

**HAMPSHIRE COUNTY COUNCIL  
Decision Report**

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	13 September 2023
<b>Title:</b>	Proposed revised landform modifications to enable the construction of a 10.5 mw solar photovoltaic (PV) farm and gas management system with associated works at the Funtley Refuse Tip (Former), Titchfield Lane, Wickham, Fareham, Hampshire PO15 6DY (No. 21/03089/HCS) WR086
<b>Report From:</b>	Assistant Director of Waste and Environmental Services

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**Recommendation**

1. That planning permission be REFUSED subject to the reasons for refusal listed in **Appendix A**.

**Executive Summary**

2. This report relates to a planning application for the proposed revised landform modifications to enable the construction of a 10.5 megawatt (mw) solar photovoltaic (PV) farm and gas management system with associated works at the Funtley Refuse Tip (Former), Titchfield Lane, Wickham, Fareham, Hampshire PO15 6DY.
3. Planning permission has previously been granted by Winchester City Council for a solar farm in 2019 (planning permission [13/01247/FUL](#)) which was never implemented and has now lapsed.
4. This new application seeks to implement the solar farm proposal with the added areas of associated works that include the importation of approximately 1,155,470 tonnes of clean, inert waste/soil for the purposes of land raising and the improvement of the site's ground conditions. This application has therefore been submitted to the Waste Planning Authority for consideration.
5. The planning application is being considered by the Regulatory Committee as the proposed development is considered to be a major waste management development with significant public interest. Furthermore, it has received objections and concerns have been raised from the local City Council, Parish Councils, and numerous local residents' groups and associations as well as a significant number of individual representations from local residents and interested parties.

6. A committee site visit by Members took place on 21 November 2022 in advance of the proposal being considered by the Regulatory Committee.
7. Key issues raised are:
  - The need for the proposal;
  - Site suitability and location;
  - Design of the proposed development;
  - Visual impact on the local landscape;
  - Impacts on local ecology;
  - Impact on local water environment;
  - Impacts on the local highway network
  - Impacts on local heritage assets; and
  - Impacts on local amenity and local communities.
8. Whilst it is recognised that planning permission has previously been granted for the construction of a 14MW Solar Photovoltaic (PV) Farm and gas management system with associated works by Winchester City Council (planning permission [13/01247/FUL](#)), the focus here are the changes to the scheme now proposed, namely the land raising.
9. Subject to appropriate mitigation and planning conditions, the proposal is supported by Policies 2 (Climate change mitigation and adaptation), 7 (Conserving the historic environment and heritage assets), 8 (Protection of soils), 9 (Restoration of minerals and waste development), 11 (Flood risk and prevention), 25 (Sustainable waste development) and 30 (Construction, excavation and demolition waste development) of the [HMWP \(2013\)](#) and Policies DM24 (Special trees -important hedgerows and ancient woodlands) and DM26 (Archaeology) of the [WCCLPt 2](#) (2017).
10. However, the proposal is not considered to be in accordance with Policies 3 (Protection of habitats and species) part a (in relation to European protected species), 5 (Protection of the countryside), part d of Policy 10 (Protecting public health, safety and amenity), 13 (High quality design of minerals and waste development), 29 (Location and sites for waste development), as well as Policies MTRA4 (Development in the countryside), DM10 (Essential facilities & services in the countryside), DM16 (Site design criteria) and DM23 (Rural character).
11. Based on the information before the Minerals and Waste Planning Authority at the time of the decision, it cannot be determined that the proposal does not have a significant adverse effect on important habitats and species. The acceptability of the proposal in a countryside location has also not been adequately demonstrated. Based on the information before the authority, the landscape and visual impacts are also not considered to be acceptable. A

clear and demonstrated 'site-specific' and 'special' need has not been provided for the land raising works proposed within this planning application.

12. It is therefore considered that the proposal would not be, on balance, a sustainable development in accordance Policies 1 of the [HMWP \(2013\)](#) and paragraph 11 of the [NPPF \(2021\)](#).
13. It is recommended that planning permission be REFUSED subject to the reasons for refusal listed in **Appendix A**.

## **The Site**

14. The application site comprises the former Funtley landfill site that has been restored to agriculture. Restoration was completed around 2000-05. The site is situated on the western side of Titchfield Lane through which vehicular access is achieved. It is situated 3.2 miles north-west of the town of Fareham and 2.6 miles south-west of Wickham in the countryside (see **Appendix B - Committee Plan**).
15. The application site occupies approximately 23.3 hectares and is located entirely within the restored former Funtley landfill site (see **Appendix C - Site Boundary Plan**).
16. The site is accessed on its eastern side via Titchfield Lane, which connects to the A334 (due north) and the A27 (due south). A number of connecting country lanes and classified local roads are also accessed from Titchfield Lane, both north and south of the site.
17. The site is situated within the countryside and is classified as an agricultural land use.
18. The area surrounding the site comprises a mix of land uses including woodland, farmland, industrial/commercial and residential uses.
19. The nearest residential properties to the site are situated approximately 180 metres (m) south, 280 metres (m) north and 300m south-east of the site (see **Appendix D - Aerial Photograph**).
20. The site itself is not subject to any landscape, heritage or nature conservation designations.
21. The site is situated in within the 'Settlement Gap' (as identified in Winchester City Council's Local Plan (Policy CP18)).
22. The boundary of the South Downs National Park (SDNP) is located approximately 2.9 kilometres (km) north-east of the site.

23. The Botley Wood and Everett's Mushes Copses, which is designated as a Site of Special Scientific Interest (SSSI), borders the site to the north. Pegham Coppice, an area of priority habitat for deciduous woodland and which is designated as a Site of Important Nature Conservation (SINC), is located approximately 90m to the south of the site and surrounds the nearby Pegham Industrial Park.
24. Five Grade II listed buildings are located within 500m of the site. Three listed buildings (List UID: 1095583, 1301208 & 1301195) form part of the Funtley Farmhouse which is located at the Great Funtley Farm approximately 250m south-east of the site. Approximately 500m further to the west of the site, there are two Grade II listed buildings on the grounds of Skylark Golf Club known as Lee Ground Farmhouse (List UID: 1095638 & 1157561).
25. The River Meon (approximately 650m to the east of the site) runs parallel to the site. Further east of the River Meon is the Village of Knowle (approximately 1km from the site). The Great Fontley Farm and River Rise Farm are located approximately 520m and 575m south-east of the site respectively.
26. Directly south of the Pegham Coppice is the Wessex Jamaat Mosque, a residential property called Little Funtley and an industrial site for Shaw Stone Ltd. Around 415m south-west of the site is a second residential property known as Hector's House.
27. The Skylark Golf and Country Club borders the site to the west.
28. The site is situated within the Southampton Airport safeguarding zone.
29. The site is not located in a sensitive surface water area being in Flood Zone 1, the lowest risk zone. It is situated in an area of medium groundwater vulnerability.
30. There are three public rights of way in the vicinity of the site. Footpath No.30 which runs along the northern boundary and Footpath No. 27 (which it is understood was previously subject to an application for diversion) to the south and west which adjoins with No.30. Bridleway No. 26b (Lavey's Lane) is located approximately 190 metres (m) to the south of the site.

## **Planning History**

31. The site has a mixed planning history, with both the County Council as 'the Mineral and Waste Planning Authority (MWPA)' and Winchester City Council (WCC) as the Local Planning Authority both having determined various types of development at and adjacent to the site over the last 30 years.

32. All Winchester City Council's planning history at the site is as follows and can be viewed via [their website](#).

<b>Application No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date Issued</b>
<a href="#">19/01153/FUL</a>	Works to connect electricity power cables from the Funtley Solar Farm to the existing grid connection underneath Skylark golf course and the erection of DNO and private switchgear in association with planning approval ref: 13/01247/FUL	Granted	02/10/2019
<a href="#">15/01273/FUL</a>	Works to connect electricity power cables from the Funtley Solar Farm to the existing grid connection underneath Botley Wood and the erection of a substation in association with planning approval ref: 13/01247/FUL	Refused	16/12/2015
<a href="#">15/02426/NMA</a>	(MINOR AMENDMENT TO Planning Permission 13/01247/FUL) Reduction in the number of inverters from 8 to 5 and a reduction in the number of security cameras from 19 to 10	Granted	18/12/2015
<a href="#">14/00126/NMA</a>	(MINOR AMENDMENT to Planning Permission 13/01247/FUL) Construction of a 14MW Solar Photovoltaic (PV) Farm and gas management system with associated works (this application may affect a public right of way); Amendment of the approved site layout plan to follow a new route along the site boundary	Granted	27/01/2014
<a href="#">13/01247/FUL</a>	Construction of a 14MW Solar Photovoltaic (PV) Farm and gas management system with associated works (this application may affect a public right of way).	Granted	28/09/2013

33. All Mineral and Waste Planning Authority (MWPA) history at the site is as follows and can be viewed below:

<b>Application No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date Issued</b>
<a href="#">W02380/24</a>	Installation of fenced compound housing a containerised generator and retention of the current access/site road and use of temporary flare	Granted	12/08/2005
<a href="#">9901484HCS</a> <a href="#">W02380/22</a>	Variation of condition 2 of planning permission no W02380/15 to allow recycling to continue 31/8/2000	Granted	26/11/1999
<a href="#">9900822HCM</a> <a href="#">W02380/20</a>	Application to vary the approved final levels pursuant to condition 1 of Planning Permission W02380/017	Granted	26/11/1999
<a href="#">W02380/17</a>	Revised phasing and timescale for completion of site	Granted	30/04/1996
<a href="#">W02380/16</a>	Variation of condition to amend the hours of working (w2380/2)	Granted	30/04/1996
<a href="#">W02380/15</a>	Operation of a recycling centre comprising concrete crushing soil screening and wood chipping	Granted	12/03/1996
<a href="#">W02380/14</a>	Construction of surface water balancing pond	Granted	14/09/1995
<a href="#">W0642/03</a>	Proposed capping layer and restoration of old tipping site	Granted	05/04/1993
<a href="#">W02380/12</a>	Proposed increased tipping face	Refused	13/11/1992
<a href="#">W02380/09</a>	Relaxation of condition 5 on pp w 2380/8	Refused	01/02/1990
<a href="#">W02380/11</a>	Proposed increased tipping facilities on existing tip	Refused	05/09/1990
<a href="#">W2386/6</a>	Location of temporary skip storage site	Granted	30/04/1986
<a href="#">W480</a>	Waste disposal	Granted	07/01/1976
<a href="#">DRD2345/3</a>	Hoggin extraction	Granted	25/09/1974
<a href="#">DRD2345/8</a>	Waste disposal	Granted	15/03/1974
<a href="#">DRD2345/7</a>	Waste disposal	Granted	01/06/1972
<a href="#">DRD3011/13</a>	Waste disposal	Granted	20/09/1971
<a href="#">DRD3011/12</a>	Sand and gravel extraction and erection of temp. building	Granted	24/12/1970

<a href="#">DRD2345/6</a>	Sand and gravel extraction	Granted	24/12/1970
<a href="#">DRD4098</a>	Waste disposal	Granted	12/08/1970
<a href="#">DRD2978/1</a>	Waste disposal	Granted	15/01/1970
<a href="#">DRD2345/5</a>	Waste disposal	Granted	15/01/1970
<a href="#">DRD2345/4</a>	Gravel extraction	Granted	03/10/1966
<a href="#">DRD2978</a>	Gravel extraction	Granted	09/03/1961
<a href="#">DRD2367</a>	Waste disposal	Granted	01/11/1957
<a href="#">DRD824</a>	Gravel extraction	Granted	17/12/1951

34. There is also a history of many other applications at the site which were withdrawn before a decision. These are not included above.
35. The site is not an allocated site in the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) nor is a safeguarded waste site. The site is out of restoration and aftercare.
36. The site no longer has an active waste management licence or environmental permit, originally issued and regulated by the Environment Agency (EA). The operator of the landfill site ceased trading several years ago and as a result the site's permit ceased to exist. The site is classified as an 'abandoned' historic landfill, according to the EA.
37. The Environment Agency uses the following definition: *"A historic (closed) landfill site is one where there is no PPC [Pollution Prevention and Control] permit or waste management licence currently in force. This includes sites that existed before the waste licensing regime, if a site has been licensed in the past, and this licence has been revoked, ceased to exist or surrendered and a certificate of completion has been issued"*.
38. In the absence of any EA regulatory controls, the Local Authority's Environmental Health Department at Winchester City Council is responsible for its regulation in terms of monitoring and controlling its emissions to air, land and water. The outcome of this planning application would not negate the need for this monitoring to be recommenced.
39. The County Council as the 'Waste Planning Authority' is not aware of any active complaints relating to this site's current status as monitored and regulated by the Local Authority.

## The Proposal

40. All documents associated with the planning application can be found on the [planning application webpage](#).
41. The application seeks permission for the installation of a solar farm and associated infrastructure on a historic (Funtley) landfill site (see **Appendix E** -

**Proposed Solar Farm Layout and Illustrative Masterplan**). The landfill site has been restored and is now classified as agricultural land.

42. To enable this development, it is proposed to increase the site's depth by up to 3m in areas and reprofile the surface of the site via the importation of inert waste and clean soils (see **Appendix F - Proposed Cross Sections and Mitigation**). According to the applicant, it would comprise the importation by road of approximately 1.5 million tonnes of clean, inert waste/soil sourced from local construction projects.
43. The applicant advises that the existing restored landform does not have a deep enough cap to enable the secure and structurally safe installation of solar panels and their bases so as not to be detrimental to the integrity of the underlying former tip.
44. It is further advised that the existing vegetation on site needs to be cleared in preparation for the panel installation which would include the filling in of ruts, settlement areas levelled, low boggy spots remediated and levelled with soils, and the drainage ditches remediated.
45. The development would also continue to retain and utilise the current gas management system compound for the continuing management of the historic landfill site. This system and infrastructure would be upgraded.
46. Following the completion of reprofiling works, the solar farm would be installed, including connections being made to off-site connection points as envisaged by planning permission [19/01153/FU.L](#).
47. These activities, including both the provision of a revised landform and platform for the solar panelling, would be undertaken over a phased five year period (see **Appendix E - Proposed Solar Farm Layout and Illustrative Masterplan**). The five phases would individually take approximately one year to complete and importing and using between 220,000 and 260,000 tonnes of inert materials and soils.
48. The applicant advises that in order to support the successful delivery of the 10.5 MW solar farm, the proposal seeks to connect the panels to the national grid for electricity via the transfer cables approved by Winchester City Council (WCC) through planning permission [19/01153/FUL](#) granted in 2019.
49. Construction traffic is predicted to see a maximum of 42 Heavy Goods Vehicle (HGV) trips per day, or 84 two-way HGV movements per day. These would be split, with HGVs travelling both north and south from the site, so each section of Titchfield Lane will see up to 42 HGV two-way movements per day. This would result in 6 two-way HGV movements per hour, or 3 one-way HGV trips per hour.



50. The site's operating hours would be 07:00 to 17:00 on Monday-Friday and 07:00 to 13:30 on Saturdays for core operations, involving material management, restoration works. No operations would take place during night-time hours or on Sundays, Public and Bank Holidays.
51. HGV deliveries and departures would be restricted to between 08:00 to 16:00 hours on Monday-Friday only.
52. Staff would enter and exit the site in private vehicles between 07:00 to 17:00 hours on Monday-Friday and between 07:00 to 13:30 on Saturdays respectively.
53. All documents associated with the planning application can be found on the planning application [webpage](#).

### **Environmental Impact Assessment**

54. The planning application was screened under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). The proposal was considered under schedule 11 (other projects), part (b) installations for the disposal of waste. The waste soil importation and reprofiling/raising elements of the proposal are considered an installation for the disposal of waste, and as such, the area of the development exceeds the threshold of 0.5 hectares and as such the development is considered a Schedule 2 development falling within Category 11. Other projects, (b) Installations for the disposal of waste (unless included in Schedule 1). A Schedule 2 development is determined to be an EIA development or not by the relevant planning authority, using the criteria set out in Schedule 3.
55. The Waste Planning Authority (WPA) undertook a Screening Opinion to ascertain whether or not the proposed development is Environmental Impact Assessment [EIA] development and development requiring an Environmental Statement (ES) to accompany the planning application.
56. The completed Screening Opinion concluded that the proposed development is not considered an EIA development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) as the proposal is not anticipated to have significant adverse environmental impacts of a severity to consider it an Environmental Impact Assessment [EIA] development.

### **Development Plan and Guidance**

57. 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.

58. 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.

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

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

60. The **[HMWP \(2013\)](#)** is the relevant development plan for waste planning policy issues in Hampshire. The most relevant policies are:

- Policy 1: Sustainable minerals and waste development;
- Policy 2: Climate change - mitigation and adaptation;
- Policy 3: Protection of habitats and species;
- Policy 5: Protection of the countryside;
- Policy 7: Conserving the historic environment and heritage assets;
- Policy 8: Protection of soils;
- Policy 9: Restoration of minerals 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 14: Community benefits;
- Policy 25: Sustainable waste development;
- Policy 27: Capacity for waste management development;
- Policy 29: Locations and sites for waste management;
- Policy 30: Construction, demolition and excavation waste development;
- and
- Policy 32: Non-hazardous waste landfill.

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

61. Hampshire County Council and its partner Authorities (Southampton City Council, Portsmouth City Council, New Forest National Park Authority and South Downs National Park Authority) are working to produce a partial update to the Hampshire Minerals and Waste Plan (2013) which will guide minerals and waste decision making in the Plan Area up until 2040. The partial update to the Plan will build upon the adopted Hampshire Minerals and Waste Plan (2013), eventually providing new and updated policies base on up-to-date

evidence of the current levels of provision for minerals and waste facilities in the Plan Area. Plan making is currently at the [Regulation 18 draft plan consultation stage](#). The update to the Plan and its associated policies are only emerging policy. This means that the policies can only be referenced at this stage, and can be given no policy weight in decision making.

62. The following emerging policies are of the relevance to the proposal:

- Policy 1: Sustainable minerals and waste development;
- Policy 2: Climate change - mitigation and adaptation;
- Policy 3: Protection of habitats and species;
- Policy 5: Protection of the countryside;
- Policy 7: Conserving the historic environment and heritage assets;
- Policy 8: Water resources;
- Policy 9: Protection of soils;
- Policy 10: Restoration of minerals and waste developments;
- Policy 11: Protecting public health, safety, amenity and well-being;
- Policy 12: Flood risk and prevention;
- Policy 13: Managing traffic;
- Policy 14: High-quality design of minerals and waste development;
- Policy 25: Sustainable waste management;
- Policy 27: Capacity for waste management development;
- Policy 29: Locations and sites for waste management;
- Policy 30: Construction, demolition and excavation waste development; and
- Policy 32: Non-hazardous waste landfill.

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

63. The following policies are relevant to the proposal:

- Policy CP8 (Economic Growth and Diversification);
- Policy CP10 (Transport);
- Policy CP11 (Sustainable Low and Zero Carbon Built Development);
- Policy CP13 (High Quality Design);
- Policy CP18 (Settlement Gaps);
- Policy CP20 (Heritage and Landscape Character);
- Policy CP21 (Infrastructure and Community Benefit);
- Policy MTRA 4 (Development in the Countryside);

[Winchester City Council Local Plan Part 2 Development Management and Allocations \(2017\)](#):

64. The following policies are relevant to the proposal:

- Policy DM1 (Location of new development);
- Policy DM10 (Essential Facilities & Services in the Countryside);
- Policy DM15 (Local Distinctiveness);

- 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); and
- Policy DM23 (Rural Character).
- Policy DM24 (Special trees -important hedgerows and ancient woodlands)
- Policy DM26 (Archaeology)

### [Update to the Winchester City Local Plan \(emerging\)](#)

65. Winchester City Council are in the process of updating the Winchester City Local Plan. Plan making is currently at the [Regulation 18 draft plan consultation stage](#). The update to the Plan and its associated policies are only emerging policy. This means that the policies can only be referenced at this stage and can be given no policy weight in decision making.

66. The following emerging policies are of the relevance to the proposal:

- Strategic Policy SP2 - Spatial Strategy and Development Principles;
  - Strategic Policy SP3 - Development in the Countryside;
  - Strategic Policy CN 1 - Mitigating and adapting to climate change;
  - Policy CN 2 - Energy Hierarchy;
  - Policy CN 3 - Energy efficiency standards to reduce carbon emissions;
  - Policy CN 5 - Renewable and low carbon energy schemes;
  - Policy D7 - Development Standards;
  - Policy D8 - Contaminated Land;
  - Strategic Policy T1 - Sustainable and Active Transport and Travel;
  - Policy T4 - Access for New Developments;
  - Strategic Policy NE1 - Protecting and enhancing Biodiversity and the Natural Environment in the district;
  - Policy NE5 - Biodiversity;
  - Policy NE6 Flooding, Flood Risk and the Water Environment;
  - Policy NE9 - Landscape Character;
  - Policy NE14 - Rural Character;
  - Policy NE15 - Special Trees, Important Hedgerows and Ancient Woodlands;
  - Policy NE17 - Rivers, watercourses and their settings;
  - Strategic Policy HE1 - Historic environment;
  - Policy HE2 - All heritage assets (both designated & non-designated);
- and
- Policy HE3 - Designated heritage assets.

### [Fareham Borough Local Plan 2023 \(FBLP\)](#)

67. With the application site being situated approximately 500m north-west and 1km due north and east of the boundary with Fareham Borough, the proposed development has the potential to materially affect and impact on the Borough, and its population and environment. Associated HGV traffic travelling through the Borough as well as visual impacts on the local landscape are such examples. As a result, the Borough Plan, and its relevant development-related policies should be considered.

68. The following policies are of the relevance to the proposal:

- Strategic Policy DS1 - Development in the Countryside;
- Strategic Policy DS2 - Development in Strategic Gaps;
- Strategic Policy DS3 - Landscape;
- Strategic Policy CC1 - Climate Change;
- CC2 - Managing Flood Risk and Sustainable Drainage Systems;
- CC3 - Coastal Change Management Areas;
- CC4 - Renewable and Low Carbon Energy;
- Strategic Policy NE1 - Protection of Nature Conservation, Biodiversity and the Local Ecological Network;
- NE2 - Biodiversity Net Gain;
- NE6 - Trees, Woodland and Hedgerows;
- NE8 - Air Quality;
- NE9 - Green Infrastructure;
- NE11 - Local Green Space;
- Strategic Policy TIN1 - Sustainable Transport;
- TIN2 - Highway Safety and Road Network;
- TIN3 - Safeguarded Routes;
- D1 - High Quality Design and Place Making;
- D2 - Ensuring Good Environmental Conditions;
- Strategic Policy HE1 - Historic Environment and Heritage Assets;
- HE2 - Conservation Areas;
- HE3 - Listed Buildings and Structures and/or their Settings;
- HE4 - Archaeology;
- HE5 - Locally Listed Buildings and Non-designated Heritage Assets;
- HE6 - Heritage at Risk.

69. Other plans, regulations and guidance of relevance to the proposal include:

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

70. The following paragraphs are relevant to this proposal:

- Paragraph 11 (Presumption in favour of sustainable development);
- Paragraph 47 (Determination in accordance with the development plan);
- Paragraphs 55 - 56 (Planning conditions);

- Paragraphs 81- 82 & 84 - 85 (Supporting economic growth and rural economy);
- Paragraph 104 & 105 (Sustainable transport);
- Paragraphs 110 -113 (Considering sustainable transport in development proposals);
- Paragraph 126 (creation of high quality, beautiful and sustainable buildings and places);
- Paragraph 135 (Ensure quality of approved development does not diminish);
- Paragraphs 152, 154 & 156 - 158 (Contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience and encourage reuse);
- Paragraphs 174 & 182 (Conserving and enhancing the natural environment); and
- Paragraph 188 (Development appropriate for its location).

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

71. The following paragraphs are relevant to the proposal:

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

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

72. 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 001-007: [Effective use of land](#) (July 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 001-012: [Land affected by contamination](#) (July 2019);
- Paragraphs 001-007: [Light pollution](#) (November 2019);
- Paragraphs 001-043: [Natural environment](#) (July 2019);
- Paragraphs 001-017: [Noise](#) (July 2019);
- Paragraphs 001 and 003: [Open space, sports and recreation facilities, public rights of way and local green space](#) (March 2014);
- Paragraph 001-038: [Planning obligations](#) (September 2019);
- Paragraph 001-015: [Travel plans, transport assessments and statements](#) (March 2014);
- Paragraphs 001-030: [Use of planning conditions](#) (July 2019);

- Paragraphs 001, 005, 012-013 [Renewable and low carbon energy](#) (March 2014 and June 2015); and
- Paragraphs 001-0055: [Waste](#) (October 2015).

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

73. The following are paragraphs relevant to the proposal:

- Who is the planning authority for waste development? (Paragraph: 001 Reference ID: 28-001-20141016 (October 2014));
- What matters come within the scope of 'waste development'? (Paragraph: 002 Reference ID: 28-001-20141016 (October 2014));
- How are counties and districts expected to work together in respect of waste development planning applications; (Paragraph: 045 Reference ID: 28-045-20150415 (April 2015));
- What is the relationship between planning and other regulatory regimes; (Paragraph: 050 Reference ID: 28-050-20141016 (October 2014)); and
- What is the main role of the environmental permit? (Paragraph: 051 Reference ID: 28-050-20141016 (October 2014)).

### **[Waste Management Plan for England \(2021\) \(WMPE\)](#)**

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

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

### **[Waste \(England and Wales\) Regulations \(2011\)](#)**

75. The following is of relevance to the proposal:

- Part 1 General;
- Part 2 Waste prevention programmes;
- Part 3 Waste management plans;
- Part 4 Waste prevention programmes and waste management plans: general provision;
- Part 5 Duties in relation to waste management and improved use of waste as a resource;
- Part 6 Duties of planning authorities;
- Part 9 Transfer of waste;
- Part 10 Enforcement;
- Schedule 1- Waste prevention programmes and waste management plans;

- Schedule 2 - Amendments to the Hazardous Waste (England and Wales) Regulations 2005; and
- Schedule 3 - Amendments to the Environmental Permitting (England and Wales) Regulations 2010.

### Resource and Waste Strategy for England (2018)

76. The strategy's main aims are to:

1. preserve our stock of material resources by minimising waste; promoting resource efficiency and moving towards a circular economy; and
2. minimise the damage caused to our natural environment by reducing and managing waste safely and carefully; and
3. deal with waste crime.

77. The strategy combines actions being taken by Government now with firm commitments for the coming years and gives a clear longer-term policy direction in line with Government's [25 Year Environment Plan](#).

### CL: AIRE - Leading Sustainable Land Reuse

78. Contaminated Land: Applications in Real Environments (CL: AIRE) is a respected independent not-for-profit organisation established in 1999. It originally aimed to stimulate the regeneration of contaminated land in the UK by raising awareness of, and confidence in, practical and sustainable remediation technologies.

79. Since 1999, CL:AIRE has grown into an organisation that does more than just demonstrate remediation technologies "in real environments". The early years were very much focussed on land contamination and the processes and techniques in site characterisation, remediation and monitoring/verification. As the remediation industry has matured, CL:AIRE's activities have broadened into many areas of sustainable land reuse.

80. CL:AIRE supports a number of industry initiatives, for example, sustainable remediation and asbestos in soil, and has helped to develop more efficient regulation initiatives, such as the Definition of Waste Code of Practice for development projects and the emerging National Quality Mark Scheme.

81. CL:AIRE is recognised and supported by the Environment Agency (EA).

### **Consultations**



82. 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'.

83. **County Councillor Stallard:** Strongly opposed and supports objections of local residents, parish councils and other local interested groups/parties.

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

85. **Winchester City Council (Planning):** Objection on the following grounds:

- Impact on character and appearance of the area: The proposal would see and additional 3m of soil added to the existing levels to accommodate the proposed solar panels. The Landscape officer has raised concerns regarding the justification for the additional material which is supported by WCC. It is further noted that only existing sections have been submitted. To properly assess the impact on the character of the area and long distance views existing and proposed levels plans should be submitted with proposed sections to clearly demonstrate the impact on the long distance views and the PROW that runs adjacent to the site.
- Concerns raised by the Environmental Health Officer. It should be highlighted that the noise report submitted does not mention the residents of Ash Farm to the north-east of the site or assess the impact on this receptor. Further information with reference to these residences is required as it has not been demonstrated that the proposal will not result in harm to neighbouring receptors. It is also noted that the proposal includes Saturday working. If the application is permitted, an informative regarding Saturday working hours is recommended.
- Ecology and trees: The ecology report highlighted a number of protected species on site as well as a number of protected habitats around the site and suggested mitigation. Should the application be permitted a condition securing this is recommended. There are a number of SINCs in the immediate area that area also covered by TPOs. The Tree report submitted indicates that all trees on site would be retained with works to some to remove deadwood and ivy. However, no analysis of the impact of the proposal over the 5 year site preparation period have been submitted. Proposed condition on trees is not acceptable.
- Highways: The transport report indicated that there would be approximately 42 vehicle movements a day but concludes that the road is capable of taking the additional load. The main route is indicated as from the M27. It is noted that some of the connecting roads are subject to weight restrictions. Therefore, should the application be permitted, a condition requiring a construction routing plan for the 5 phases proposed is recommended to ensure that all routes taken are appropriate.
- Drainage: The floor risk assessment identifies the site as being at low risk of flooding and the excess water would drain to one of the existing ponds

on the site. It is noted that the Drainage Engineer has looked into this and found the methods to be acceptable, subject to conditions. This approach is supported by WCC and additional details should be submitted via condition. Though proposed condition 3 should be amended to remove reference to dwellings.

**86. Winchester City Council (Environmental Health):** Recommends refusal on the grounds:

1. Inadequate information relating to contamination/landfill impacts and noise and their mitigation have been provided. Further advises that if planning permission is recommended then several pre-commencement conditions relating to these matters should be imposed.
2. The EHO noted that the site is an actively gassing former landfill site and the owners of the site are responsible for the landfill and its emissions.
3. *Contamination/landfill:* The EHO further commented that the Site Investigation report initially provided is over three years out of date and therefore not representative of current site conditions. The report itself isn't a contaminated land report and is an assessment of the landfill's condition in 2019. The single round of monitoring undertaken as part of the investigation did identify a potential underground fire in the landfill which is of considerable concern and may impact on the stability of the landfill. The applicant has failed to provide sufficient detailed information of the landfill's current gas regime, assurances on how gas concentrations will be controlled onsite during and following the completion of the development and that the proposed development does not increase the potential soil gas risk to offsite receptors.
4. The EHO added that there are no details provided on the construction of the foundations for the solar farm, it is suggested that the increase of capping thickness will allow for the use of piling over a block foundations. The choice of foundation is important as we need assurances that the foundations will not put the current capping material at risk. The information suggesting the presence of an underground fire within the landfill and the level of investigation need to address the additional unknowns relating to the site means that the EHO is not satisfied that this aspect can be conditioned. The lack of draft materials management plan under the CL:AIRE DoW COP / further detail was identified as an areas of concern.
5. *Noise:* The adoption of noise criteria set out in the Planning Practice Guidance (PPG) for mineral developments is inappropriate for this site. On this basis, the lack of an appropriate noise assessment that adequately looked at the noise impacts on the nearest residential properties on the submission was highlighted.

**87. Fareham Borough Council:** No objection.

**88. Wickham Parish Council:** Objection on the following grounds:

- Noted that there are no objections to the installation of a solar farm on the site as there is a previous permission. However, the long-term benefits of

the solar farm may be outweighed by the impact of preparatory work proposed to make the site suitable for the installation.

- Unnecessary Landfill;
- The local demand for a site for the disposal of 1.1 million tonnes of clean inert soil has not been demonstrated;
- The proposals should be considered alongside HCC Case ref 20/1483/HCS Five Oaks Farm which will be using the same road network and has similar plans for importing inert waste once sand has been extracted;
- The proposals are contrary to Winchester City Council Local Plan Part 1 Policy CP10 – Transport;
- The site is not in a sustainable location as access relies on routes with a 7.5t weight limit. The weight limit would imply the road is unsuitable for large vehicles. The routing of large vehicles to minimise the impact on narrow country lanes, their users and the nearby settlements has not been addressed in the proposals;
- The proposals are contrary to WCC LPP1 Policy CP12 – Renewable and Decentralised Energy - due to the effect on the landscape of raising the level of the site by several meters in a prominent location within an area designated as the Meon Gap, this is contrary to WCC LPP1 Policy CP 18 – Settlement Gaps - that seeks to retain the general open and undeveloped nature of settlement gaps;
- The proposals do not meet the requirements of WCC LPP1 Policy CP16 – Biodiversity - in that it will require destruction of scrub, a scarce and valuable environment. The site adjoins Botley Wood SSSI and acts as feeding ground for rare species such as honey buzzard that nest nearby and it adjoins a site at Fontley Farm with evidence of brown hairstreak butterflies. Habitat destruction to create improved habitat in years to come needs careful analysis to ensure it is justified in the name of biodiversity net gain;
- Both Winchester City Council and Hampshire County Council have declared climate emergencies and the proposals do not make a case for a net zero carbon project;
- The documents fail to demonstrate proposals to adequately mitigate for the impact of HGVs on roads unsuitable for large vehicles particularly at the pinch points;
- Large sites such as Welborne, North Whiteley and West of Waterlooville are likely to reuse subsoil and topsoil generated so create little demand for cart away;
- The proposal fails to identify any benefits to the local community which should be an integral part of any such development. Schemes such as Ripple Energy community cooperative development solar farms such as Derril Water Solar Park in Devon should be encouraged.

**89. Shedfield Parish Council:** Objection on the following grounds:

- Concerns regarding the increased traffic on country lanes;

- Support the comments submitted by Wickham Parish Council in respect of this application;
- Drew attention to a webinar; and
- Reviewed the submitted noise assessment and raised a number of concerns / errors. SPC contends that there is a high risk of a significant adverse effect which, as with Five Oaks quarry, means that the proposals would be in breach of Policy DM20 (Development and Noise) of the Winchester City Council Local Plan Part 2 (2017).

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

91. **Environment Agency:** No objection. Piling type required by condition. The proposed development may require an EA issued environmental permit, a variation of an existing permit or an exemption from the environmental permitting regime.

92. **Historic England:** No comments.

93. **Network Rail:** No comments to make.

94. **Natural England:** No objection subject to a Construction Environmental Management Plan (CEMP) having been agreed and approved (with your authority's ecologist) and imposed through condition or obligation to be implemented prior to works commencing. Comments added concerning works not affecting local nature designations, and their fauna and flora.

95. **Defence Infrastructure Organisation:** No safeguarding objections.

96. **Southampton Airport Safeguarding:** No objection subject to a condition relating to the submission of a Bird Hazard Management Plan.

97. **County Council Ecologist (Hampshire County Council):** Objection due to inadequate and insufficient submitted information and mitigation in respect of the impacts and effects on European Protected Species (great crested newts and dormice). Other submitted information and mitigation concerning reptiles, invertebrates, bats and ground nesting birds could be controlled by conditions/legal agreements. Proposed ground clearance works and mitigation relative to the installation works would be controlled via the dormice mitigation.

98. **Local Highway Authority:** No objection subject to the submission of a Construction Management Plan (CMP) to control the cleanliness of HGVs accessing and egressing the site, that imported materials are covered, that all works to accesses on to the public highway are built in accordance with approved plans and specifications all under conditions, and that legal agreements concerning HGV routing of HGVs are agreed.

99. **County Council Landscape Architect (Hampshire County Council):** Object to the proposal on the following grounds:

- The assessment of the proposal's visual impact and impact on the landscape is not entirely agreed. There is disagreement over the quality of some of the montage's submitted - and how they assess pre and post development planting mitigation - submitted to justify the proposal;
- Concerns about the visual impact of this proposal on a hilltop location have not been addressed. The amount of proposed fill for the construction of the solar farm appears to be in excess of the depth of fill actually required to construct the footings of the solar panels; and
- Any new planting will take too long to establish and grow to screen the panels. It will possibly take the 25-year life span of the panels to screen the site, on the basis of the existing vegetation growth on the site. The rate of plant growth on these compacted sites is always much slower than on undisturbed sites.

100. **Lead Local Flood Authority:** No objection subject to a condition being imposed securing details for the suitable diversion of a natural surface water flow path running east to west in the northern part of the site due to the proposed increase in ground levels, to ensure continuing hydraulic continuity both upstream and downstream.

101. **Rights of Way (Hampshire County Council):** Object to the proposal on the following grounds:

- A copy of the required diversion order has not been submitted meaning that the Diversion Order process has not been completed and the legally recorded alignment of footpath 27 remains as existed prior to the making of the Diversion Order. As a consequence, the development if implemented as proposed would commit a number of offences under the Highways Act 1980 - disturbing the surface of a highway (to lay cables DNO 1 and 2), laying material on the highway (raising the path level), and obstruction (installation of various photovoltaic arrays); and
- Following the receipt of additional information on this matter, ROW maintained their objection as the information did not address the objection.

102. **County Archaeologist (Hampshire County Council):** Provided comments on the submitted Heritage Statement in particular with regards to the lack of consideration of below ground archaeological issues, impact of the development on the setting of Scheduled Monuments in the surrounding landscape and a lack of discussion regarding the impact of the development on the setting of Funtley Ironworks which is notably closer the application site than Titchfield Abbey. It was noted that the screening between the site and the Scheduled Monument at Funtley and landscape assessments submitted with the regard to Winchester City Council permission for the original solar array

indicated that there will be no impact on the Iron Masters House at Funtley and no change to its setting. Therefore, no further archaeological issues are raised.

103. **County Arboriculture (Hampshire County Council):** No objection subject to conditions. Raised concerns and comments initially on the following areas:

- Need for loss of trees to be quantified and qualified in line with BS5837 please so any trees can be assessed and appropriate retention and protection or mitigation measures put in place.
  - Need to quantify or qualify the anticipated impact on vegetation (specifically trees in this instance, but will have landscape and ecological impacts as well).
  - Given the importance of the SSSI to the north and the presence of ancient woodland, further more robust information on safeguarding this is required.
  - Comments on proposed planting;
  - The access onto Titchfield Lane will need to be improved and this has the potential to impact on existing trees on land beyond the control of the applicant. The impact must be assessed and any trees in third party ownership must be identified. In particular, loss of vegetation to achieve sight lines as required by road safety must be carefully assessed. If any trees are owned by HCC, this may trigger a CAVAT-based compensation.
  - The proposed access track must be constructed/positioned so as to not impact existing trees so they may be retained for landscape and screening purposes:
  - The tree survey only states what is present, not what the impact will be. Information in line with BS5837:2012 to be produced, and to include a schedule of tree loss (stating numbers or areas affected, not 'part of group').
  - Tree protection measures and more detailed species planting positions. 5. An arboricultural method statement showing how the remodelling will consider trees to be produced.
  - The impact of the access onto Titchfield lane and within the site to be fully assessed.
- Following the submission of more information, the basic premise of avoiding unnecessary harm to trees in arboricultural terms, seems to be achievable via the application of reasonable conditions.

## Representations

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

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

- Published a notice of the application in the [Hampshire Independent](#);

- Placed notices of the application at the application site and in the local area;
- Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
- Notified by letter the forty-three nearest properties within 100m of the boundary of the site, and its vehicular access points.

106. When further information was submitted by the applicant in response to comments received, all consultees and the local population originally notified of the proposal, plus those who submitted comments independently, were all informed / notified. With respect to consultees, namely the Local Highway Authority, Local Environmental Health, the Environment Agency, and the County's Ecologist and Landscape Advisors, they were all formally reconsulted in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#).

107. As of 31 August 2023, 198 representations (from 170 individual respondents) were received. With the exception of one supporting the proposal with it being a form of renewable energy, all others received, mainly from local residents and groups, are opposed to it.

108. A full record of the responses received are on the planning application [webpages](#) (see public representations tab). The main areas of concern raised in the objections related to the following areas:

- Previously permitted solar farm did not need imported materials upon which to site it;
- Importation of inert materials is a way of dumping waste;
- Adverse visual and landscape impacts due to increased elevation of site;
- Site is an actively gassing former landfill site and should not be built upon;
- Insufficient information on ground conditions (former landfill site) to ensure safety of solar farm and local population;
- Solar farms built on former landfill do not need millions of tonnes of material to fix them into.
- Impacts (installation) on a peaceful, rural countryside setting;
- Industrialisation of the countryside;
- Adverse impacts on rights of way;
- Highway safety (impacts of HGVs on other users/local residents);
- Inadequate and inaccurate Transport Assessments;
- Inappropriate local roads for HGVs;
- Adverse Impact on adjoining SSSI and ancient woodland;
- Adverse impacts on ecology and biodiversity within/adjoining the site;
- Impacts on the water environment;

- Adverse impact on local heritage assets;
- Adverse noise and vibration impacts due to HGV traffic
- Adverse noise and vibration impacts from deposition of imported materials;
- Adverse Impacts on pedestrians;
- No guarantee proposed restoration scheme would be delivered;
- Contrary to planning policies concerning development in the countryside; and
- Poor management of the site by the landowner.

109. It is worth noting that of the many objectors to this proposal, the majority do not oppose the installation of the solar farm and do recognise its benefits to the environment and to climate change.

110. The above issues will be addressed within the following **commentary**.

### **Habitats Regulation Assessment (HRA)**

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

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

112. 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.

113. The applicant did not prepare a shadow HRA to support the application.

114. The HRA screening carried out by the Waste Planning Authority for this application considered that 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 caused by the existing permitted activities on the site.

115. The HRA concluded that mitigation measures would not ensure any harm would be avoided. Adverse impacts were therefore anticipated. The initial proposal would therefore result in adverse and likely significant effects to European designated sites.

116. Links to the emerging requirements for Biodiversity Net Gain (BNG) requirements and the assessment of impact and effects on ecology (including protected species) and biodiversity are covered in the [Ecology](#) section of the commentary section of this report, where they are relevant to the proposal.

## Climate Change

117. 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.

118. Winchester City Council declared a climate change emergency in June 2019 and is aiming for the district to be carbon neutral by 2030 having implemented their [WCC Carbon Neutrality Programme](#).

119. This proposed development has been subject to consideration of Policy 2 (Climate change - mitigation and adoption) of the [HMWP \(2013\)](#). The current proposal has also been considered under Policy 10 (Protection of public health, safety and amenity) as documented in the **Commentary** section below.

120. When it comes to planning decisions, consideration of the relevant national or local climate change planning policy is of relevance. The Strategy and Action Plan do not form part of the Development Plan so is 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. This proposed development has been subject to consideration of Policy 2 (Climate change - mitigation and adoption) of the [HMWP \(2013\)](#) as well as Paragraphs 152 - 158 of the [NPPF \(2021\)](#).

121. Policy 2 (Climate change - adaptation and mitigation) of the [HMWP \(2013\)](#), states that waste development should minimise their impact on the causes of climate change. It states that where applicable, 'waste development should reduce vulnerability and provide resilience to impacts of climate change' by:
- a. being located and designed to help reduce greenhouse gas emissions and the more sustainable use of resources; or
  - b. developing energy recovery facilities and to facilitate low carbon technologies; and
  - c. avoiding areas of vulnerability to climate change and flood risk or otherwise incorporate adaptation measures.
122. The proposed solar farm would generate electricity that would be available to the National Grid and would be providing a contribution to the UK's own energy requirements through this source of renewable and non-fossil fuel derived energy generation, and meeting Policy 2's 'waste development should reduce vulnerability and provide resilience to impacts of climate change' criteria.
123. This also applies to HGVs, with many of those used being under the control of the applicant, and relatively modern and as result fitted with the most up to date manufacturers' technology, including to exhaust and emissions' systems. Whilst these requirements are outside of the remit and control of the planning regime, it is expected that all plant, equipment, machinery and HGVs employed are fully maintained and operated in full accordance with manufacturers' specifications and that the best environmental practices are adhered to.
124. The applicant would continue to use best endeavours to ensure HGVs under their control and through commercial contracts with third parties, to transport waste materials on to the site. For example, an HGV that has deposited its load of waste materials at the site would, when practicable, then be loaded with waste materials/products to ensure empty HGVs were not exiting the site. This would contribute to using only fossil fuels and derivatives on a limited as basis as they can at this time.
125. Therefore, on balance, the impact of the proposal on climate change is considered to be in accordance with Policy 2 (Climate change - mitigation and adaptation) of the [HMWP \(2013\)](#).

## **Commentary**

126. The commentary section provides more information on the key planning issues in relation to the proposal.

## Policy context and principle of the development

127. This first section of the commentary summarises the main policy context for the proposal and the wider principle of the development.
128. As already noted, planning permission has previously been granted, by Winchester City Council, for the construction of a 14MW Solar Photovoltaic (PV) Farm and gas management system with associated works (planning permission [13/01247/FUL](#)) as well as subsequent permissions to connect electricity power cables from the Funtley Solar Farm to the existing grid connection underneath Skylark golf course (due west of the application site) and the erection of DNO and private switchgear in association with planning approval ([13/01247/FUL](#)) (planning permission [19/01153/FUL](#)). These later and smaller ancillary applications for planning permission were also approved by Winchester City Council relative to the approved solar farm. The previous planning permission for the solar farm was never implemented.
129. The applicant advises that they are submitting this planning application as the approved planning permission for a solar farm [13/01247/FUL](#) (see **Appendix G – 2013 approved solar farm layout and sections**) lapsed as it was not implemented within three years. The main difference between this planning application and the lapsed permission is that whilst the area proposed to be occupied by the solar farm is slightly smaller, the farm and its structures would be installed on up to 3 metres of imported inert waste/soils. The [Town and Country Planning \(Prescription of County Matters\) \(England\) Regulations \(2003\)](#) prescribe classes of waste operations and uses of land that should be dealt with as “county matters” (Para 001, NPPGW), and by County Councils’ being the Waste Planning Authority. On this basis, it is now for the Minerals and Waste Planning Authority to determine the proposal due to the landraising and waste uses proposed.
130. When planning permission was originally granted for the solar farm by Winchester City Council ([13/01247/FUL](#)), it was noted that ‘commercial development’ is not normally acceptable in unsustainable countryside locations such as this. However, it was acknowledged that ‘solar panel parks’ are very large and there is a national commitment to increasing use of renewable energy generation as reflected by [NPPF \(2021\)](#) and new guidance on renewables. On this basis, the City Council found the application for the location of a solar farm in this location to be acceptable in principle.
131. The major element of the new proposal is for the importation of circa 1.5 million tonnes of inert material (although this ‘waste or non-waste criteria’ would be determined by the applicant and the material provider/s) to level and reprofile the previously restored former landfill site to enable the installation of

a solar farm. Whilst there are other elements involved - upgrade to existing on-site facilities and infrastructure - these, whilst important in planning terms, form less significant elements of the proposal.

132. Policy 25 (Sustainable waste development) of the [HMWP \(2013\)](#) has been developed to facilitate the delivery of waste management development within Hampshire which accords with the waste hierarchy. Policy 25 (Sustainable waste management) sets out the long-term aim *'to enable net self-sufficiency in waste movements and divert 100% of waste from landfill. It indicates that all waste development should:*

- a. encourage waste to be managed at the highest achievable level within the waste hierarchy; and*
- b. reduce the amount of residual waste currently sent to landfill; and*
- c. be located near to the sources of waste, or markets for its use; and / or*
- d. maximise opportunities to share infrastructure at appropriate existing mineral or waste sites.'*

133. Policy 25 also sets a provision for the management of non-hazardous waste arisings with an expectation of achieving by 2020 at least 60% recycling and 95% diversion from landfill. The [HMWP \(2013\)](#) and its targets and timescales are currently the subject of revision.

134. The proposal, although not the typical 'waste management' development the Waste Planning Authority usually determines, would potentially assist the county in achieving its diversion of waste from landfill and being disposed of, through the importation of 1.5 million tonnes of clean, inert soils/waste that would otherwise be discarded, and certainly not used for beneficial outcomes of improving the quality of a former restored landfill site and providing sufficient thicknesses of material into which the solar farm could be safely installed, as proposed by the applicant.

135. As previously discussed, CL:AIRE has grown into an organisation that does more than just demonstrate remediation technologies "in real environments". CL:AIRE supports a number of industry initiatives, for example, sustainable remediation and asbestos in soil, and has helped to develop more efficient regulation initiatives, such as the Definition of Waste Code of Practice for development projects and the emerging National Quality Mark.

136. CL:AIRE works with and is supported by the Environment Agency (EA) and Waste and Resources Action Plan (WRAP) with both organisations working with waste producers, waste movers and prospective waste users to ensure waste materials are used sustainably and in accordance with the UK Waste Planning Policies/Regulations and the Waste Hierarchy. CL:AIRE in this

instance is being used by the applicant to prove that the proposed imported inert materials are clean and as a result no longer classified as a 'waste'.

137. In helping to meet the provisions of Policy 25 (Sustainable waste development) of the [HMWP \(2013\)](#), the proposal could contribute in satisfying the long-term aim of enabling net self-sufficiency in waste movements and divert 100% of waste from landfill through a) encouraging waste to be managed at the 'highest achievable level', here via the CL:AIRE process, b) the waste materials would contribute to a reduction of this type of material/s and overall amounts of waste being sent to landfill and c) be located near to the sources of waste (subject to assessment) both in part, by reusing, and as a result, diverting unwanted soils from being disposed of, thus encouraging '*the management of waste at the highest achievable level within the waste hierarchy*'.
138. In noting c) in Policy 25, the operator currently contracted to undertake the development works is a recognised waste management company based within Hampshire who also operates existing minerals and waste sites, also within the county. The applicant incorrectly stated that some suitable inert materials would be sourced from the nearby development known as 'Welborne'. Local residents/groups and Parish Councils raised concerns over this assertion as excavated materials from within the Welborne development are restricted for retention and use within that development. The applicant acknowledged and corrected this error in writing.
139. On the basis of the above, the proposal is generally considered to meet the provisions of Policy 25 (Sustainable waste development) of the [HMWP \(2013\)](#).
140. Whilst the [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policy 25 (Sustainable waste management).
141. Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#) sets out criteria for all new development to ensure applicants are worked with proactively to jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. This will include matters such as visual impact, arboriculture, landscaping, biodiversity enhancement and overall scheme design. Compliance on all these matters, and others, is addressed in the relevant section of the commentary. Whether the proposal is considered to be an acceptable proposal in accordance with local and national policy and Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#) and paragraph 11 of the [NPPF \(2021\)](#) will be considered in the remaining sections of this commentary section.

## Need for the development

142. Whilst the environmental and climatic benefits of a solar farm in terms of it producing renewable energy and reducing use of fossil fuel energy generation and greenhouse gas creation is widely acknowledged and accepted - including by the majority of third parties and consultees objecting to this application - this section deals primarily with the 'need' for siting the proposed solar farm and ancillary infrastructure on 1.5 million tonnes of HGV imported, inert soils/wastes on top of a former restored landfill site.
143. The applicant has advised that due to the underlying nature of the waste within the former landfill site coupled with the poor quality of the approved restoration, citing specifically that the landfill cap is not thick nor strong enough to support the previously approved (by WCC) solar farm development, which was to be installed on raft/pad-type foundations on the former landfill site's surface (see **Appendix G – 2013 approved solar farm layout and sections**).
144. Whilst the application site is not classified in land use terms as a 'solar farm', the comparison with the formerly approved farm is relevant. This has been raised by the majority of objecting third parties, plus Parish Councils, the Environment Agency, County Council's Landscape Advisor and the Local Environmental Health Officer (EHO). The key question and point of objection are the applicant's justifications for the importation and use of the inert soils/wastes within this solar farm scheme.
145. The applicant has advised that the importation and placement of 1.5 million tonnes of imported, inert soils/materials and up to three metres in thickness across the site is necessary to be able to safely and securely install and operate the solar farm and its ancillary infrastructure as well as improving the poor quality restoration, which the applicant cites as including differential settlement, drainage issues and internal problems relating to the composition of the landfill and its gas and leachate emissions.
146. Third party objectors and the EHO have through their objections, over the underlying landfill being unfit to house the proposed solar farm and 1.5 million tonnes of imported material, agreed in part with the applicant.
147. Where this agreement ends is that the applicant's investigations into the landfill site, its status and load bearing properties are all from 2019 and not thorough (according to certain parties) and that nothing further has been undertaken by the applicant throughout the life of this planning application despite these matters being raised with them by officers.
148. The applicant has indicated that the existing landform is not suitable for the installation of a solar farm in its existing state. The three aspects have been

considered which have led to the development proposals sought. This is on the basis of the following aspects:

- *Existing Site Levels:* A survey to determine the settlement on the site in 2019. A previous survey was carried out in 2007. The 2019 survey showed potential inaccuracies in the 2007 survey. The cut/fill isopachyte indicates there has been minimal settlement over the site from 2007 to 2019, the maximum being circa 3m in the area between the peaks and around 1.5m on the southeast boundary of the site. The relatively low amount of settlement in the landfill is one indicator of minimal microbial activity in the site. Considering the landform itself and its potential use as a solar farm, the following aspects have subsequently been considered prior to the development proposals being designed.
- *Heavy Rutting and Dense Vegetation:* Heavy rutting is apparent over various parts of the surface, and dense vegetation is apparent up to 1.2m in height. This is not conducive to the installation of solar panels. The site will need to be prepared and levelled and the dense overgrowth removed. A dozer will be required for rut remediation and as per the recommendations contained within the submitted **Site Investigation Report**. Soils will be required to be brought into the site rather than levelling out existing soils as the level of cover material over the clay cap will almost certainly damage the cap by attempting to flatten out the surface.
- *Surface Water Control:* Low spots in the site's landform caused by settlement are likely to cause problems with surface water control on the site.

149. The applicant has also indicated that in order to facilitate the development of the solar farm, the importation of clean inert soils and clay material is required to raise the land profile by approximately three metres at its highest extent. The existing restored landform does not have a deep enough cap to enable the secure installation of solar PV panels so as not to be detrimental to the integrity of the landfill cap. It is proposed that approximately 1.5 million tonnes of clean inert soils and clay will be imported to raise and alter the profile of the site by around three metres to allow for a conventional piling system for the solar panel structures.

150. As previously stated, the Environmental Health Officer (EHO) at Winchester City Council (WCC) in reviewing the applicant's **Site Investigation Report** raised serious concerns over the content and adequacy of the information submitted relating to the underlying landfill site, its status in terms of gas generation and management, the lack of monitoring that has been undertaken within the last five years, and the mitigation proposed. Advisors with first-hand experience of siting solar farms on former landfill sites) to the Wickhams Residents' Association concur. They add that there is little detail on

the underlying landfill site's 'ability' to safely absorb the weight from above or full justification for the need for 1.5 million tonnes of imported material.

151. The EHO further commented that the **Site Investigation Report** initially provided is over three years out of date and therefore was and is not representative of current site conditions. The EHO added that the report itself isn't a contaminated land report and is an assessment of the landfill's condition in 2019. The single round of monitoring undertaken as part of the investigation did identify a potential underground fire in the landfill which is of considerable concern and may impact on the stability of the landfill.
152. The EHO added that the applicant has failed to provide sufficient detailed information of the landfill's current gas regime, assurances on how gas concentrations will be controlled onsite during and following the completion of the development and that the proposed development does not increase the potential soil gas risk to offsite receptors. There are no details provided on the construction of the foundations for the solar farm, it is suggested that the increase of capping thickness will allow for the use of piling over a block foundations. The choice of foundation is important as we need assurances that the foundations will not put the current capping material at risk. The information suggesting the presence of an underground fire within the landfill and the level of investigation need to address the additional unknowns relating to the site requires further investigation.
153. In contrast to the solar farm planning permission approved by Winchester City Council ([13/01247/FUL](#)), although the farm itself occupied a slightly larger area than the current proposal (see **Appendix G – 2013 approved solar farm layout and sections**), it did not propose using concrete bases and piling into the ground/or imported inert materials to raise the ground rather it would stand on pads/rafts. This is the most common approach to solar farms on former landfill sites within the UK, including examples in nearby West Sussex (Westhampnett, near Chichester).
154. As a result, the EHO then did not raise the same concerns over risks to the underlying landfill site and its status in terms of cap integrity, gassing and other emissions, and did not raise concerns in this regard. Also, it was ten years ago and the uncertainty over the landfill site's status, its integrity and emissions, has increased. This is one of the key material differences between the current solar farm proposal and the permitted but now lapsed, solar farm proposal granted by WCC.
155. The Waste Planning Authority has discussed the above landfill-related matters with the EHO and Environment Agency Landfill officers. The latter have advised that if planning permission was granted, the applicant would need to secure a Permit from the EA to import and deposit the inert materials



required. The Permit granted would either be a Recovery Permit or an Inert Landfilling Permit. The impact on the relationship between the underlying landfill site and the overlying development/land would also need to be investigated through the Permitting regime as it would do through Planning, if granted, and as advised by the EHO and EA within their consultation responses.

156. Based on all of the above and the information before the planning authority at this time, and notwithstanding the role of the Permitting regime, the Waste Planning Authority has concerns that the applicant has not adequately demonstrated that the proposed solar farm development - principally the use of 1.5 million tonnes of inert materials on top of an actively gassing and unregulated landfill site - can be safely accommodated.
157. The issue of need and 'special need' is considered more fully in the section below on [site location](#).

#### Energy and grid connection

158. The Government's focus on ensuring a security of energy supply and renewable energy is clearly set out in national policy and guidance. National energy security is becoming more of a nationally important issue and one that the Government places significant weight on.
159. The [Climate Change Act \(2008\)](#) commits the UK to an 80% reduction in greenhouse gases (GHG) by 2050. In addition, the [NPPF \(2021\)](#) supports a transition to a low carbon future and encourages local planning authorities to support initiatives for renewable and low carbon energy developments.
160. Government policy over the last 15 years or so year has placed focus on the deployment of renewable and low carbon energy policy. This includes the [Energy White Paper \(2007\)](#), the [UK Renewable Energy Strategy \(2009\)](#), the [UK Low Carbon Transition Plan \(2009\)](#), the [Energy Act \(2013\)](#) and the [Energy White Paper 2020](#). These have provided a positive policy framework to facilitate and support investment in renewable energy and increase the use of renewable energy as well as helping to establish the legislative framework and measures for delivering electricity market reform.
161. Policy CP12 - Renewable and Decentralised Energy of the [WCCLPt 1](#) states that *'the Local Planning Authority is supportive of the generation of renewable and decentralised energy in the District. It will support the creation of CHP/district heating/cooling systems and the development of larger-scale renewable energy developments, especially where there is a strong degree of community benefit and/or community ownership. When assessing proposals*

*for large-scale renewable energy and decentralised energy schemes, account will be taken of:*

- *impact on areas designated for their local, national or international importance, such as Gaps and the South Downs National Park, conservation areas and heritage assets, including their setting;*
- *contribution to national, regional & sub-regional renewable energy targets and CO2 savings;*
- *potential to integrate with new or existing development, whilst avoiding harm to existing development and communities;*
- *benefits to host communities and opportunities for environmental enhancement;*
- *proximity to biomass plants, fuel sources and transport links;*
- *connection to the electricity network;*
- *effect on the landscape and surrounding location’.*

162. As already acknowledged, Hampshire County Council declared a climate emergency and the subsequent publication of a Climate Change Strategy and Action Plan. The Climate Change Strategy and Action Plan notes the priority of energy generation and distribution to enable and support renewable energy generation capacity and distribution across the county, with a focus on providing low carbon, resilient energy to residents and businesses, whilst reducing costs. It states that the priority for energy will be to work with local partners and communities to actively promote and enable the generation of local, renewable, resilient energy which would stimulate and support green growth in Hampshire maximising the use of technology and innovation. This should be delivered through a range of initiatives at all scales i.e. large-scale, community owned or individual household schemes. This includes the use of renewable energy, decarbonise grid/gas, the use of new technologies technology and ensuring resilient energy systems.

163. Policy 28 (Energy recovery development) of the [HMWP \(2013\)](#) is not of direct relevance here as it relates specifically for energy recovery development by waste.

164. As previously stated, the [NPPF \(2021\)](#) also supports the ‘effective use of land’ (Chapter 11) for a multitude of uses in both rural and urban settings and seeks to ensure that all proposed development combats climate change and supports development comprising renewable and low carbon energy and associated infrastructure (Paragraph 14).

165. Paragraph 001 of the [NPPG \(Renewable and low carbon energy\)](#) states that ‘Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the

delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable'. Furthermore, paragraph 005 acknowledges that there are *'no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts. The views of local communities likely to be affected should be listened to'*.

166. As previously noted, when planning permission was originally granted for the solar farm by Winchester City Council ([13/01247/FUL](#)), the City Council found the application for the location of a solar farm here to be acceptable in principle. It was also concluded that potential impact *'must also be balanced against the environmental benefit of renewable energy production of this type (with potential to generate electricity for up to 1,500 homes locally from the gas extraction alone), the fact that the proposal will rehabilitate the landfill site, and that the solar arrays will be relatively temporal (mounted on sleds), with conditions enabling their removal'*.
167. The solar farm proposal being considered now will increase the supply of renewable energy in Hampshire and contribute towards Hampshire County Council's aim of achieving carbon neutrality by 2050. The technical need for the revised landform is, according to the applicant, required to support the proposed solar farm and ensure there is sufficient depth between the current gas capping membrane and the proposed solar panel piling system.
168. As a whole, the applicant has indicated that the proposal will provide an opportunity to reuse poor quality, previously developed land for the benefit of providing renewable energy to the local community which will in turn contribute towards national sustainability requirements.
169. It is estimated that the solar farm would generate between 10.3 - 10.4 Megawatts (MW) of renewable energy (rounded up to 10.5 MW) per annum.
170. The proposal benefits already from an approved Grid Connection. As previously noted, planning permission was secured in 2019 for works to connect electricity power cables from the Solar Farm to the existing grid connection underneath Skylark golf course and the erection of DNO and private switchgear in association with planning approval 13/01247/FUL. The cable extends from the eastern end of the site, across Skylark Golf Club land to a location adjacent to a large electricity distribution site to the northwest. The entire length of the cable is underground. Around the solar site there are two alternative cable routes and locations for the DNO and private switchgear buildings. The cabling is underground, with no impact and, in either location, the equipment housing, which are roughly the size of small shipping

containers, will have little impact on the surrounding area, particularly when viewed in the context of the solar farm. The buried cable does not cross any residential land and therefore will have no impact on residential amenity. The equipment housing locations are both in excess of 250m from the nearest houses and will not therefore be intrusive in or detrimental to the outlook from those properties.

171. The ability of the proposal to generate energy means the proposal is clearly supported by national policy and guidance. Government policy requires that significant weight be given to a proposal's provision of renewable energy. The Energy White Paper 2020 and the [NPPF \(2021\)](#) make it clear that Local Authorities should look favourably upon planning applications for renewable energy developments.

#### Suitability of site location

172. The site is currently an area of open grassland classified as agricultural land lying within a predominantly countryside setting. The proposed development involves the installation and operation of a Solar Farm along with associated infrastructure and equipment, including a gas management system.

173. The [NPPW \(2014\)](#) seeks to protect the local environment and amenity by aiming to prevent waste facilities being placed in appropriate locations. However, it also acknowledges that proposals for waste management facilities can be controversial, acknowledging that they may not reflect the vision and aspirations of local communities and can lead to justifiable frustrations.

174. Appendix B of the [NPPW \(2014\)](#) sets out locational criteria for the location of waste sites. Many of the criteria such as protection of water quality and resources and flood risk management (a), land instability (b), landscape and visual impacts (c), nature conservation (d), conserving the historic environment (e), traffic and access (f), air emissions, including dust (g), odours (h), vermin and birds (i), noise, light and vibration (j), litter (k) and potential land use conflict (l). The compliance of the proposal with these areas are largely covered by other parts of this commentary, so the proposals acceptability in relation to Appendix B is covered throughout this commentary section.

175. Paragraph 005 of the [NPPG \(Renewable and low carbon energy\)](#) acknowledges that there are 'no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts. The views of local communities likely to be affected should be listened to'. Paragraph 012 of the

[NPPG \(Renewable and low carbon energy\)](#) states that ‘where a planning application is required, factors to bear in mind include:

- *the importance of siting systems in situations where they can collect the most energy from the sun;*
- *need for sufficient area of solar modules to produce the required energy output from the system;*
- *the effect on a protected area such as an Area of Outstanding Natural Beauty or other designated areas;*
- *the colour and appearance of the modules, particularly if not a standard design.*

176. Furthermore, Paragraph 013 of the [NPPG \(Renewable and low carbon energy\)](#) states that ‘*the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes*’. It sets out particular factors a local planning authority will need to consider (and of relevance to the proposal) include:

- *‘encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays;*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal’s visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*

- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect’.*

177. As noted in the [Planning History](#) section of this report, prior to 2000, there was a long history of minerals and waste uses at the site. The site is considered to be restored and out of its designated aftercare period. Restoration associated with mineral workings and subsequent landfilling was completed in the early 2000s and the aftercare which followed restoration is also complete. The site’s status today and at the time that the previous solar farm was determined remains agricultural.

178. In granting planning permission for the previous and now lapsed solar farm development ([13/01247/FUL](#)), Winchester City Council (WCC) concluded that it met with national and local planning policy and guidance requirements and addressed all material planning considerations for the siting of a solar farm in a countryside location. In particular, it satisfactorily addressed the potential adverse impacts and effects as detailed above in Paragraphs 005 and 013 of the [NPPG \(Renewable and low carbon energy\)](#) that a large-scale solar farm can have on the countryside and on agricultural land value, as well as through design and visual impact, to ecology and biodiversity and on the local and natural environment, which could undermine the farm’s positive climatic and environmental benefits through renewable energy generation, as proposed within the application’s documentation and through the delivery of all proposed and required mitigation.

179. Based on its form and design, and being situated on raft structures, the 2013 solar farm could be disassembled in a relatively straightforward manner giving it a degree of being ‘temporary’ in nature, as noted by the planning officer at WCC.

180. In considering the current proposed solar farm, the planning policy considerations are largely the same (as amended since 2013), save for the need to also consider it against the relevant Policies in the [HMWP \(2013\)](#) what with the proposed development now involving the need for 1.5 million tonnes of inert soils / waste materials.

181. As previously mentioned, the applicant’s submitted **Site Investigation Report** did raise several concerns that could complicate the installation of a solar farm including the uneven nature of the site and the presence of ruts, boggy areas and dense vegetation. However, the applicant has indicated that these issues can be easily addressed by filling in ruts, remediating low boggy spots with soils, removing vegetation and reprofiling the land.

182. It must be noted that neither of the two Local Planning Authorities who have regulated the site nor the Environment Agency have sought the improved and remediation works to the former landfill site's restoration that the applicant is also proposing to deliver here through the deposition of up to 3m of inert soils / waste materials across the site, which forms the main material change between the delivery of the former solar farm and the current proposed farm.
183. On this basis, the site needs to be reconsidered as whether it is a suitable location for a waste site. Policy 29 (Locations and sites for waste management) of the [HMWP \(2013\)](#) provides a framework to guide development of waste management facilities to suitable locations within the Hampshire. Paragraph 6.196 of the supporting text sets out that the Plan expects market led delivery and therefore it does not identify and allocate any individual sites for waste development.
184. Looking at the Policy 29's locational criteria, the proposal is located in a rural setting in southern Hampshire, meaning it does not meet part 1 (i) of Policy 29, which states suitable waste management development should be located on sites in *'Urban areas in north-east and south Hampshire'*.
185. Furthermore, Part 1 (ii) and (iii) require suitable sites to be located in *'Areas along the strategic road corridors'* and in *'Areas of major new or planned development'*. Again, neither of these criteria are met although the application site is located approximately 2.5km north of the A27. As the proposal does not meet Part 1 of the policy, Part 2 cannot apply. This means the proposal must be assessed against Part 3 of the policy.
186. Part 3 requires that development in other locations will be supported where it is demonstrated that:
- a) *the site has good transport connections to sources of and/or markets for the type of waste being managed; and*
  - b) *a special need for that location and the suitability of the site can be justified.*
187. In terms of compliance with 3 (a), the site has good transport connections based on its location. The site is accessed via the A334 approximately 1.5km due north and the A27 approximately 2.5km due south, both of which provide direct connections to the nearby A32 and M27 respectively and as a result access into southern and eastern Hampshire. Additionally, with the proposed operator being an established minerals and waste operator, based in southern Hampshire and having active minerals and waste sites along and close to the M27 corridor, it can be considered that the site has good connections to both sources of waste and/or inert materials and as result the markets too.

188. In terms of compliance with part b of the policy, the applicant needs to demonstrate a special need for that location and the suitability of the site justified.
189. As previously stated, the operator currently contracted to undertake the development works being a recognised Hampshire-based waste management company (who also operates existing minerals and waste sites within the county), the operator is aware of and has access to the markets for these materials, and their availability. Furthermore, with the material being provided through [CL: AIRE - Leading Sustainable Land Reuse](#), prospective developers can view types, locations and volumes of materials in advance. This 'register' that is kept allows the audit trail to be followed by both developers and regulators ensuring waste and/or materials are exported from and delivered to and used at the correct sites and within the correct developments.
190. However, the application site's countryside location - and it is classified as agricultural land - combined with the 1.5 million tonnes of imported inert materials required by the proposal has been noted as an area of concern by many parties, including the Planning Officer and EHO at Winchester City Council, all Parish Councils, Residents' Groups and local residents. In terms of planning policy, Winchester City Council's objection to the proposal does cite the scale of the development as being inappropriate for the countryside due to its failure to properly assess 'the impact on the character of the area'.
191. The previously approved solar farm did not require up to 3m of inert materials to be spread across it to ensure it could be installed correctly through subsequently piling through it, albeit to avoid contact with and damage to the former landfill site's cap. This proposal along with remediating and improving the site's restoration, drainage and infrastructure whilst acknowledged as being positive has not comprehensively demonstrated through recent and robust physical investigations (of the former landfill site's status) and evidence (more recent than 2019) that the cap needs up to three metres of inert material placed upon it to protect from the proposed solar farm development.
192. Whilst the application does include some information relating to need, based on that information before the Waste Planning Authority and the scheme proposed, the level of material is considered to be excessive and it is the Waste Planning Authority's view that based on the information before the authority the applicant has not adequately proven nor fully demonstrated that a special need to deliver the proposed solar farm development for this location and that the suitability of the site can be fully justified for the reasons outlined elsewhere in this report. The proposal is therefore considered to meet part 3 (a) but not fully meet part 3 (b) meaning the proposal cannot be considered to be in accordance with Policy 29.



193. Whilst the proposal is not technically supported by Policy 29, which specifies the location of waste management facilities/sites, it is acknowledged that this is a one-off, bespoke, temporary development - to install a previously approved solar farm - and not a 'traditional' waste site or activity such as a landfill site or a waste processing facility or a waste transfer station, in terms of the proposed development's rural setting.
194. Policy 5 (Protection of the countryside) of the [HMWP \(2013\)](#) accepts in 5 (b) *that if the nature of the waste management development is related to countryside activities, meets local needs or requires a countryside or isolated location* that certain development proposals in the open countryside can be permitted subject to compliance with all other material planning considerations. The consideration of the proposal in relation to Policy 5 is considered in the next section of this commentary.
195. Looking at Policy 30 (Construction, demolition and excavation waste development) of the [HMWP \(2013\)](#), it is stated 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, landfill engineering, civil engineering and other infrastructure projects, the use will be supported'*. This is provided that *'as far as reasonably practicable all materials capable of producing high quality recycled aggregates have been removed for recycling.'*
196. The inert materials and soils to be used within the proposed development are derived from the use of Construction, Demolition and Excavation (CDE) recovered soils for use within the course's reprofiling and landscaping improvements. With the material being provided through [CL: AIRE - Leading Sustainable Land Reuse](#), the source/s and status/es of materials being sought can be verified and their contribution to *'maximising the recovery of construction, demolition and excavation waste to produce at least 1mtpa of high quality recycled/secondary aggregate'* would be supported by the [HMWP \(2013\)](#).
197. Whilst the emerging [update to the HMWP](#) cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal would be subject to the provisions of emerging Policies 29 (Locations and sites for waste management) and 30 (Construction, demolition and excavation waste development).

#### Development in the countryside

198. The application site is situated in the countryside for planning purposes. The site has a confirmed use of agriculture.

199. 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.
200. 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.
201. The site lies outside the settlement boundary defined within the Winchester District Local Plan (2013) and as such is located in the countryside. Policy DM1 (Location of New Development) specifies that outside of these areas, countryside policies will apply and only development appropriate to a countryside location will be permitted. Policies MTRA4 (Development in the Countryside) and DM10 (Essential Facilities and Services in the Countryside) in the [WCCLPpt 1](#) (2013) will only permit new development that has an operational and essential need for such a location.
202. With the City Council objecting to this proposal on the basis of it being a new development that has not properly assessed the impact on the character of the area, it is therefore inappropriately located in the countryside (and contrary to Policy MTRA4 (Development in the Countryside) of the [WCCLPpt 1](#) (2013)).
203. Development Policy DM10 (Essential Facilities and Services in the Countryside) of [WCCLPpt 2](#) (2017) does allow essential facilities and services in the countryside, subject to its compliance with a number of criteria including the necessity to minimise harmful impacts on landscape character and ensuring traffic impacts can be addressed satisfactorily. The Waste Planning Authority does not view the proposed solar farm as an 'essential facility or

service' in this countryside and rural setting. As stated previously, in relation to Policy 29 (Locations and sites for waste management) of the [HMWP \(2013\)](#), the applicant has not justified the site's need for this location.

204. Policy DM23 (Rural Character) of the [WCCLPpt 2](#) (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.
205. Concerns have been raised as part of the consultation process in relation to impacts on the countryside and rural setting and these are acknowledged. Whilst it is acknowledged that the application site is not visible from the main settlement areas, and that there are no specific landscape or heritage assets impacted by the proposal, both the City Council and the County Council's Landscape Advisor have advised that impacts on the local landscape will be created and will need to be assessed. Landscape and visual impacts are covered in a separate section of this commentary section.
206. Looking at Policy 5 in more detail as well as national planning guidance, and based on the information provided by the applicant, it has not been confirmed why the solar farm could not be located in an alternative setting, for example within an industrial and /or urban area. What the applicant has stated is that *'there is no indication of any locally alternative sites being available for this type of proposal in terms of ecology and habitat and this is an old landfill site. The site is therefore considered to be more appropriate than alternatives that may be more harmful to these interests'*. Furthermore, in order to assist with the site's remediation, the applicant has stated that *'new development is needed to deal with the extant historic methane gas issue, and it is difficult to identify a satisfactory alternative which would be able to achieve this given the site's rural location within a local gap'*. It is acknowledged that a solar farm was previously approved on this same site by Winchester City Council in 2013 under 13/01247/FUL, subject to compliance with all other relevant policies and guidance that will be assessed within the remainder of this report.
207. As previously mentioned, the site is a restored, former landfill albeit one where the restoration at surface, in terms of quality is questionable. Therefore, the temporary nature of the waste management activities is related to 'countryside activities' in this instance. Furthermore, the proposed landscaping and restoration works associated with the installation of the solar farm are expected meet Policy 5's requirements for *'the highest standards of design, operation and restoration'* once the development works are completed.
208. The proposal in its current form has not demonstrated sufficiently that the nature of the waste management development is related to countryside

activities, meets local needs or requires a countryside or isolated location in the open countryside, and therefore is not considered to meet the provisions of emerging Policies 5 (Development in the countryside) and 29 (Locations and sites for waste management) in the [HMWP \(2013\)](#), Policy MTRA4 (Development in the Countryside) of the [WCCLPpt 1 \(2013\)](#) and Policy DM10 (Essential Facilities and Services in the Countryside) of [WCCLPpt 2 \(2017\)](#).

209. Whilst the emerging update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is not considered to meet the provisions of emerging Policy 5 (Development in the countryside).

#### Visual impact

210. As previously stated, the application site is a former restored landfill site that has been planted around its margins. There are various thicknesses of trees and planting around all of the site's boundaries, however, they are not wholly continuous and there are breaks in these areas and as a result the natural screening they provide. The denser and thicker areas of planting represent the varying degrees of success of the former landfill site's the restoration planting, commenced in the late 1990s and completed circa 2005.

211. The site is situated within the 'Whiteley Woodlands' Landscape Character Area that comprises mixed farmland and woodland in terms of Landscape Character Type. This character type is synonymous with countryside settings and as evidenced by the extant land use classes not only at the application site but within the surrounding area. The site is characterised by trees/planting around some boundaries and comprising grass and scrubland throughout its central areas (see **Appendix D – Aerial photograph**).

212. The site's topography varies, with its highest elevations of 52 to 50mAOD running north-east to south-west through the northern and central sections of the site, dropping to 44m to 40mAOD around its eastern, western and southern margins.

213. Part D of Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) states that waste developments should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. It states that developments should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape. There are also links here to Policy 13 (High quality design of minerals and waste development) of the [HMWP \(2013\)](#).

214. Policy DM23 (Rural Character) of the [WCCLPpt 2 \(2017\)](#) states that development will be permitted where they do not have an unacceptable effect

on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment. Policy DM16 – Site Design Criteria Development of the [WCCLPpt 2](#) (2017) also sets out further design criteria.

215. Supporting Policies 10 and 13, Policy 9 (Restoration of minerals and waste developments) of the [HMWP \(2013\)](#) requires that *‘Temporary waste development should be restored to a level in keeping with the character and setting of the local area’, ‘to beneficial after-uses consistent with the development plan’* and *‘should contribute to the delivery of local objectives for habitats, biodiversity or community use where these are consistent with the development plan.’*

216. Policy CP13 (High Quality Design) of the Winchester City Council Local Plan Part 1 - Joint Core Strategy (2013) ([WCCLPpt 1](#)) sets out criteria in Paragraph 9.15 to ensure *‘all development proposals will be of high quality, based upon a robust design-led approach’* and *‘have due regard to the density, scale, layout, appearance, architectural detailing, materials and history of the surrounding area, and the relationship to neighbouring buildings, landscape features and heritage assets and promote renewable energy.’*

217. Policy DM15 (Local Distinctiveness) of the [WCCLPpt 2](#) states that *‘Developments should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area. Proposals which accord with the Development Plan will be permitted where they conserve or enhance:*

- i. the landscape and townscape framework, including the ‘key characteristics’ identified in local Character Assessments and adopted Design Statements;*
- ii. open areas and green spaces that contribute to the special qualities of the townscape or the setting of buildings, including heritage assets;*
- iii. recognised public views, features or skylines;*
- iv. the special qualities of Conservation Areas and historic landscapes;*
- v. trees, hedgerows, water features and corridors which contribute to local distinctiveness.*

*Regard will be had to the cumulative effects of development on the character of an area’.*

218. Policy DM16 (Site Design Criteria) of the [WCCLPpt 2](#) states that *‘Development which accords with the Development Plan will be permitted provided it:*

- i. responds positively to the character, appearance and variety of the local environment, within and surrounding the site, in terms of its design, scale and layout;*

- ii. *maintains permeability and access throughout the site and improves connections within the public realm;*
- iii. *designs any service areas, including parking provision, cycle storage and bins, as an integral part of the scheme, ensuring it does not dominate the site or the surrounding area;*
- iv. *provides boundary treatments that respond positively to the local context around the site and between different elements within the site of larger schemes;*
- v. *uses an appropriate ratio between hard and soft landscaping, having regard to the character of the area;* vi. *uses high quality materials that are attractive and durable and appropriate to the context and the proposed design;*
- vi. *utilises the principles of energy efficient design, by means of layout, orientation, passive solar gain, and the design of buildings and spaces, as far as is compatible with the character of the area.*

219. Furthermore, Policy DM17 (Site Development Principles) states that *'new development, alterations and changes of use should be satisfactory in terms of their impact, both on and off site. Development which accords with the Development Plan will be permitted where it:*

- i. *provides a safe and secure environment, accessible by all;*
- ii. *does not have unacceptable effects on ecosystems services, key townscape or landscape characteristics, or on heritage assets;*
- iii. *includes adequate provision for surface water drainage and sewage disposal;*
- iv. *makes adequate provision for refuse and recycling;*
- v. *facilitates and does not constrain the future development of adjacent sites, where appropriate;*
- vi. *provides sufficient amenity and recreational space for users;*
- vii. *does not have an unacceptable adverse impact on adjoining land, uses or property by reason of overlooking, overshadowing or by being overbearing*
- viii. *does not cause unacceptable levels of pollution to neighbours by means of noise, smell, dust or other pollution;*
- ix. *provides only for lighting that is not visually intrusive on the surrounding area.*

220. Finally, Policy DM23 – Rural Character states that *'Outside defined settlement boundaries, development proposals which accord with the Development Plan 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. The following factors (only aspects relevant to the proposal are noted below) will be taken into account when considering the effect on the rural character and sense of place:*

*Visual - intrusion should be minimised, including the effect on the setting of settlements, key features in the landscape, or heritage assets. The cumulative impact of developments will be considered, including any ancillary or minor development that may occur as a result of the main proposal.*

*Physical - developments will be encouraged to protect and enhance the key characteristics of the landscape and should avoid the loss of key features or the introduction of elements that detract from the special qualities of the place. Any re-modelling of the landscape will also be taken into account.*

*Tranquillity - developments should not have an unacceptable effect on the rural tranquillity of the area, including the introduction of lighting or noise occurring as a result of the development, taking account of the relative remoteness and tranquillity of the location. New lighting will generally not be permitted in unlit areas and the type, size, design and operation of any lighting may be controlled where necessary by the use of conditions.*

*Developments should not detract from the enjoyment of the countryside from the public realm or public rights of way. The volume and type of traffic generated by the development will be assessed along with the ability of rural roads to accept increased levels of traffic without alterations that would harm their rural character.*

221. As previously noted, it is proposed that approximately 1.5 million tonnes of clean, inert soils and clay will be imported to raise and alter the profile of the site by around three metres to allow for a conventional piling system to be used to secure the solar panel structures. The proposed solar panels will be approximately 4.02 metres in length and propped on a ballast unit that is 0.50 metres above the ground. The total height of the solar panels from the northern end of each panel will be 2.74 metres and the southern end of each panel will be 1.04 metres from the ground (see **Appendix H – Section through proposed solar panels**).
222. This increase in topography across the site in levelling up its lowest elevations of 44 to 40mAOD to match its highest elevations of 56 to 50mAOD (running north-east to south-west through the site's northern and central sections) would create a large plateau feature occupying the majority of the 23.3 hectare site.
223. In adding the solar panels and bases to the new topography, you would have a further increase (maximum) in height of approximately 3.24 metres (2.74 metres and 0.5 metres) above existing ground level. A maximum height increase of 6.24 metres in places.
224. The existing site is screened fairly well on its north-western, northern, eastern and south-eastern boundaries due to natural screening and distance. However, it is visible from the public domain, particularly from neighbouring

land and properties due west and south of the site and from public footpaths to the boundaries of the site.

225. The existing site is situated within the ‘settlement gap’ as defined through Policy CP18 in ([WCCLPpt 1](#)). These gaps are important as they are imposed to ensure that the countryside is afforded protection from development that could adversely affect its status through being inappropriately located and/ or inadequately mitigated or both.

226. The proposed development comprises both built elements affecting existing infrastructure and works to improve the restored former landfill site itself. A **Landscape Visual Impact Assessment (LVIA)** was submitted with the planning application to assess and identify any impacts on the local landscape, and any required mitigation that would be required to make the proposed development acceptable in terms of visual impact and on landscape character. The **LVIA** concluded that although the effects on the landform would be significant negative in the short-term, as the landform within the site will be affected during the infilling phases, the restored landscape, along with the landscape mitigation proposals would help to integrate the landform within the wider landscape, and effect would reduce to not significant in the long-term. Importantly, all significant effects assessed were positive, in the long term, from the publicly accessible viewpoints, and roads in the vicinity of the site, recognising the landscape and biodiversity benefit of the change from unmanaged landscape to the restored landscape within the wider context.

227. The applicant proposes that the development would be phased. More information is set out in (see **Appendices I a-e – Phases 1-5**) and below:

*Table 1: Phasing of the development*

Phase	What this phase includes	Total infilling volumes (tonnages), in this phase
Phase 1 (1 year)	<p>The infilling activities during Phase 1 lasting over a period of approximately one year, will comprise:</p> <ul style="list-style-type: none"> <li>the placing of inert materials, in the southwest part of the site, up to a level of c. 56mAOD in sufficiently compacted layers, with relatively shallow slopes down to a level of 50m AOD in the centre and relatively steeper slopes to meet existing levels along the edges of the site. The resultant landform, within this phase, to tie into existing contours. Temporary haul road, leading from the access road, and handling area to be created to the north to facilitate the infilling</li> </ul>	<p>Amounting to 123,117 m<sup>3</sup> (221,610 tonnes).</p>



	<p>operations. Construction / expansion of existing soakaways, located within the southern part of the site, proposed in this phase to manage drainage requirements in future phases;</p> <ul style="list-style-type: none"> <li>• proposals relating to the access road/highway improvements to be implemented in this phase (details included within the Transport Assessment)</li> <li>• temporary fencing to be installed within the site periphery, along the public footpath, to protect users of the footpath while the infilling phases are underway on site.</li> </ul>	
Phase 2 (1 year)	<ul style="list-style-type: none"> <li>• Further placement of inert materials in the area to the north of Phase 1, in sufficiently compacted layers, maintaining and extending the highest level at 56m AOD, creating a relatively level landform, to tie into existing contours;</li> <li>• The north-western edge to carefully tie into the existing levels along the SSSI boundary, maintaining appropriate buffer. The southern eastern and western slopes graded down fairly steeply towards the site edges. Temporary haul road and handling area to be created to the north, of this phase, to facilitate the infilling operations; and</li> <li>• Existing soakaway to be manage drainage requirements in this phase, potentially located south of the site entrance.</li> </ul>	Amounting to 142,689 m <sup>3</sup> (256,841 tonnes 3.4.3
Phase 3 (1 year)	<ul style="list-style-type: none"> <li>• Further placement of inert materials to progress the infilling operations, in sufficiently compacted layers maintaining the landform at 56m AOD at its highest, as a relatively flat landform at the top, and to form slopes down to the north, east and west to tie into the existing levels within the site, to retain the boundary vegetation as far as possible. Landform and slopes to be maintained such allowing for run-off from the phased operation to drain to existing soakaway adjacent to site entrance.</li> </ul>	amounting to 121,822m <sup>3</sup> (219,279 tonnes).
Phase 4 (1 year)	<ul style="list-style-type: none"> <li>• Further placement of inert materials to progress the infilling operations, in sufficiently compacted layers, to maintain a relatively flat landform in the central part of the site at about 52m AOD and extending further north to form the second highest level within the site at 54mAOD.</li> <li>• As in the earlier phases, land slopes steeply down along the edges to meet existing levels</li> </ul>	amounting to 123,935 m <sup>3</sup> (223,083 tonnes).

	<p>within the site to the south-east, around the existing soakaway and the main access track within the site, and northwest towards the SSSI, maintaining appropriate buffer from the edge of the SSSI. Landform and slopes to be maintained such allowing for run-off from the phased operation to drain to existing attenuation feature adjacent to site entrance. Proposals relating to attenuation feature to be undertaken and completed in this phase.</p>	
Phase 5 (1 year)	<p>The activities during Phase 5 spanning over a period of approximately one year, will comprise:</p> <ul style="list-style-type: none"> <li>• Further placement of inert materials in the remaining area of the site along the northern edge, to form a resultant relatively level landform at the top and steeper slopes to meet existing levels along the edge of the site, thereby effectively recreating a suitable landform for installation of solar panels, within the wider landscape context. Perimeter fencing running along the periphery, to be installed, in this phase, prior to installation solar panels.</li> <li>• Landform and slopes to be maintained such allowing for run-off from the phased operation to drain to existing attenuation features- adjacent to site entrance and within the northern end of the site. Proposals relating to attenuation feature to the north to be undertaken and completed in this phase. • Perimeter security fencing installed along the site edges.</li> <li>• Infrastructure associated with the solar farm (substation etc.) to be completed alongside the infilling operations. Installation of solar panels to be initiated upon completion of landscape restoration operations associated with this phase (please see section Landscape Restoration proposals below).</li> <li>• Details of the solar panel types will be provided to the planning authority prior to their installation in 2026.</li> </ul>	<p>130,365 m<sup>3</sup> (234,657 tonnes) over 1 year</p>

228. In accordance with the recommendations of Guidelines for Landscape and Visual Impact Assessment (GLVIA3) the level of the potential visual effects has been determined by assessing both the sensitivity of visual receptors and the potential magnitude of visual effect.

229. Eleven viewpoint locations were identified on site through the applicant's Zone of Theoretical Visibility (ZTV), and through consultation, in publicly accessible locations, following a desktop review of baseline data to illustrate the range of views available (see **Appendix J – Viewpoint locations**). The ZTV, also known as a Zone of Visual Influence (ZVI), is a computer-generated tool to identify the likely (or theoretical) extent of visibility of a development. The elevation (or a set of elevations) of the development is tested against a 3D terrain model.
230. These viewpoint locations comprised *residential receptors* (on Lavey's Lane due south and further east toward the Meon Valley and Fontley House Farm), *walkers on footpaths* (footpath along the southern and western edge of the site allows open views of the land within the site (Viewpoint 3), the PRoW running through the Golf and Country Club (Viewpoint 1) has glimpsed views of the site through the dense boundary vegetation within the golf course, and the PRoW to the south of Knowle allows filtered views of the site, occupying a small angle of view, and is seen against the existing wooded skyline (Viewpoint 2)) and *travellers on roads* (glimpsed views through site's access from Titchfield Lane and similar views from Fontley Road further south, users of the industrial estate due south have framed and limited views of the site (Viewpoint 4), between Pegham Coppice vegetation and some glimpsed views of the site along M27 due west, but these are transitory views obtained at high speeds).
231. Concerns were raised by Winchester City Council and the County Council's Landscape Advisor, as well as by local Parish Councils, Residents' Groups and local residents in relation to visual impacts on the local landscape particularly through western and southern views. These concerns are acknowledged.
232. The application site stands at a relatively high point in the locality, with the Meon Valley immediately due east and the coastal plain due south (both at much lower elevations than the lowest area of the application site. Whilst well screened on its north-western, northern, eastern and south-eastern boundaries, the concerns that all parties share is that they have direct and indirect views in from the locations mentioned in the Viewpoints due south and west and on users of the various rights of way in the locality. These are due to the site being raised through three metres to level it (and do other restorative works etc) and then as a result the solar farm being a further 3.24 metres higher again.
233. Furthermore, both Winchester City Council and the County Council's Landscape Advisor have been critical of both the applicant's justifications for

raising the site, which is already a prominent site in terms of views from the south and west, with three metres of imported materials to accommodate the solar farm the sections and that the applicant's submitted plans - needed to properly assess the impact on the character of the area and long distance views existing and proposed levels plans - should be submitted with proposed sections to clearly demonstrate the impact on the long distance views and the PROW that runs adjacent to the site. Despite repeated requests, they have not been submitted with an adequate level of detail to overcome these issues. The County Council's Landscape Advisor has issued six responses in total and the most recent few are unchanged in position. It is clear that no agreement can be reached between the applicant and consultees on visual impact issues.

234. The County Council's Landscape Officer is also concerned that the mitigation proposed to screen the solar farm would be unlikely to adequately screen it over the life of the farm, which is approximately 25 years. The former landfill site's restoration was started in the late 1990s and completed in the early 2000s. It has not thrived as would be expected for planting planted approximately 20 years ago. National Planning Guidance and Policies concerning the installation of solar farms is clear that if they are to be sited within a rural location rather than in an industrial or urban setting, you have to ensure that their impact in terms of adverse visual impact/s and adverse impact/s on the landscape and its character, are satisfactorily mitigated. They have not been to date and as such the objections carry considerable weight.

235. In relation to Policy DM23 (Rural character) of the [WCCLPpt 2](#) and the applicant's view that the proposal will not have an adverse visual impact, as already noted, both Winchester City Council and the County Council's Landscape Advisor have indicated that in their view it has not been demonstrated that the proposal would not result in adverse visual impacts to the countryside. The amount of imported material and groundworks required to install the solar farm, as well as the design and materials of the farm themselves are not considered to enhance or preserve the rural characteristics and would present an incongruous addition to this location, and adversely affecting the 'countryside feel' and character expected in this rural setting within the local landscape. This view is endorsed by the Waste Planning Authority.

236. In terms of landscape aspects, initially, the County Landscape Architect requested additional information in relation to a topographic survey, a tree survey and constraints drawing, a Landscape Mitigation Plan and details of planting. As it stands, the documents submitted are currently considered to be unacceptable and additional information is still required to make an informed judgement.

237. Whilst the visual impact of the development could be considered to be low, the impact on the landscape is not considered to be so.
238. On the basis of the information before the Waste Planning Authority at this time, the proposal is considered to have an unacceptable landscape impact and is therefore not considered to be in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the [HMWP \(2013\)](#) and Policies DM16 (Site Design Criteria Development) and 23 (Rural character) of the [WCCLPpt 2](#) (2017) in this regard.
239. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is not considered to meet the provisions of emerging Policy 11 (Protecting public health, safety, amenity and well-being).

#### Arboriculture

240. Policy DM24 - Special Trees, Important Hedgerows and Ancient Woodlands of the [WCCLPpt 2](#) states that *'Development should not result in the loss or deterioration of ancient woodlands, important hedgerows, special trees, distinctive ground flora and the space required to support them in the long term. Management schemes should be developed, as appropriate, to ensure the long term protection of these special features and their setting'*.
241. Part D of Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) states that waste developments should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. It states that developments should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape. There are also links here to Policy 13 (High quality design of minerals and waste development) of the [HMWP \(2013\)](#).
242. Supporting Policies 10 and 13, Policy 9 (Restoration of minerals and waste developments) of the [HMWP \(2013\)](#) requires that *'Temporary waste development should be restored to a level in keeping with the character and setting of the local area', 'to beneficial after-uses consistent with the development plan'* and *'should contribute to the delivery of local objectives for habitats, biodiversity or community use where these are consistent with the development plan'*.
243. Policy DM15 (Local Distinctiveness) of the [WCCLPpt 2](#) states that *'Developments should respect the qualities, features and characteristics that*

*contribute to the distinctiveness of the local area. Proposals which accord with the Development Plan will be permitted where they conserve or enhance:*

- vi. the landscape and townscape framework, including the 'key characteristics' identified in local Character Assessments and adopted Design Statements;*
- vii. open areas and green spaces that contribute to the special qualities of the townscape or the setting of buildings, including heritage assets;*
- viii. recognised public views, features or skylines;*
- ix. the special qualities of Conservation Areas and historic landscapes;*
- x. trees, hedgerows, water features and corridors which contribute to local distinctiveness.*

*Regard will be had to the cumulative effects of development on the character of an area'.*

244. The applicant provided an LVIA plus numerous surveys and assessments relating to existing trees, planting and vegetation that could and would be affected by the proposal. Surveys were undertaken to help inform the landscape development proposals in accordance with the recommendations of British Standards and current arboricultural best practice.

245. The County Council's Arboricultural Officer requested clarification and further information on the following matters:

- 1. There is insufficient information in terms of impact on trees to be able to assess the application fully.*
- 2. The tree survey only states what is present, not what the impact will be. Information in line with BS5837:2012 to be produced, and to include a schedule of tree loss (stating numbers or areas affected, not 'part of group').*
- 3. It looks likely that a biodiversity net gain may be achievable through this scheme, but the impact in the short term must be more fully detailed.*
- 4. Tree protection measures and more detailed species planting positions.*
- 5. An arboricultural method statement showing how the remodelling will consider trees to be produced.*
- 6. The impact of the access onto Titchfield Lane and within the site to be fully assessed.*

246. In response to this, the applicant provided the further requested information in the form of *Technical Memorandum: 2022.08.26\_ Ecology\_ Arboriculture\_ Additional\_Info\_Ver\_1*, the County Council's Arboricultural Officer found that the basic premise of avoiding unnecessary harm to trees in arboricultural terms, seemed to be achievable via the application of reasonable conditions. The County Council's Arboricultural Officer withdrew their concerns and advised that should planning permission be granted the required arboricultural mitigation could and should be controlled by condition/s.

247. On this basis, the proposal is in accordance Policies 10 (Protection of public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the [HMWP \(2013\)](#) in relation to trees and Policies DM15 (Local distinctiveness) and DM24 (Special Trees, Important Hedgerows and Ancient Woodlands) of the [WCCLPpt 2 \(2017\)](#) in relation to ensuring all trees/planting are protected from unnecessary damage and destruction.
248. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policies 11 (Protecting public health, safety, amenity and well-being) and 13 (High quality design of minerals and waste development).

### Design and sustainability

249. The [Planning Act 2008](#) places great importance on good design and sustainability. Paragraph 126 of the [NPPF \(2021\)](#) confirms that good design is a key aspect of sustainable development and helps create better places in which to live and work to make development acceptable to communities. Paragraph 130 of the [NPPF \(2021\)](#) requires that planning decisions ensure that developments 'will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting'. Paragraph 134 of the [NPPF \(2021\)](#) also advises that permission should be refused for development that is not well designed.
250. As already noted, Policy 10 (Protecting public health, safety and amenity) protects residents from significant adverse visual impact. Policy 13 (High-quality design of minerals and waste development) of the [HMWP \(2013\)](#) requires that waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape.
251. Policy CP13 (High Quality Design) of the [WCCLPpt 1 \(2013\)](#) states that new development will be expected to meet the highest standards of design. It sets out criteria for new development including factors such as demonstrating an analysis of the constraints and opportunities of the site and its surroundings have informed the principles of design and how the detailed design responds positively to its neighbours and the local context, the proposal making a positive contribution to the local environment and creates an individual place with a distinctive character and the accompanying landscape framework has been developed to enhance both the natural and built environment and maximise the potential to improve local biodiversity. Policy DM16 – Site

Design Criteria Development of the [WCCLPt 2](#) (2017) also sets out further design criteria.

252. Whilst a bespoke 'design assessment' was not undertaken by the applicant, matters including scale, layout, appearance were all discussed, considered and assessed.
253. When the previous planning permission was previously under consideration, major concerns were raised in relation to installing solar panels on top of the redundant landfill and that they may be detrimental to the structure of the landfill cap which only comprised one metre of engineered clay. Concerns were also raised about the gas control on the site in view of solar panels being installed. These concerns were overcome by the Applicant who submitted a gas control system as part of the previous planning application. A condition could be applied on this matter should permission be granted to ensure the same level of control in the event that permission were to be granted.
254. The previous proposals included the solar panels being mounted on a concrete blocks or sleds/rafts rather than the conventional piling method used in ground solar installations. As this was at concept design stage it was thought that this could be achieved with sufficient regard to the Dangerous Substances and Explosive Atmosphere Regulations (DSEAR) 2002 with gas pipes and power cables separated sufficiently to prevent any explosive risk. However, at the detailed design stage (post planning) it became apparent that the separation of the gas pipes and electricity lines were going to be problematic. For example, the transfer cables from local inverters were going to be at 33kV – which has massive spark distances and is normally buried to at least 1m below ground level for safety. Furthermore, it also became apparent that the precast concrete block foundation system, based on wind loading was going to have to be more substantial than originally predicted which not only became prohibitive on costs but also on practicality and potential point load pressures on the cap. This matter needed to be covered by the new design.
255. The solar panels will be set out in rows and the proposed layout allows for 3.3 metres between the solar panel rows which is sufficient for most grass cutting and grounds keeping equipment. The site will be secured by a 2.20-metre-high perimeter fence with IR security cameras and therefore it will not be necessary to fence off individual areas. There will be a minimum six metre distance between the solar PV panels and the boundary fence. The proposed solar panels will be approximately 4.02 metres in length and propped on a ballast unit that is 0.50 metres above the ground. The total height of the solar panels from the northern end of each panel will be 2.74 metres and the



southern end of each panel will be 1.04 metres from the ground. The solar panels will be placed at a 25-degree inclination and have a capacity of up to 10.5 MW.

256. In terms of consultees, concerns have already been raised by Winchester City Council's Planning Team and the County Council's Landscape Advisor over the proposed solar farm's adverse visual impact on the local landscape in the [Visual impact and landscape](#) section.
257. On balance, the design is considered to be appropriate for the scale and type of the proposal, being not dissimilar from other solar farms on former landfill sites in the countryside, it is the officers view that this can not necessarily be concluded to be of a 'high' quality. It has already been concluded that the application fails to address its affect and effects on landscape impact.
258. Whilst it is acknowledged that a solar farm is a functional and commercial operation, its design, layout and appearance are not high in quality and certainly does not meet the 'highest standards of design' as required by Policy CP13 (High Quality Design) of the [WCCLPt 1](#) (2013) that states new development will be expected to.
259. Furthermore, neither does the proposal demonstrate an analysis (to be undertaken by the applicant) of the constraints and opportunities of the site and its surroundings, and how these have informed the principles of design, how the detailed design responds positively to its neighbours and the local context, and lastly, how the proposal makes a positive contribution to the local environment and creates an individual place with a distinctive character and the accompanying landscape framework has been developed to enhance both the natural and built environment.
260. On this basis, and when looked at in conjunction with its impact and effect on the landscape and through visual impact, it is considered that the proposal is not in accordance with Policies 13 (High-quality design of minerals and waste development) and 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy CP13 (High Quality Design) of the [WCCLPt 1](#) (2013).
261. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is not considered to meet the provisions of emerging Policies 11 (Protecting public health, safety, amenity and well-being) and 13 (High quality design of minerals and waste development).

## Rights of way

262. There are three public rights of way in the vicinity of the site:

- footpath No.30 which runs along the northern boundary;
- footpath No. 27 to the south and west which adjoins with No.30. Bridleway; and
- footpath No. 26b (Lavey's Lane) is located 190km to the south of the site.

263. A copy of the Footpath Diversion Order for no 27 is included to support the planning application.

264. Policy DM17 (Site Development Principles) of the [WCCLPpt 2](#) states that *'new development, alterations and changes of use should be satisfactory in terms of their impact, both on and off site. Development which accords with the Development Plan will be permitted where it: provides sufficient amenity and recreational space for users (part vi).*

265. The Countryside Officer initially objected to the proposal on the grounds that a copy of the required diversion order has not been submitted meaning that the Diversion Order process has not been completed and the legally recorded alignment of footpath 27 remains as existed prior to the making of the Diversion Order. Further information was submitted on this matter. However, the Countryside Officer maintained their objection as the information submitted did not address the objection.

266. Based on the information before the planning authority at this time, it is that there is a difference in opinion on the status of the Footpath Diversion Order between the applicant and Countryside services. The Waste Planning Authority can therefore not be certain that unacceptable impacts on the surrounding rights of way network and its users would not be caused.

## Ecology

267. Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) requires that *'waste development should not have a significant adverse effect on, and where possible, should enhance, restore or create designated or important habitats and species.'* It further states that *'Development which is likely to have a significant adverse impact upon such sites, habitats and species will only be permitted where it is judged, in proportion to their relative importance, that the merits of the development outweigh any likely environmental damage. Appropriate mitigation and compensation measures will be required where development would cause harm to biodiversity interests.'*

268. Where the policy refers to ‘*designated habitats and species*’, there is a hierarchy of significance and importance as follows:

*internationally designated sites including Special Protection Areas, Special Areas of Conservation, Ramsar sites, any sites identified to counteract adverse effects on internationally designated sites, and European Protected Species;*  
*nationally designated sites including Sites of Special Scientific Interest and National Nature Reserves, nationally protected species and Ancient Woodland;*  
*local interest sites including Sites of Importance for Nature Conservation, and Local Nature Reserves;*  
*habitats and species of principal importance in England;*  
*habitats and species identified in the UK Biodiversity Action Plan or Hampshire Authorities’ Biodiversity Action Plans.*

269. Policy CP16 (Biodiversity) of the WCCLP pt1 states that ‘*new development will be required to avoid adverse impacts, or if unavoidable ensure that impacts are appropriately mitigated, with compensation measures used only as a last resort. Development proposals will only be supported if the benefits of the development clearly outweigh the harm to the habitat and/or species.*’

270. Policy DM17 (Site Development Principles) of the WCCLP pt2 states that ‘*new development, alterations and changes of use should be satisfactory in terms of their impact, both on and off site. Development which accords with the Development Plan will be permitted where it does not have unacceptable effects on ecosystems services (part ii).*’

271. The closest statutorily designated nature conversation area (b above) are the Botley Wood and Everett’s and Mushes Copses Site of Special Scientific Interest (SSSI) located adjacent to the north/north-western edge of the site, the site does provide habitat and habitat potential for European Protected Species’ (dormice and reptiles). Without appropriate assessments and mitigation a proposed waste development could cause adverse effects to these legally protected areas and/or habitats and species.

272. The closest non-statutorily designated site (c.) is Pegham Coppice Site of Importance for Nature Conservation (SINC) and Ancient Woodland, located 80m east of the application site.

273. The planning application was supported by an **Ecological Impact Assessment** and has been supplemented by **further ecological surveys, studies and investigations** during determination of the application.

274. The application proposes significant areas of ground clearance works throughout the application site’s 23 hectare area prior to the use of imported

materials to revise the existing landform in order to install the proposed solar farm.

275. The grassland and scrubland covering the majority of the site has been left untouched for approximately 20 years. In that time, following the completion of the restoration of the former landfill site, the site has undergone significant natural regeneration beyond what was found to be present when last surveyed (before this current application) pre 2013, and which was used to inform the 2013 approved solar farm development (13/01247/FUL, approved by Winchester City Council (WCC)) and contributed to investigations associated with the current proposed solar farm.
276. Furthermore, land adjoining the site is known to be supportive to protected species' and their habitats, including through foraging, feeding, nesting, breeding and allowing movement throughout the locality and wider area. These species include dormice, ground nesting birds, great crested newts (GCN), invertebrates, bats and reptiles. Dormice and great crested newts are both European Protected Species (EPS) and are afforded the highest level of protection from development whereas the remaining species are protected by UK legislation.
277. The proposed grassland and scrubland ground clearance works as originally submitted had the potential to damage and harm both the habitats and species' populations themselves should the works not be undertaken in accordance with agreed best practice and under the supervision of suitably approved ecological professionals.
278. Through further surveying on site and adjoining land and in respect of great crested newts the sampling of water bodies within a 500m radius of the site, further detailed habitat-related information was recorded and as result mitigatory solutions could be planned for in a targeted manner.
279. In terms of ground nesting birds, bats, invertebrates and reptiles, and based on the applicant's most recent submission, the County Council's Ecologist advises as follows:

*"I agree that we can adequately mitigate the impacts to this species assemblage; measures to minimise impacts to breeding cycles and land loss need to be implemented through a CEMP to be conditioned and also through a long-term Ecological Mitigation and Management Plan that will need to be secured through s106 or condition (to be discussed with applicant). The EMMP will also need to set out bird census monitoring to feed into appropriate management."*

Adding:

*"The Ecological Mitigation and Management plan will need to be submitted that pulls together all of the mitigation proposed as part of the proposal including with*

*the additional information submitted in July 2023. This will need to include broad objectives, a method for regular reviews, and set out clearly a schedule of what actions will be implemented when and where across pre-commencement, construction and operation for at least 10 years post completion:*

- Reptile mitigation;*
- Nesting bird mitigation (to cross reference the CEMP);*
- Bird monitoring (need to feed into habitat management);*
- Invertebrate enhancement;*
- Dormouse boxes x30 (location and monitoring);*
- Broad habitat mapping (to be undertaken at same time as DM and bird monitoring to look at habitat expansion/availability across the site for the target species);*
- Positive management across the site, but especially of retained habitats (especially northern border).*

*Conditions CEMP – mitigation for reptile and Dormouse (subject to the below outcomes), and installation of fencing to protect retained areas of habitat Lighting – we need to ensure that the no lighting is installed within the site as a result of the construction or future operation of the site.”*

280. In terms of great crested newts (GCN) and dormice, and based on the applicant's most recent submission, the County Council's Ecologist advises as follows:

*GCN:*

*I have seen further consultation from NatureSpace with regards to the potential for this proposal to engage with the district licence (DL) and this gives me the confidence that **provided that the formal certificate or report is submitted** (prior to determination) demonstrating the applicants engagement with the DL, we are in a position to be able to be confident that we have met our obligations to the 'Habitat Regulations' with respect to GCN.*

*Dormice:*

*The information that has now been submitted shows the extent and location of the scrub to be submitted. The habitat of a significant extent, and is contiguous with habitat off site that was shown to support Dormice from previous surveys to the south of the site in 2015. We therefore have sufficient confidence to determine that there is a significant chance that the proposal would give rise to an offence under the 'Habitat Regulations'. **I am not confident that we have sufficient information before us to fully engage with our responsibilities under the 'Habitat Regulations' and at this stage we are unable to grant the planning application.** My detailed comments as follows:*

*Dormice receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (as amended) (commonly referred to as the Habitats Regulations). Where*

*developments affect European protected species (EPS), permission CAN be granted UNLESS*

*the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations AND is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law. Licences will not normally be granted in the absence of planning permission.*

*- Is the development likely to result in a breach of the EU Directive?*

**YES** - *The latest information supplied by the applicant clearly shows that 0.81 ha of continuous scrub and 0.34ha of scattered scrub around the edge of the site will be removed as a result of the proposals. This is contiguous with woodland and other woody vegetation to the north and south that has previous survey records for dormouse. The records to the south are relatively recent (2015) and given that the habitats within the site have only improved since this period, it is highly likely that Dormice will be utilising the onsite habitats in all stages of its lifecycle given suitable connectivity and structure of the habitat and available food resource. We are therefore reasonably confident that the proposals will give rise to a breach of the legislation.*

*- Is the development unlikely to be licensed?*

**YES** - *An EPS licence can only be granted if the development proposal is able to meet three tests:*

- 1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*
- 2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*
- 3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).*

*As previously discussed, it is for you as the case officer to assess the proposals against the first two tests. In order to assess the development against the third test, sufficient details must be available to show how killing / injury of Dormice will be avoided and how the impacts to Dormice will be addressed. In this case, an outline method statement / strategy is provided that includes methods to be followed during the development to ensure dormice are not disturbed, killed or injured, together with new habitat to be provided (its unclear if this will be up front due to the waste imports). However, this has been provided on a worst case scenario basis without the benefit of any data gathering on the presence/absence of animals within the site. The data from surrounding habitat would be considered too old to support a licence application. **On the basis of the information currently available, I am confident that the development is unlikely to be licensed.***

*Sufficient data to assessment the likely presence of Hazel Dormouse, sufficient to support a licence, is a clear requirement of planning submissions where a breach is likely, and though we have tried to accommodate this lack of data, the evidence before us demonstrates a risk of a breach of legislation will arise, and that we therefore have insufficient information before us to fully engage with our legal responsibilities under the Habitat Regulations. Only recent survey data in the form of nut search or footprint survey (positive results only) or a full Dormouse tube survey undertaken to industry standards by competent surveyors would be sufficient to gain an EPS licence and address point ii) above.*

281. The County Council's Ecologist disagrees with the applicant on the three test criteria above based on the information provided to the Waste Planning Authority to date. In its current form, the proposed development (or proposed consented operation) would not preserve public health or public safety, and nor is it in the public interest to approve. There are satisfactory alternatives available at this time (they certainly have not been disproven) and at this time, if approved it would be detrimental to European Protected Species.
282. It is acknowledged, that in the event that planning permission were to be granted, a planning condition could be applied for the submission of a Construction and Environmental Management Plan (CEMP) which would cover visual screening to protect the adjoining Botley Wood and Everett's and Mushes Copses Site of Special Scientific Interest (SSSI) (located adjacent to the north/north-western edge of the site) and protection measures to ensure no materials, machinery, vehicles or works will encroach on the designated site. This meets the requirements of Natural England, and would ensure the protection of ground nesting birds, bats, invertebrates and reptiles.
283. On balance, in terms of impacts on local ecology and biodiversity, despite the County Council's Ecologist requesting additional mitigatory information and surveys and investigations, in relation to great crested newts and dormice, as it stands, the documentation submitted is currently inadequate and insufficient to ensure that European Protected Species (EPS) would be protected and harm to the species and their habitats would not be caused.
284. On the basis of the information before the Waste Planning Authority at this time, the proposal is considered that it would have an unacceptable and significantly adverse impact on local ecology and biodiversity (European Protected Species) and is therefore not considered to be in accordance with Part a of Policy 3 (Protection of habitats and species) of the HMWP (2013) and Policy CP16 (Biodiversity) of the WCCLP JCC Pt1 (2013) in this regard.
285. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the

process), the proposal is not considered to meet the provisions of emerging Policy 11 (Protecting public health, safety, amenity and well-being).

### Cultural and archaeological heritage

286. Policy 7 (Conserving the historic environment and heritage assets) of the [HMWP \(2013\)](#) requires that waste development should protect and, wherever possible, enhance Hampshire's historic environment and heritage assets, both designated and non-designated, including the settings of these sites. The Policy further states that waste development should preserve or enhance the character or appearance of historical assets unless it is demonstrated that the need for and benefits of the development decisively outweigh these interests.
287. With the application site having been a mineral extraction site and then a former landfill site, which was restored to countryside, there are no heritage assets within the application that need assessing or protecting.
288. A **Heritage Statement** (HS) was prepared to support the application. This was reviewed by the County Archaeologist who concluded that the HS addresses most of the archaeological issues associated with the site, but not all of them. It was noted that the HS did not cover issues in relation to ground and the impact of the development on the setting of Scheduled Monuments in the surrounding landscape. However, as the site was subject to a previous planning permission [19/01153/FUL](#) which covered these issues, the County Archaeologist was able to conclude that no further archaeological issues needed to be raised. Historic England did not provide any comments on the proposal.
289. Concerns have been raised by some third parties over the risk to and impact on listed buildings close to the public highway from associated developmental HGV impacts. These concerns are acknowledged, however, the affected highways are presently allowed to carry HGVs and there is no direct evidence that this would be the case should planning permission be granted.
290. Policy CP20: Heritage and Landscape character of the [WCCLPpt 1](#) (2013) sets out criteria for conservation and enhancement of the historic environment. Policy DM26 (Archaeology) of the [WCCLPpt 2](#) (2017) sets out Archaeology should be considered through planning applications.
291. The County Archaeologist raised no objection to the proposal. There are no archaeological sites currently recorded at this location. On this basis, the proposal is in accordance with Policy 7 (Conserving the historic environment



and heritage assets) of the [HMWP \(2013\)](#) and Policy CP20: Heritage and Landscape character of the [WCCLPpt 1](#) (2013).

292. On this basis, the proposal is considered to be acceptable and in accordance with Policy 7 (Conserving the historic environment and heritage assets) and of the [HMWP \(2013\)](#) and Policy CP20: Heritage and Landscape character of the [WCCLPpt 1](#) (2013).

293. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging plan.

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

294. Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) requires that waste development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. The potential cumulative impacts of waste development and the way they relate to existing developments must be addressed to an acceptable standard.

295. Policy DM17 (Site Development Principles) of the [WCCLPpt 2](#) states that *'new development, alterations and changes of use should be satisfactory in terms of their impact, both on and off site. Development which accords with the Development Plan will be permitted where it: provides a safe and secure environment, accessible by all (part i); includes adequate provision for surface water drainage and sewage disposal (part iii); provides sufficient amenity and recreational space for users (part vi); does not have an unacceptable adverse impact on adjoining land, uses or property by reason of overlooking, overshadowing or by being overbearing (part vii); does not cause unacceptable levels of pollution to neighbours by means of noise, smell, dust or other pollution (part viii); provides only for lighting that is not visually intrusive on the surrounding area (part ix).*

296. Furthermore, Policy DM19 (Development and Pollution) of the [WCCLPpt 2](#) states that *'Development which generates pollution or is sensitive to it, and accords with the Development Plan, will only be permitted where it achieves an acceptable standard of environmental quality. As a minimum, development should not result in unacceptable impacts on health or quality of life. Proposals should comply with all national statutory standards relating to environmental quality and include a statement setting out how such requirements have been met, where relevant, in designing the proposal. The potential for unacceptable pollution, resulting in adverse health or quality of life impacts, should be addressed by applications. Where there is potential for adverse impacts to occur on the following matters a detailed assessment should be conducted:*

- i. odour;
- ii. light intrusion;
- iii. ambient air quality;
- iv. water pollution;
- v. contaminated land; and
- vi. construction phase pollution impacts for large or prolonged developments.

*The report should identify and detail any mitigation measures that are necessary to make the development acceptable in respect of the adverse impacts on health and quality of life. The Local Planning Authority may require specific mitigation measures to be undertaken in order to make developments acceptable in terms of matters relating to pollution.*

297. Any application that includes the importation by HGV of significant volumes of inert materials (here clean soils/waste materials) for use in large-scale engineering, landscaping and reprofiling works has the potential to adversely affect local public health, safety and amenity.

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

298. As a former restored landfill site, any works on, in or to it must be undertaken under the instruction of the correct regulator, which in this case are the Environmental Health Officer at Winchester City Council and the Environment Agency.

299. Policy DM21 (Contaminated Land) states that *'The development of land which is known or suspected to be contaminated, or which is likely to be affected by contamination in the vicinity, will only be permitted where it accords with the Development Plan and there will be no unacceptable impacts on human health, groundwater and surface water, or the wider environment, and:*

- i. *the full nature and extent of contamination is established;*
- ii. *appropriate remedial measures are included to prevent risk to future users of the site, the surrounding area and the environment (including water supplies and aquifers);*
- iii. *all site investigations, risk assessment, remediation and associated works are carried out to current industry best practice guidelines. Assessments should accompany planning applications'.*

300. In the event that planning permission were to be granted, a planning condition could be applied for the submission of a Construction and Environmental Management Plan and / or a Materials Management Plan both of which would cover matters including the storage of construction materials/chemicals and equipment, waste disposal, chemical and/or fuel run-off from construction into nearby watercourse(s).

301. Conditions could also be applied to manage the cleanliness of HGVs delivering materials to the site. Most modern HGVs utilise the most modern and up to date technologies relative to their emissions. Any ground contamination matters that may arise during the development could be controlled by a reactive-style condition that ceases work in those areas subject to investigations being completed and mitigation, if needed, being completed first.
302. Odour is not expected to be an issue as all of the soils / waste materials being imported are inert and therefore not subject to decomposition and decay.
303. As stated previously, if planning permission is granted, in order to start importing materials into the site the Environment Agency would first have to issue their 'operational' approval via the Permitting regime.
304. The applicant has not prepared either a CEMP or a MMP to date. This has been criticised by the EHO at Winchester City Council, however, should permission be granted these Plans would be required to be submitted for approval prior to all development works commencing.
305. The submitted **Site Investigation Report** indicates that the waste on the site is dry and there is no indication that gas is permeating through the cap, signifying that the clay cap is performing well.
306. Initially the Environmental Health Officer raised concerns in relation to the robustness and content of the submitted Site Investigation Report. Further information was provided but still did not satisfy the EHO. However, it was recognised that some of the concerns could be dealt with via planning conditions relating to the requirements for a contamination scheme, written verification on contamination matters and dealing with unexpected contamination. These could all be applied in the event that permission were to be granted.
307. In relation to dust, no concerns were raised. Dust matters will also be controlled through the required Environmental Permit. In the event that planning permission were to be granted, a planning condition could be applied for the submission of a Construction and Environmental Management Plan and / or Materials Management Plan, either of which would cover dust management and suppression issues.

*b) Human health:*

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

309. The submitted **Site Investigation Report** did not discover any hydrogen sulphide, which can be harmful to health.
310. As previously stated, initially the Environmental Health Officer raised concerns in relation to the robustness and content of the submitted Site Investigation Report. Further information was provided but still did not satisfy the EHO and he recommended refusal. This view remains.
311. However, it was recognised that some of the concerns could be dealt with via planning conditions relating to the requirements for a contamination scheme, written verification on contamination matters and dealing with unexpected contamination. These could all be applied in the event that permission was to be granted.
312. As stated previously, if planning permission is granted, in order to start importing materials into the site the Environment Agency would first have to issue their 'operational' approval via the Permitting regime. The consideration and protection of 'human health' is looked at through the Permitting regime and usually includes consultations with Public Health advisors, and in some cases the HSE and the Fire Service for example, where necessary.
313. Working on or near to or developing land that has been used for waste-related activities does require extra levels of regulation and often mitigatory measures. As stated previously, should planning permission be granted and should the EA permit these operations, the matter of landfill gas and landfill emissions would need to be investigated in full through the Planning and Permitting regimes in advance of any 'development' works, especially any affecting ground conditions, commencing.
314. Numerous third-party objections raising concerns about risks to human health were received as part of the consultation process. However, as stated above these all can be controlled either by the Planning and / or Permitting regimes, should planning permission be granted.

c) *Noise:*

315. Specifically in relation to noise, Policy DM20 (Development and Noise) of the [WCCLPt 2](#) states that *'Development which generates noise pollution or is sensitive to it will only be permitted where it accords with the Development Plan and does not have an unacceptable impact on human health or quality of life. A noise generating or noise sensitive development should include an assessment to demonstrate how it prevents, or minimises to an acceptable level, all adverse noise impacts. Assessment of these impacts should have regard to the advice contained within the Department for Environment Food and Rural Affairs (DEFRA) Noise Policy Statement for England (NPSE), March*

*2010, or its recognised replacement. Development will not be permitted where levels above the Significant Observed Adverse Effect Level (SOAEL) exist and mitigation measures have not been proposed that will reduce impacts to as near to the Lowest Observed Effect Level (LOAEL) as is reasonably possible. Mitigation measures should not render the design and amenity spaces unacceptable'.*

316. A **Noise Assessment** was prepared to support the application in accordance with the web-based Planning Practice Guidance (PPG), and British Standard 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Part 1: Noise. The noise assessment indicated that the noise limits are predicted to be exceeded at Receptor 2 (residential property to the south of the site) during Phase 1 of the proposed works and as a result, mitigation measures are considered necessary. It is proposed that temporary acoustic screens will be positioned on the southern and western boundaries of the Phase 1 works, where they provide a significant amount of noise attenuation. The screens would be 4m high, be sealed at the base, have an appropriate mass, and have no gaps. Importantly, the noise assessment conveys that with the temporary acoustic screens in place, the predicted noise levels are below the specified noise limits at the most affected receptors to the south of the site and therefore there will be no adverse noise impacts from the development proposals.

317. Initially the Environmental Health Officer raised concerns in relation to a lack of suitable assessment on noise matters in the original submission. Following the submission of new information, the EHO still had concerns. However, it was recognised that details could be submitted noise demonstrating how noise sensitive premises will be suitably protected from external noise or vibration via planning condition/s. This could be applied in the event that planning permission was granted.

318. Furthermore, a planning condition could also be applied relating to the submission of a Construction and Environmental Management Plan (CEMP) which would cover noise, vibrational impacts and screening throughout the ground clearance and installation works. The noise-related impacts associated with an operational solar farm are not envisaged to be discernible.

*d) Lighting*

319. The County Council's Ecologist was initially concerned over the risk of external lighting causing disturbance or harm to local ecology and biodiversity.

320. Whilst concerns over the use of lighting in this rural location have been raised, the applicant had confirmed that save for the lighting on plant,

machinery and HGVs and sensor-controlled lighting for security and safety purposes, no permanent external lighting would be installed.

321. Should planning permission be granted any new external, fixed lighting would be controlled and have to be approved in advance by condition.

*e) Cumulative impacts*

322. Objections received from the local population and interested parties cite the proposal's impacts through emissions to air and through noise and transport-related operations on the locality.

323. The material planning matters raised above have all been considered within the commentary of this report. Should planning permission be granted, matters like noise and dust would be controlled through conditions as would hours of use and associated vehicular movements. The planning permission would work in conjunction with the Permitting regime - as they would need an Environmental Permit to commence the import and deposit of 1.5 million tonnes of inert materials here - issued and regulated by the Environment Agency.

324. Taking all matters into account, including the grant of an Environmental Permit by the Environment Agency that controls and regulates all on-site waste-related operations at the site, the proposal is considered to meet the requirements of Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy DM19 (Development and Pollution) of the [WCCLPpt 2 \(2017\)](#).

325. Whilst the update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of the emerging plan.

Impact on ground, surface waters and flooding

326. Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) require that waste development should protect and maintain both the quality and quantity of groundwater and surface waters, and where possible reduce overall flood risk, within Hampshire.

327. Policy DM17 (Site Development Principles) of the [WCCLPpt 2](#) states that *'new development, alterations and changes of use should be satisfactory in terms of their impact, both on and off site. Development which accords with*

*the Development Plan will be permitted where it: includes adequate provision for surface water drainage and sewage disposal (part iii); and does not cause unacceptable levels of pollution to neighbours by means of noise, smell, dust or other pollution (part viii).*

328. The application site is located within Flood Zone 1, the least sensitive flood risk zone to development. It overlies a principal aquifer (chalk), which is classed as 'highly vulnerable' to polluting activities, with its northern margin situated within the groundwater source protection zone 3 (SPZs), which were designated to protect potable sources of groundwater.
329. The application was accompanied by several **Assessments** concerning the protection and management of the water environment. This included a flood risk assessment, a drainage design statement and a surface water management plan. A **Flood Risk Assessment (FRA)** and **Surface Water Drainage Strategy (SWDS)** have been prepared.
330. The applicant has advised that as part of the overall proposal that surface water drainage matters like ponding and rutting would also be corrected. The monitoring regime for the underlying former landfill site that includes monitoring wells - to monitor and sample surface water, groundwater and leachate - would all be retained.
331. With reference to the Environment Agency's Flood Mapping, the Site is considered to lie wholly within Flood Zone 1 (Low flood risk) and was found to not be at risk of any other sources of flooding. Planning Practice Guidance defines the proposed development as an 'Essential Infrastructure' development. There is therefore no requirement to apply the Exception Test. With regards to the application of the Sequential Test, as the Site is located in Flood Zone 1, the development is considered appropriate in this location.
332. It is proposed that the surface water runoff arising from the development utilises the existing drainage arrangements already present at the site. The required attenuation storage will be provided within an attenuation pond via a series of swales. The increase in effective area caused by the development has been calculated and required a maximum storage of 3631m<sup>3</sup> over an area of approximately 2286m<sup>2</sup> and a depth of 2m, assuming a side slope of 1:3. The surface water drainage strategy presented demonstrates that adequate SuDS space provision is afforded within the development and that the proposed scheme is feasible and compliant to appropriate best practice and regulatory requirements and can be maintained in accordance with best practice.

333. The importation and use of 1.5 million tonnes of inert soils / materials would contribute to the proposed improvements to the site's surface water management regime.
334. The Lead Local Flood Authority raised no objection subject to a condition being imposed, should permission be granted, securing details for the suitable diversion of a natural surface water flow path running east to west in the northern part of the site due to the proposed increase in ground levels, to ensure continuing hydraulic continuity both upstream and downstream. This could be applied in the event that permission is granted. A planning condition could also be applied in the event that permission is granted for the submission of a drainage and SUDs maintenance plan pre-commencement.
335. On the basis of the scale of the development and the proposed improvements that could be conditioned, the proposal is considered to be in accordance with Policies 10 (Protection of public health, safety and amenity) and Policy 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) in relation to surface water or groundwater and flooding.

#### Environmental Permitting

336. The operational activities associated with the proposed importation and use of inert soils within the wider site would usually require an Environmental Permit or an exemption to a Permit, issued and regulated by the Environment Agency (EA). However, with the material being provided through [CL: AIRE - Leading Sustainable Land Reuse](#), and it being classified as soils rather than waste, the need for securing a Permit from the EA to operate may not be required. This does not affect the planning position currently being taken.
337. As previously stated, the Environment Agency has advised the Waste Planning Authority that the applicant would need to obtain a Permit in advance to deposit inert materials on top of an actively gassing former landfill site. This would not be affected by the CL : AIRE regulations that deals with the classification of the proposed material.
338. The Permitting regime and Planning regime should work together and complement each other not duplicate or conflict. Permitting controls the operational impacts and effects of a development whereas the planning concerns the acceptable use of the land.
339. The Permit contains controls on waste / materials' type/s allowed on site, pollution control measures and the protection of air, land and water from emissions. Any changes to the Permit would be provided to the Waste



Planning Authority, who would assess the materiality of any changes to the relevant extant planning permission.

### Highways impact

340. 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’*.
341. In addition, paragraph 111 of the [NPPF \(2021\)](#) states that *‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’* Within this context, applications for development should: a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*
342. 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.
343. Policy DM18 (Access and Parking) of the [WCCLPpt 2](#) states that *‘in order to ensure that appropriate provision is made for parking and access, development will be permitted which accords with the Development Plan and:*
- i. provides parking in accordance with relevant standards and the needs of the development, for cars and other vehicles as necessary, including cycles;*

- ii. allows for access to, and movement within, the site in a safe and effective manner, having regard to the amenities of occupiers of the site and adjacent land and to the requirements of the emergency services and service providers, including turning facilities as appropriate;*
- iii. makes provision for access to the site in accordance with any highway requirements on the grounds of safety, including the provision of gateways, visibility splays, access to adopted highways and accompanying signage that may be required;*
- iv. provides for the needs of pedestrians and cyclists, including safe and attractive routes to, from and within the site, and cycle parking;*
- v. incorporates parking provision and vehicular access as part of the overall design of the scheme, including hard and soft landscaping, signage and lighting that is both necessary and of a high quality design, taking account of the character of the surrounding area.*

344. The site is to be served by an existing access at its north-eastern corner onto Titchfield Lane (see **Appendix K – Existing Access**). The access is currently blocked off for security purposes as it became an area targeted for illegal fly tipping (due to its remoteness from properties). In addition, the access has become overgrown with foliage, therefore this will need to be tidied and upgraded for the proposed development.

345. A temporary haul road and compound area within the application site would need to be constructed as part of the development proposals in order to successfully facilitate the delivery of the soil/clay placing and solar. Eight car parking spaces would also be installed.

346. The main considerations raised have been about the ability of existing local highway network' to accommodate the HGV traffic for a period of five years, and to do it safely. The impact on the safety of local road users (including non-motorised users) has also been cited as part of the consultation and these are acknowledged.

*Highway capacity:*

347. A total of 1.5 million tonnes of material will be required to reprofile the land at the site over a five year period. This material will be delivered via HGV (6-8 wheel tippers) in 20 tonne load sizes.

348. The HGV trips have been calculated to equate to a total of 42 trips (84 two-way movements) per day. This equates to up to 6 HGV trips (12 two-way movements) per hour across an 8-hour working day.

349. Notwithstanding those 8-hour working day trips, due to the methods of working it is likely that the daily import of material may fluctuate, however predicted site operations during the assessed land reprofiling phase are calculated, during a normal working week (Monday to Saturday), to generate

an average of 231 HGV trips per week or 462 two-way HGV movements. This would result in a total of 84 two-way movements per average weekday with an additional 10 two-way staff movements at a maximum. This equates to a total of 12 two-way HGV movements per hour.

350. For the distribution it is anticipated there will be an even split of HGVs along Titchfield Lane. The applicant has agreed to accept an HGV routing agreement should planning permission be granted.
351. It is anticipated there will be a total of 3-5 staff members working at any one time on Site during the land reprofiling phase. It is likely all staff members will be on Site before the AM peak hour of 08:00 to 09:00 and will leave after the PM peak hour of 16:00 to 17:00; for this reason, any trips associated with staff have been omitted from the overall assessment of the peak hours.
352. The HGVs importing the material during the land reprofiling phase of development are expected to come from both the north and the south of the site access junction along Titchfield Road and be evenly distributed between each direction. This equates to a total of three HGVs accessing the site from the north and three egressing the Site to the north, with the same quantities occurring to/ from the south.
353. The proposed development will make use of the existing access to site at the north-east boundary from Titchfield Lane (see **Appendix K– Existing Access**). The access is currently blocked off for security purposes. A temporary haul road and compound area will need to be constructed as part of the development proposals in order to successfully facilitate the delivery of the soils and materials and construction of the solar farm.
354. The access is discussed in more detail within the applicant's **Transport Assessment (TA)** and the applicant's **supplementary Transport-related documentation**, where HGV numbers and activity, visibility, swept paths, traffic counts and future growth-related traffic counts as well as accident data are all discussed.
355. The majority of third-party objections and those received from local Parish Councils' and the local Member all object on the grounds that the local road network, specifically Titchfield Lane onto which the application site's vehicular access connects, are not wide enough in many areas (for Titchfield Lane along most of its length) to safely allow two HGVs to pass. There are problems on Titchfield Lane for HGVs passing small goods vehicles as well as cars, and for two small goods vehicles and cars. In their shared opinion, the proposed total of 42 HGV trips (84 two-way movements) per day would make current road conditions worse and less safe for all users (motorised and non-

motorised) as the road is narrow in places (<5m in width) and contains numerous bends plus there are no footpaths along it.

356. The Local Highway Authority (LHA) accepts that the site's existing vehicular access could be brought back into use. It is overgrown and would have to be cleared and maintained to ensure appropriate visibility splays can be maintained for safe HGV egress and access. This would need to be retained by the applicant to an agreed and safe geometry and visibility should permission be granted.
357. The LHA also noted that a weighbridge, lay-by for a wheel wash, parking spaces and an office block would be included too.
358. The LHA also accepted that the 42 HGV trips (84 two-way movements) as a weekday maximum was acceptable in terms of not exceeding existing road capacity on the local road network regardless of HGVs travelling both north toward and from the A334 or south toward and from the A27. The applicant's **Transport Assessment (TA)** does indicate a 1.7% increase in developmental contributions to overall traffic flow on Titchfield Lane by 2026. This projected increase is not a significant increase and would not adversely affect traffic flow along Titchfield Lane (including southward at the A27 - Mill Lane Junction), with spare capacity at 69% still, when compared against 2021 'known' levels.
359. The applicant has agreed to enter into an HGV Routing Agreement to ensure HGVs travel to and from the application site in a manner that minimises disruption to the local road network and local residents. The applicant has offered to discuss routing options with local residents, groups and Parish Councils to resolve this, should planning permission be granted. This approach is welcomed.

*Highway safety:*

360. Looking at road safety matters, the LHA accepts that the site's existing access can be brought back into use subject to clearance works and the maintenance of the bell mouth visibility splays throughout the five-year importation period.
361. The LHA advises that although Titchfield Lane has a 7.5 tonne weight restriction imposed on it, the relevant Traffic Regulation Order (TRO) contains a clause that exempts heavier HGVs where "they are required for building, industrial or demolition' purposes.
362. Conditions could be imposed in relation to visibility splays, mud on the road and other highway matters in the event permission is granted.

363. Taking all matters into account, the LHA is not raising an objection on highway safety or capacity grounds. On this basis, in the event that planning permission is granted, conditions and a legal agreement could address and mitigate and highway impacts to ensure the proposal is in accordance with Policy 12 (Managing traffic) of the [HMWP \(2013\)](#) and Policy DM18 (Access and Parking of the [WCCLPt 2](#) (2017).

#### Restoration

364. 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.

365. Some restoration details are included in the application. Due to the restricted and temporary nature of solar farm development, the land will revert back to its former use as a greenfield site once operations have ceased. In this respect the proposed scheme will result in a less permanent impact than most other forms of development, including some alternative methods of renewable energy production.

366. A planning condition/s and / or legal agreement could be included for the restoration (to ensure ecological and arboricultural compensation is delivered) of the site following phasing of the works on site and at the end of the development should permission be granted. On the basis of the proposed condition, the proposal is considered to be in accordance with Policy 9 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#).

#### Monitoring and enforcement

367. In the event that permission is granted, as an operational waste site, the site will be subject to regular monitoring by the Council's Monitoring and Enforcement team to ensure compliance with conditional and legally required mitigation.

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

369. The Environmental Health Department at Winchester City Council also has powers to stop work or require mitigatory works are undertaken in relation to contamination and contaminated land matters.

#### Social-economic impacts

370. The development proposed contains both temporary and permanent elements, the installation and construction of the solar farm over a five year period and the subsequent operation of the farm, over a projected twenty-five year expected life.

371. It is considered that the development proposals will bring the following key benefits to the local community:

- align with the National commitment to increasing the use of renewable generation as reflected by the latest [NPPF \(2021\)](#) and latest guidance on renewables;
- creation of 4-6 permanent on-site jobs and associated HGV driver jobs with material placement activities.

#### Community engagement and benefits

372. Paragraph 5.59 of the [HMWP \(2013\)](#) states that there is an expectation that all 'major' waste development will be accompanied by a site Liaison Panel. It is recognised that this is a slightly different proposal to the normal waste sites that liaison panels would be a requirement for. However, the Waste Planning Authority supports the establishment of a panel here, should permission be granted, to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community for the duration of the development. An informative could be added to any permission granted on the establishment of a panel for the duration of the development.

373. Community benefits package which may or may not be offered by the applicant outside of the planning application cannot be taken into account in decision making.

#### Other issues

374. Some representations noted that proposals should be considered alongside planning application 20/1483/HCS at Five Oaks Farm which will be using the same road network and has similar plans for importing inert waste once sand has been extracted. All planning applications are considered on their individual merits.

## Conclusions

375. Whilst it is recognised that planning permission has previously been granted for the construction of a 14MW Solar Photovoltaic (PV) Farm and gas management system with associated works by Winchester City Council (planning permission [13/01247/FUL](#)), the focus here is on the changes to the scheme now proposed, namely the land raising.
376. Subject to appropriate mitigation and planning conditions, the proposal is supported by Policies 2 (Climate change mitigation and adaptation), 7 (Conserving the historic environment and heritage assets), 8 (Protection of soils), 9 (Restoration of minerals and waste development), 11 (Flood risk and prevention), 25 (Sustainable waste development) and 30 (Construction, excavation and demolition waste development) of the [HMWP \(2013\)](#) and Policies DM24 (Special trees -important hedgerows and ancient woodlands) and DM26 (Archaeology) of the [WCCLPpt 2](#) (2017).
377. However, the proposal is not considered to be in accordance with Policies 3 (Protection of habitats and species) part a (in relation to European protected species), 5 (Protection of the countryside), part d of Policy 10 (Protecting public health, safety and amenity), 13 (High quality design of minerals and waste development), 29 (Location and sites for waste development), as well as Policies MTRA4 (Development in the countryside), DM10 (Essential facilities & services in the countryside), DM16 (Site design criteria) and DM23 (Rural character).
378. Based on the information before the Minerals and Waste Planning Authority at the time of the decision, it cannot be determined that the proposal does not have a significant adverse effect on important habitats and species. The acceptability of the proposal in a countryside location has also not been adequately demonstrated. Based on the information before the authority, the landscape and visual impacts are also not considered to be acceptable. A clear and demonstrated 'site-specific' and 'special' need has not been provided for the land raising works proposed within this planning application.
379. It is therefore considered that the proposal would not be, on balance, a sustainable development in accordance Policies 1 of the [HMWP \(2013\)](#) and paragraph 11 of the [NPPF \(2021\)](#).

## **Recommendation**

380. That planning permission be REFUSED subject to the reasons for refusal listed in **Appendix A**.

Appendices:

Appendix A – Reasons for refusal

Appendix B – Committee Plan

Appendix C - Site Boundary Plan

Appendix D – Aerial Photograph

Appendix E - Proposed Solar Farm Layout and Illustrative Masterplan

Appendix F - Proposed Cross Sections and Mitigation

Appendix G - 2013 approved solar farm layout and sections

Appendix H – Section through proposed solar panels

Appendices I a-e – Phases 1-5

Appendix J – Viewpoint locations

Appendix K – Existing Access

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2021/0701>



**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

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

**OR**

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

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

**Other Significant Links**

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

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

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

Document

Location

21/03089/HCS  
WR086

Hampshire County Council

Proposed revised landform modifications to enable the construction of a 10.5 mw solar photovoltaic (PV) farm and gas management system with associated works at The Funtley Refuse Tip (Former), Titchfield Lane, Wickham, Fareham, Hampshire PO15 6DY

## **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.

## Appendix A

The proposal is not considered to be in accordance with Policies 3 (Protection of habitats and species) part a (in relation to European protected species), 5 (Protection of the countryside), part d of Policy 10 (Protecting public health, safety and amenity), 13 (High quality design of minerals and waste development), 29 (Location and sites for waste development), as well as Policies MTRA4 (Development in the countryside), DM10 (Essential facilities & services in the countryside), DM16 (Site design criteria) and DM23 (Rural character). Based on the information before the Minerals and Waste Planning Authority at the time of the decision, it cannot be determined that the proposal does not have a significant adverse effect on important habitats and species. The acceptability of the proposal in a countryside location has also not been adequately demonstrated. Based on the information before the authority, the landscape and visual impacts are also not considered to be acceptable. A clear and demonstrated 'site-specific' and 'special' need has not been provided for the land raising works proposed within this planning application. It is therefore considered that the proposal would not be, on balance, a sustainable development in accordance Policies 1 of the Hampshire Minerals and Waste Plan (2013) and paragraph 11 of the [NPPF \(2021\)](#).

### Reasons for Refusal

#### That planning permission be refused for the following reasons:

- a) On the basis of the information submitted and notwithstanding the proposed mitigation, the applicant has failed to adequately and sufficiently demonstrate that a significant adverse impact on protected species (dormice and great crested newts) would not occur and has not provided appropriate mitigation to offset any harm in accordance with Part a of Policy 3 (Protecting habitats and species) (in relation to European protected species) of the Hampshire Minerals & Waste Plan (2013) and Policy CP16 (Biodiversity) of the Winchester City Council and South Downs National Park Part 1 – Joint Core Strategy Pt1 (2013);
- b) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in landscape and visual impact contrary to the requirements of Part d of Policy 10 (Protecting public health, safety and amenity) and Policy 13 (High quality design of minerals and waste development) of the Hampshire

Minerals & Waste Plan (2013) as well Policies DM16 (Site design criteria) and DM23 (Rural character) of the Winchester City Council Local Plan Part 2 – Joint Core Strategy (2017);

- c) The location of the proposal has not been adequately justified in terms of its need for being located in the countryside, contrary to the requirements of Policies 5 (Protection of the countryside) and 29 (Location of waste management development) of the Hampshire Minerals & Waste Plan (2013), Policy MTRA4 (Development in the Countryside) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013)) and Policy DM10 (Essential Facilities and Services in the Countryside) of the Winchester City Council Local Plan Part 2 – Joint Core Strategy (2017).

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) and paragraph 11 of the National Planning Policy Framework (2021) as the proposal does not constitute a sustainable minerals and waste management development.

#### **Note to Applicant**

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