quality of subsoil and topsoil to be used and the method of soil handling and spreading, including the machinery to be used;

- (ii) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping to take place before placing of topsoil;
- (iii) measures to be taken to drain the restored land; and
- (iv) details of proposed seeding.

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

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

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

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

Plans

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

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

Note to Applicants

1. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.
2. In determining this planning application, the Minerals and Waste Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2021), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 7.5 tonne un-laden).
4. The existing Liaison Panel set up between the site operator, Minerals and Waste Planning Authority, interested parties and community representatives should continue to meet at a suitable frequency to facilitate effective

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

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