

**HAMPSHIRE COUNTY COUNCIL  
Decision Report**

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	17 July 2024
<b>Title:</b>	Variation of conditions 3 (Layout), 5 (Hours of Working & Temporary Period), 11 & 12 (Noise, Dust & Odour), 16 (Storage), 18 (Types of Materials) & 25 (Plans) of planning permission 51471/008 at Unit 5 Waterbrook Estate, Waterbrook Road, Alton, GU34 2UD (No. 51471/009) EH156
<b>Report From:</b>	Assistant Director of Waste & Environmental Services

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### **Recommendation**

1. That planning permission be GRANTED subject to the conditions listed in Appendix A.

### **Executive Summary**

2. The proposal is for a variation to seven planning conditions for the extant planning permission ([51471/008](#)). The extant planning permission was approved by Regulatory Committee on 22 June 2022 which allowed an extension of time for the previous planning permission [51471/007](#).
3. Planning Permission [51471/007](#) was approved by Regulatory Committee on 29 July 2020 to provide for a temporary period to allow a trial of exportation of a single waste container at the existing Waste Recycling Centre at Unit 7 Waterbrook Estate, between the hours of 18:00 – 07:00 Monday to Saturday. The proposal would generate a maximum of 12 heavy good vehicle (HGV) movements during these evening/nighttime hours.
4. The variation of conditions 3, 16 and 25 would allow for an update to the site plan referenced in the noted conditions. This would be updated to reflect retrospective permission for new fixed plant (trommel and picking station to support existing waste transfer station use), designated area for new glass recycling, and a designated area for sorting and segregation of scrap metals.
5. Condition 5 is proposed to be amended to remove the trial period time limit, as detailed above, that allowed nighttime deliveries of road planings and export of a pre-prepared trailer of construction, demolition and excavation (CDE) waste. This temporary period ended 31 March 2023 but has been

allowed to continue during the determination of the current planning application.

6. Conditions 11 and 12 are proposed to be updated to reflect that new Noise and Dust Management have been submitted to and approved by the Environment Agency as an update to the Environmental permit. Crucially, this document includes the provision for 'night-mode' controls on the delivery practice of the nighttime road planing deliveries. As part of the previous extension to the trial period ([51471/008](#)), the HGV tippers were required to have power tailgate closers and rubber stoppers to minimise noise during the deliveries.
7. Condition 16 would be updated to reflect a wider range of materials for processing on the site. The extant planning permission currently allows for the importation and processing of inert CDE waste, uncontaminated soils, rubble, concrete, wood and road planings. The proposed amended condition would retrospectively allow for mixed waste to be imported for processing by the new picking station and trommel, the glass recycling, and the sorting of scrap metal.
8. The site history, in particular the history of the nighttime import of road plannings, is important background. Variations to planning conditions have previously been made. A variation to conditions 5, 11 and 18 was previously sought (application [51471/006](#)) and refused on 31 July 2018. This was subsequently the subject of an appeal by the applicant which was dismissed on 29 August 2019 ([APP/Q1770/W/3217698](#)). The Inspector's reason for dismissal was that without an HGV routing agreement in place the proposal would be harmful to the living conditions of neighbouring residents as a result of vehicle noise during the nighttime working. This decision and the Inspector's conclusions are important and remain significant material considerations in the determination of this application.
9. In July 2020, a further planning application ([51471/007](#)) was submitted seeking approval for the variation of the three same conditions: 5 (Operating times), 11 (Dust and noise management) and 18 (Materials permitted) as in 2018. Importantly, the Applicant offered to enter into a S106 obligation that contained a detailed HGV routeing arrangement. planning permission was approved by the Regulatory Committee on 21st February 2021 (hereafter referred to as 'the 2021 Permission') and was subject to 24 conditions and a Section 106 (s106) obligation regarding vehicle routing. Condition 5 sets the hours of use for the site and permitted, for a temporary one year period, additional operations at the site between 18:00 and 07:00 Monday evening through to the following Saturday morning. The purpose of the temporary

one year period, which expired on 31st March 2022, was to allow for the impacts of the nighttime operations to be assessed before making such operations permanent.

10. The relationship with the adjacent site at the entrance to the subject site – and under the same ownership as the subject site - is also important. The adjacent site, which uses the same site entrance, has a separate planning permission (33089/032) for trommel and picking station to process non-hazardous commercial and industrial waste. The wastes proposed to be added under the current application are already allowed to be imported and processed on this adjacent site. In the recent past this has been leased to a third party operator (PL Waste) to further process imported trommel fines. In the last three months this operator has ceased to operate at this location with a wood shredding operation now operating at this location instead. However, for consistency with the application documents this adjacent site will be referenced as the 'PL Waste site' in this report.
11. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) and an Environmental Statement has not been submitted.
12. The application is being considered by Regulatory Committee as the previous temporary period for nighttime road planings delivery had been granted by the Regulatory Committee. In addition County Councillor Joy has requested that the Regulatory Committee hear deputations related to the application.
13. A committee site visit by Members took place on 8 July 2024 in advance of the proposal being considered by the Regulatory Committee.
14. Key issues raised are:
  - Noise;
  - Visual impacts; and
  - Dust.
15. On balance, it is considered that the proposal is in accordance with the relevant policies of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) (HMWP (2013)). The proposal would allow for permanent but limited nighttime Heavy Goods Vehicles (HGV) movements to deliver road planings and export of a single pre-loaded HGV trailer during nighttime hours. In terms of the road planings it provides a suitable location to support highways works through the transfer of road planings to an existing Waste Transfer

facility located close to the Strategic Road Network in a central Hampshire location. It is considered that the proposal's benefits in providing this facility for the temporary storage of road planings outweighs the potential impacts to neighbourhood amenity and the environment within the site's context on an existing industrial estate adjacent to a residential area of Alton. The previous trial period for nighttime planning delivery has demonstrated that these impacts are minimal – this is in keeping with the Planning Inspectors previous conclusions regarding the nighttime deliveries. The current legal agreement associated with the extant planning specifies an appropriate nighttime deliveries routing and this would continue to be in effect.

16. In terms of the retrospective planning permission to allow additional waste types and their processing in new on-site planted for retrospective planning permission, it is noted that the adjacent PL Waste site can already process the same type of wastes. The extant planning permission ([33089/032](#)) for the PL Waste site allows for *'import, store and process non-hazardous commercial and industrial waste, and to also recycle and recover recyclates and the bulk transfer of residual waste materials'*. Allowing an expanded number of wastes to be processed in the subject site would not result in adverse amenity impacts once the proposed visual screening, and noise and dust mitigation is implemented.
17. It is recommended that planning permission be granted subject to the conditions listed in **Appendix A**.

### **The Site**

18. The site is located within the eastern edge of the built-up area of Alton and sits approximately 1.2 kilometres (km) north of Alton Railway Station. The site occupies 2.2 hectares (ha) and is an existing/new development within Waterbrook Estate.
19. The site is located within the Townscape Character area of Alton in the Hampshire Integrated Character Assessment. It sits in the area of ALT03 Industrial Estate and Business Park. This is a large, fragmented industrial area and retail park to the south-eastern edge of the town, following the line of the valley and the railway. There are a range of sizes of units set on a series of small, skewed grids. Buildings are functional, generally offering large blank facades to roads. There is a mix of low-key manufacturing and storage facilities with some retail and a food store.
20. The site is regarded as brownfield site and meets the [National Planning Policy Framework \(2023\)](#) (NPPF) definition of Previously Developed Land

(PDL). It is within the developed curtilage of the permanent office building. The site was also part of the adjacent Alton waste water treatment works (WWTW) though remained largely undeveloped until sometime between 2004 and 2010. The site currently has planning permission to operate as Waste Transfer Station (WTS).

21. The site is surrounded by industrial and commercial land uses with remaining operational WWTW to the north-east of the site. Mill Lane Industrial Estate is 100 metres (m) to the north-west, and Alton Business Centre and Omni Business Centre are 150m and 90m respectively to the south-west of the site. Kendall Bros, Waterbrook concrete batching site is located on the northern boundary of the site, and the Alton Household Waste Recycling Centre (HWRC) is 40m to the west - both of which are safeguarded through the policies of the [HMWP \(2013\)](#).
22. A number of different uses share the highway access as the applicant's waste management facility. Kendall Bros' Waterbrook concrete batching site is located off the north-eastern boundary of the site to the south of the weighbridge. The PL Waste WTS immediately to the south of the concrete plant. The site is secured by way of metal palisade fencing along the boundary and gates. The layout of the site is set out in **Appendices B and C**.
23. The site is bordered to the south-east by the A31, categorised in the [HMWP \(2013\)](#) as part of the Strategic Road Network. The B3004 runs north-east to join the A31 approximately 800m to the north-east of the site. The B3004 also runs southwest into the residential area around Mill Lane, Ashdell Road and Wilsom Road. There is an existing legal agreement on lorry routing which was established through the grant of planning permission [51471/007](#). Under planning permission [51471/008](#) the legal agreement was amended to allow for future planning applications varying planning conditions to be approved without the need to further alter the legal agreement (unless otherwise required by the County Council). The agreed lorry routing agreement would be retained should planning permission be granted.
24. The nearest residential properties to the application site boundary are elevated, over-looking properties 230m west of the site, on Wilsom Road. Lynch Hill Cottage is the closest to the immediate access route for HGVs travelling to and from the site, and it is 260m to the north on Waterbrook Road. There is also a large cluster of housing 500m to the south-west located south of Ashdell Road and west of Wilsom Road.

25. 140 metres north to the site is the western portion of the Alton (002/39/1), a Public Right of Way (PROW) footpath, also known as Route Number 40. About 150m south to the site is Worldham (259/26/1) - the eastern portion of Route 26, which crosses the Caker stream.
26. The site lies approximately 1.8km to the north and west of the South Downs National Park. Other key environmental constraints within 1.5km associated with the site include:
  - Sites of Importance for Nature Conservation (SINC): Water Lane (0.9km to the south), Monk Wood (1.02km to the east), Neathem Farm Manor Copse (1.3km to the east);
  - Ancient Woodland: Monk Wood (1.04km to the east);
  - Biodiversity Opportunity Area (BOA) – Northern Wey Valley (the site lies within the BOA); and
  - Anstey and Alton conservation areas are located respectively 530 meters northwest and 740 meters west to the site.
27. The closest listed buildings - HRH House, Wey Cottage, Anstey Mill, Anstey Mill 1 & 2 (all Grade II listing) to the site are about 300m north to the site, opposite of the access point.
28. The western boundary of the site is directly adjacent to land classified as Flooding Zone 3.
29. There are some existing mature trees providing limited screening along the perimeter of the site. The A31 has mature trees along each side with the carriageway being around 20m from the site's boundary.
30. The site is located approximately 475m east to the railway line. The closest school is Alton Infant School, located 765 m east, across the railway line.

## Planning History

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

<b>Application No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date Issued</b>
<a href="#">51471/008</a>	Variation of condition 5 of 51471/007 to extend the life of trial period till 31 March 2023.	Granted	14/09/2022
<a href="#">51471/007</a>	Variation of conditions 5, 11 & 18 of planning permission 51471/003 to allow for restricted nighttime activities including importation of road planings.	Approved	25/02/2021
<a href="#">APP/Q1770/W/3217698</a>	Appeal of decision 51471/006 for Variation of conditions 5, 11 and 18 of planning permission 51471/003 to allow for importation of road planings and the nighttime importation.	Dismissed	29/08/2019
<a href="#">51471/006</a>	Variation of conditions 5, 11 and 18 of planning permission 51471/003 to allow for importation of road planings and the nighttime importation and exportation of waste.	Refused	31/07/2018
<a href="#">51471/005</a>	Variation of condition 5 of planning permission 51471/003 (to extend the operational hours to 24 hours, 7 days per week for HGV movements and associated loading shovel for the importation of road planings).	Withdrawn	19/01/2018
<a href="#">51471/003</a>	Variation of conditions 3 (Site Layout) and 18 (to allow storage of wood) of planning permission 51471/002.	Granted	29/09/2016
<a href="#">33089/032</a>	Change of use (with associated building modifications) from existing builders storage depot to a waste recycling facility to accept and process commercial and industrial	Granted	23/01/2013

	waste (including the use of a waste picking station and trommel) on industrial land at the former sewage works off Waterbrook Road, Alton.		
<a href="#">SCR/2011/0226</a>	Screening Opinion: Proposed change of use (with associated building modifications) to skip waste recycling facility to accept and process commercial and industrial skip waste.	EIA not required	15/11/2011
<a href="#">51471/002</a>	Retention of Waste Recycling Centre for construction & demolition waste to include a lightweight structure, landscaped bund, parking and associated plant and machinery.	Granted	11/04/2011

32. The area is allocated as existing employment land (CP4 -Existing employment land) in the East Hampshire Local Plan Part 1 (Joint Core Strategy) (2014). The site is [safeguarded](#) by Policy 26 (Safeguarding – waste infrastructure) of the Hampshire Minerals and Waste Plan (2013) as a safeguarded site for waste transfer and recycling centre for construction and demolition of commercial and domestic waste.

### The Proposal

33. The proposal seeks to amend the extant planning permission planning conditions to allow the following four activities:
- **Activity 1 – Glass screening and separating.** This specific new recycling operation would be located around the centre of the site. Crush glass received from local Material Recovery Facilities is screened by size and with metals and plastics removed. Glass is then sent for recycling and lighter material compacted for disposal at a permitted facility. Permission for this activity would be retrospective.
  - **Activity 2 - Waste Processing (mixed waste).** A Waste Processing Operation for Mixed Waste would be situated along the western boundary. It would consist of three storage bays, a Trommel and a Picking Station. This is retrospective and is an allowed activity on the waste site directly north of the subject site. Permission for this activity would be retrospective.



- **Activity 3 – Road Planing Storage and Screening.** Road planing storage operation will continue to take place on site. This process involves the delivery, storage, and redistribution of road planings on the Site. This activity is currently allowed on the site during daytime hours. Nighttime deliveries have been continuing pending the outcome of this planning application.
  - **Activity 4 – Scrap Metal Recycling.** This operation could potentially be located in the southernmost part of the site. Assorted scrap metal would be brought into the site for sorting and segregating. The sorted metals are then sent away for further recycling to an appropriately permitted facility.
34. The overarching approved working hours for the site are set out in Condition 5 of planning permission [51471/003](#). These are Monday to Saturday between 0700 and 1800 with no working on Sundays or recognised Public Holidays.

*Night time HGV movements*

35. The extant planning permission provided for a temporary trial period allowing for nighttime HGV movements. These movements related to road planing deliveries between the hours of 18:00 – 07:00 from Monday through to Saturday mornings for five HGVs to access the site to drop off road planings and then leave empty (total of 10 movements). In addition it allowed for one HGV to enter the site for the delivery and collection of a pre-prepared CDE waste trailer (two movements) during those nighttime hours. There would be a maximum of 12 HGV movements and no waste processing or loading operations taking place. The planings will largely originate from the resurfacing of the strategic highway network in Hampshire during nighttime hours where access to Permitted sites during these hours is very limited.
36. The planning conditions of extant planning permission prevent use of on-site plant out of operating hours (07:00-18:00 Monday to Saturday) including use of loading shovels. In addition, all HGVs depositing road planings outside of the operating hours of 0700-1800 shall be installed with an operational hydraulic tailgate. In response to public complaints following nighttime deliveries 3 March 2023, the operator put in place a site escort to video each vehicle while it was on-site to ensure the driver minimised noise and to help understand where noise complaints were coming from. The Operator also committed to have HGV tailgates fitted with rubber ‘bumpers’. Potential issues were also identified with the opening and closing of the site gates with the Operator requested to be more attentive

37. The extant planning permission requires adherence to a Dust and Noise Management Plan that included provisions for the nighttime deliveries. The application is supported by an **updated Dust and Noise Management Plan** that has been produced for the site environmental permit. The Environmental permit covers operations at both the adjacent waste site and the subject site. The night-mode operations in the updated **Dust and Noise Management Plan** is described as:

- Operators will not slam doors;
- No trailers are to be 'banged out' to clear remaining material;
- All tailgates shall be fitted as to not 'bang' upon closing;
- The site speed limit will always be adhered to;
- If taking a break on the main road, engine and lights should be turned off;
- Engines will not be left idling;
- Drivers will be courteous and diligent in their activities;
- Weighbridge and wheel cleaning equipment will not be used at night (any unexpected mud or debris on the highway will be cleared immediately the following working day);
- If vehicle gets stuck, try to tow vehicle with minimum noise. If after 3rd attempt this is not successful vehicle is to be left on site until 7.30am the following morning;
- Vehicles are to be switched to night mode – i.e. no audible reversing alarms will be used; and
- HGV movements during nighttime hours are monitored from gate entry to tipping with automatic tailgate closers and rubber bumpers on tailgates employed.

38. The offices and weighbridge at the site entrance are proposed to be retained as well as the staff and visitor parking, the CCTV, the storage and distribution building and the product storage bays.

**Amended conditions:**

39. As a result of the above proposals the following conditions of planning permission 51471/008 will require amendment:

- Condition 3 (location of activities on site layout);
- Condition 5 (hours of working including temporary period for allowance of nighttime HGV movements);
- Conditions 11 and 12 (dust and noise management plan);

- Condition 16 (stockpile locations on site layout plan);
  - Condition 18 (materials processed on site); and
  - Condition 25 (approved plans).
40. All the other conditions currently contained within the 2021 Permission will be retained including Condition 21 (vehicle movements) which limits overall HGV movements to 612 (in and out) per week. The proposed nighttime movements would be included in this limit. HGVs (defined as vehicles over 3.5 tonne un-laden) will access and leave the site only via the existing access off Waterbrook Road.
41. A **Landscape Mitigation Scheme** required under the extant planning permission has been approved but has not been implemented. The trommel and picking station and bays are located where part of the new bund would have been located. In this area it is now proposed to provide a four metre high fence on the existing boundary retaining wall to provide noise attenuation, dust containment and visual screening. The remaining southwestern boundary would be a planted screening bund in a similar manner to the currently approved scheme – a new planting plan has been submitted to reflect these alterations.
42. An additional 5m high noise attenuation fence would be constructed within the adjacent PL WTS area. This is outside of the red line development area but has been identified as a wider site improvement to address neighbour complaints regarding noise.
43. The operations will continue to be limited by the previously signed Section 106 obligation that places a routeing arrangement on the operator for all HGVs accessing the site during the hours between 18:00 and 07:00. This routeing arrangement obligates the HGVs to travel from the site north up Waterbrook Road, north up the B3004 Mill Lane, and then to turn right directly onto the A31 during the out of hours period. This is to ensure that no out of hours HGV movements travel through the residential area to the south of the Waterbrook Road/Mill Lane junction.
44. The applicant proposed the following wording of revised planning conditions. It should be noted that the referenced plans in the proposed conditions have been updated to reflect amended plan numbers submitted during the determination of the planning application:

Condition 3:

45. The current wording is as follows:

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

46. It is proposed that the wording will be amended as follows:

The site shall be set out in accordance with the **Updated Site Layout Plan 002** dated **March 2024**. The 1 metre buffer, as shown on drawing 4998 SK/04 Rev G [as approved by 51417/003], shall be maintained for the duration of the development.

Condition 5:

47. The current wording is as follows:

No heavy goods vehicles shall enter or leave the site and no plant or machinery shall be operated except between the following hours: **0700-1800** Monday to Saturday. There shall be no working on Sundays or recognised Public Holidays. This is with the exception of the following activities which are permitted for a temporary period expiring on **31 March 2023**:

- I. No more than 10 HGV movements per day shall enter or leave the site between **1800** and **0700** Monday to Saturday for the delivery of road planings only, as shown on the **Proposed Site Layout drawing, 002** dated **December 2021**; and
- II. No more than 2 HGV movements per day shall enter or leave the site between **1800** and **0700** Monday to Saturday for the delivery and collection of a CDE waste trailer prepared within the site operating hours defined above as shown on the **Proposed Site Layout drawing, 002** dated **December 2021**.

48. It is proposed that the wording will be amended as follows:

*No heavy goods vehicles shall enter or leave the site and no plant machinery shall be operated except between the following hours: **0700-1800** Monday to Saturday. There shall be no working on Sundays or recognised Public Holidays. This is with the exception of the following activities:*

- I. No more than 10 HGV movements per day shall enter or leave the site between **1800** and **0700** Monday to Saturday for the delivery of road planings only, [to the road planings location] as shown on the **Updated Site Layout Plan 002** dated **March 2024**; and*

- II. *No more than 2 HGV movements per day shall enter or leave the site between **1800** and **0700** Monday to Saturday for the delivery and collection of a CDE waste trailer prepared within the site operating hours defined above [and only from Waste Transfer Station location] as shown on the **Updated Site Layout Plan 002** dated **March 2024**.*

Condition 11:

49. The current wording is as follows:

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

50. It is proposed that the wording will be amended as follows:

*The site shall be run in accordance with the submitted and approved Dust and Noise Management Plan, **updated 14 September 2024**. The management plan shall be implemented as approved for the duration of the site's operation.*

Condition 12:

51. The current wording is as follows:

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

52. It is proposed that the wording will be amended as follows:

*All vehicles, operated within the site shall be fitted with white noise type low tonal reversing alarms. Those vehicles operating outside of the operating hours, as set out in Condition 5 (working hours) shall operate in 'night mode' as set out in the Dust and Noise Management plan, **updated 14 September 2023**. This shall be implemented as approved for the duration of the site's operation.*

Condition 16:

53. The current wording is as follows:

Stockpiles of waste and recycled material shall not exceed a maximum level of 5 metres in height above the level of the ground on which the stockpile is located for soil/hardcore processing and screened material and 4 metres in

height above the level of the ground on which the stockpile is located for product storage and material storage including wood (as indicated on Drawing No **4998 SK/04 Rev G** and Drawing **no 002** dated **December 2021**). Stockpile heights shall be measured from the existing ground levels adjacent to the stockpiles as shown on plan **HCC EH156- Ground Levels survey 2016**.

54. It is proposed that the wording will be amended as follows:

*Stockpiles of waste and recycled materials shall not exceed a maximum level of 5 metres in height above the level of the ground on which the stockpile is located for soil/hardcore processing and screened material and 4 metres in height above the level of the ground on which the stockpile is located for the product storage and materials storage including wood (as indicated on **Updated Site Layout Plan 002** dated **March 2024**). Stockpile heights shall be measured from the existing ground levels adjacent to the stockpiles as shown on plan **HCC EH156- Ground Levels survey 2016** [approved under planning permission 51471/003].*

Condition 18:

55. The current wording is as follows:

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

56. It is proposed that the wording will be amended as follows:

*Materials imported to the site shall comprise of mixed waste, glass, scrap metal and inert construction and demolition waste (CDE waste), uncontaminated soils, rubble, concrete, wood and non-hazardous road planings.*

Condition 25:

57. The current wording is as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans: **001, 002, GF-LSC-01,**

58. It is proposed that the wording will be amended as follows:

*The development hereby permitted shall be carried out in accordance with the following approved plans: **Updated Site Layout Plan 002** dated **March 2024**.*

59. All the other conditions currently contained within the 2021 Permission will be retained including Condition 21 (vehicle movements) which limits overall HGV movements to 612 (in and out) per week. The proposed nighttime movements would be included in this limit. HGVs (defined as vehicles over 3.5 tonne un-laden) will access and leave the site only via the existing access off Waterbrook Road.
60. Landscape mitigation required under current planning permission has not been implemented. The trommel and bays are located where part of the new bund would have been located. In this area it is now proposed to provide a 7m high fence on the existing boundary retaining wall to provide noise attenuation, dust containment and visual screening. The remaining southwestern boundary would be a planted screening bund as currently approved.
61. An additional 5m high noise attenuation fence would be within the adjacent PL Waste WTS area. This is outside of the red line development area but has been identified as a wider site improvement to address neighbour complaints regarding noise.
62. The operations will continue to be limited by the previously signed Section 106 obligation that places a routeing arrangement on the operator for all HGVs accessing the site during the hours between 18:00 and 07:00. This routeing arrangement obligates the HGVs to travel from the site north up Waterbrook Road, north up the B3004 Mill Lane, and then to turn right directly onto the A31 during the out of hours period. This is to ensure that no out of hours HGV movements travel through the residential area to the south of the Waterbrook Road/Mill Lane junction.

### **Environmental Impact Assessment**

63. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). The development is classified as a Schedule 2 development as it Category 13 (Changes and extensions), section (b) as it is a change to an installation falling within Category 11(b) (ii) and (iii) (Installations for the disposal of waste (unless included in Schedule 1)) and exceeds the size threshold of 0.5 ha and is located within 100m of controlled waters. However, whilst being identified under the Regulations, it is not deemed an EIA development requiring an Environmental Statement.

## **Development Plan and Guidance**

64. 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.
65. 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.
66. For the purposes of this application, the statutory development plan comprises the following.

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

67. The following policies are relevant to the proposal:
- Policy 1 (Sustainable minerals and waste development);
  - Policy 2 (Climate change – mitigation and adaptation);
  - Policy 3 (Protection of habitats and species);
  - Policy 10 (Protecting public health, safety and amenity);
  - Policy 12 (Managing traffic);
  - Policy 13 (High-quality design of minerals and waste development);
  - Policy 17 (Aggregate supply – capacity and source);
  - Policy 18 (Recycled and secondary aggregates development);
  - Policy 25 (Sustainable waste management);
  - Policy 26 (Safeguarding - waste infrastructure);
  - Policy 27 (Capacity for waste management development); and
  - Policy 30: Construction, demolition and excavation waste development.

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

68. 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 based 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 22 stage of plan making](#) and the draft plan has been submitted to the Secretary of State for examination by a Planning Inspector. The update to the Plan and its associated policies are only emerging policy. This means that the policies can only be given limited weight at this stage.

69. 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 10: Restoration of minerals and waste developments;
  - Policy 11: Protecting public health, safety, amenity and well-being;
  - Policy 13: Managing traffic;
  - Policy 14: High-quality design of minerals and waste development;
  - Policy 17: Aggregate supply – capacity and source;
  - Policy 18: Recycled and secondary aggregates development;
  - Policy 25: Sustainable waste management;
  - Policy 26: Safeguarding - waste infrastructure;
  - Policy 27: Capacity for waste management development; and
  - Policy 30: Construction, demolition and excavation waste development.

#### **[East Hampshire and South Downs Joint Core Strategy Part 1 \(2014\) \(EHCS \(2014\)\)](#)**

70. The following policies are relevant to the proposal:
- Policy CP1 – Presumption in Favour of Sustainable Development;
  - Policy CP4 – Existing Employment Land;
  - Policy CP20 – Landscape;
  - Policy CP21 – Biodiversity;
  - CP 25 – Flood risk; and
  - Policy CP27 – Pollution.

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

#### **[National Planning Policy Framework \(2023\) \(NPPF\)](#)**

72. The following paragraphs are relevant to this proposal:
- Paragraphs 10-12: Presumption in favour of sustainable development;
  - Paragraphs 38, 47: Decision making;

- Paragraphs 55 – 56: Planning conditions;
- Paragraphs 57: Planning obligations;
- Paragraph 96: Healthy, inclusive and safe places;
- Paragraphs 157, 159: Planning and climate change;
- Paragraphs 180: Biodiversity and planning; and
- Paragraphs 189,191-194: Ground conditions and pollution.

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

73. 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 (2024) (NPPG)**

74. 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 001-024: [Determining a planning application](#) (October 2023);
- Paragraphs 001-007: [Effective use of land](#) (July 2019);
- Paragraphs 001-053: [Environmental Impact Assessment](#) (May 2020);
- Paragraphs 001-012: [Healthy and safe communities](#) (August 2022);
- Paragraphs 001-007: [Light pollution](#) (November 2019);
- Paragraphs 001-043: [Natural environment](#) (February 2024);
- Paragraphs 001-017: [Noise](#) (July 2019);
- Paragraphs 001-030: [Use of planning conditions](#) (July 2019); and
- Paragraphs 001-0055: [Waste](#) (October 2015).

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

75. The following are paragraphs relevant to the proposal:

- Paragraph 001 - Who is the planning authority for waste development?
- Paragraph 002 - What matters come within the scope of 'waste development'?
- Paragraph 007 - Do the self-sufficiency and proximity principles require each Minerals and Waste Planning Authority to manage all of its own waste?

- Paragraph 045 - How are counties and districts expected to work together in respect of waste development planning applications?;
- Paragraph 046 - When can allocated sites be used?;
- Paragraph 047 - Should existing waste facilities be expanded/extended?; and
- Paragraph 050 - What is the relationship between planning and other regulatory regimes?

## Consultations

76. 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' <https://planning.hants.gov.uk/Planning/Display/HCC/2022/0633>
77. **Councillor Joy:** Objects to the application and supports the issues raised by the local residents and businesses regarding noise, visual, and dust impacts that are and would result from the proposed development. Considers the ramifications of the proposed changes are severe and damaging to the quality of life of local residents. Requested that that Liaison Panel must function correctly for issues with the site to be constructively addressed and this requires the site operator to properly engaged in the process.
78. **Councillor Kemp-Gee:** Was notified.
79. **East Hampshire District Council Environmental Health Officer (EHO):** Has no objection subject to retention of proposed mitigation measures. Considered noise assessment methodology and findings to be reliable. Requested that monitoring log is added as a requirement of the dust management plan.
80. **East Hampshire District Council:** Does not wish to make any comments other than to request that the noise and other environmental impacts, and transport/highways impacts of the proposals are fully considered. Also highlighted comments by Alton Town Council.
81. **Environment Agency:** Was notified.
82. **Alton Town Council:** Has objection on the proposal. The District Council response states this application is 'regularise' operations on the site which fall outside the current permission.

The objection also mentions the lack of sufficient information and comprehensive data to support the application specifically:

- Lack of evidence on nighttime operations;
- Noise assessment timings, a need for continuous noise and dust monitoring;
- Lack of data covering summer and winter time operations;
- The adverse impacts on neighbouring businesses and residents in close proximity to the site.

83. **Binsted Parish Council:** Was notified.

84. **Kingsley Parish Council:** Has no comments on this application.

85. **County Ecologist (Hampshire County Council):** County Ecologist is satisfied with the proposed planting, stating it is beneficial to protect linear woodland and watercourse from operational impacts. A revised landscaping plan was provided which included native species rather than those previously proposed.

86. **County Landscape Architect:** Initially, raised an objection requesting a revision of the site layout to reflect the previously approved landscape plan under the earlier permission. Additional photos of the re-profiled bund along with a detailed planting plan, specification, schedule and maintenance as thereafter requested. Subsequently, the applicant submitted additional landscape information including the location of the bunds, a planting plan and locations of proposed fencing. The planting plan amended the tree species being proposed to include native species instead of some of the non-native species previously approved. The applicant also provided further information in regards the appearance of the proposed noise fence, on which the landscape officer did not raise any objection. However, the County Landscape Architect requested additional details on how it will be fixed and exactly where it will be located. The revised planting plan including amended tree species has not been approved in the Landscape Officer's consultation responses.

87. **Local Highway Authority:** Has no objection subject to retention of extant highways conditions.

## **Representations**

88. Hampshire County Council's [Statement of Community Involvement \(2023\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.

89. In complying with the requirements of the SCI, Hampshire County Council:
- Published a notice of the application in the [Hampshire Independent](#);
  - Placed notices of the application at the application site and local area;
  - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
  - Notified by letter all residential properties within 100m of the boundary of the site.
  - In addition the Liaison Panel were notified of the application.
90. As of 04 July 2024, a total of 28 representations to the proposal have been received. There were not any representations in support of the proposal and all 28 objected to the proposal. All representations are from the local residents / community.
91. The main areas of concern raised in the objections related to the following areas:
- impact of the site and its activities on the rural location;
  - visual amenity and landscape impact;
  - impact of lighting associated with the development especially at night;
  - proximity to residential properties;
  - Impact on the amenity of the local residents;
  - noise impacts;
  - impact on air quality including dust;
  - associated health impacts;
  - impact on the young and elderly;
  - odour associated with the development; and
  - inaccurate information submitted as part of the planning application (e.g. noise assessment).
92. The above issues will be addressed within the following commentary except where identified as not being relevant to the decision). Such matters may be covered in [Non-material planning issues raised in representations](#).

### **Habitats Regulation Assessment:**

93. In accordance with [Conservation of Species and Habitats Regulations 2017](#) (the Habitats Regulations), Hampshire County Council (as a 'competent authority') must undertake a formal assessment of the implications of any new projects we may be granting planning permission for e.g. proposals that

may be capable of affecting the qualifying interest features of the following European designated sites:

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

94. 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.
95. The HRA screening hereby carried out by the County Planning Authority / Minerals and Minerals and Waste Planning Authority considers the proposed development to have **no likely significant effect** on the identified European designated sites due to:
- It is not located at a distance to be considered to have proximity to directly impact on the European designated sites;
  - The site is not considered to have any functional impact pathways connecting the proposed works with any European designated sites; and
  - The proposal does not have any significant increase on any adverse impacts the wider site may have.

## **Climate Change**

96. 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 due to the nature of the development in providing waste management opportunities that can reduce the number of miles travelled by HGVs transporting waste.
97. The application does not contain a climate change assessment and makes no specific proposals to demonstrate how its impact on the causes of climate change are minimised or how it supports the transition to a low carbon future or considers minimising energy consumption. However, considering the existing activities on site and the nature of the proposed changes the proposed scheme is considered to not have a significant contributing impact on climate change and is considered to have acceptable resilience to climate

change. Where these principles are of relevance, they are addressed in the relevant parts of the Commentary section.

## **Commentary**

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

### Principle of the development and demonstration of need

99. Policies 17 (Aggregate supply – capacity and source) and 18 (Recycled and secondary aggregates development) of the [HMWP \(2013\)](#) support development of infrastructure to provide supply of recycled and secondary aggregates. The processing of road planning helps to contribute to a supply of recycled and secondary aggregates.
100. Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#) supports the co-location of activities with existing operations where considered appropriate and commensurate with the operational life of the site. It states provision will be made for the management of non-hazardous waste arising that achieve at least 60% recycling and 95% diversion from landfill by 2020. The processing of road planings will help to increase the amount of recycled and secondary aggregates that can be produced.
101. Policy 27 (Capacity for waste management development) of the [HMWP \(2013\)](#) states the need for additional waste infrastructure capacity was for non-hazardous recycling and recovery capacity in Hampshire. The policy supports proposals where they provide additional capacity for non-hazardous recycling and recovery through the use of existing waste management sites. The proposal will provide for additional capacity, for a temporary period, for the processing of road planings, as part of a wider waste management site.
102. The [National Planning Policy for Waste \(2014\)](#) (NPPW) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Policy 7 of the NPPW states that when determining waste planning applications, Waste Planning Authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In this case, the proposed development is considered consistent with the relevant policies of the [HMWP \(2013\)](#) and so the applicant is not required to demonstrate a market need. The proposed development is located at an existing and

safeguarded waste site which is located close to a junction of the A31, part of the Strategic Road Network as identified in the [HMWP \(2013\)](#), and is therefore considered to be in proximity to the waste sources and markets of Hampshire.

103. The justification of the nighttime operations for road planing deliveries and limited export of a load waste trailer during nighttime hours has already been accepted under planning permission [51471/008](#). The trial period for nighttime deliveries was extended under that application as a sufficient number of nighttime deliveries had not occurred to understand if the practice would result in unacceptable noise. Noise from nighttime deliveries is considered below along with the noise impacts from all the proposed changes.
104. Highways work typically occurs at night and on a campaign basis (a campaign refers to intense, but usually short lived, projects). A proportion of the road planings generated will need to be deposited at a suitably licensed waste facility. Allowing for the nighttime storage of road planings at the Waterbrook Road site would enable safe, secure and licenced storage providing operational flexibility to benefit highways projects in Hampshire, reducing the miles and time required to take planings during these nighttime hours to alternative licensed facilities.
105. The relationship with the adjacent site at the entrance to the subject site – and under the same ownership as the subject site - is important when considering this current application. The adjacent site, which uses the same site entrance, has a separate planning permission ([33089/032](#)) for a trommel and picking station to process non-hazardous commercial and industrial waste. The new waste types proposed to be added under the current application - mixed waste processing using a picking station and trommel, glass recycling, and scrap metal segregation and sorting – would be considered to be included under the waste types allowed on the adjacent PL Waste site waste site. The extant planning permission ([33089/032](#)) for the PL Waste site allows for *'import, store and process non-hazardous commercial and industrial waste, and to also recycle and recover recyclates and the bulk transfer of residual waste materials'*. In the recent past the adjacent site has been leased to a third party operator (PL Waste) to further process trommel fines and is currently utilised by a waste wood shredding operation.
106. It is considered that introducing a similar waste processing operation on the subject site as the adjacent site is not unacceptable in principle when taken in the context of the existing waste uses already allowed on both the



adjacent and subject sites. Similarly, the proposed glass operations are not considered to be out of keeping with the other existing waste uses allowed on the subject site. However, it does need to be demonstrated that the resulting impacts such as health, amenity and ecology will not be adverse.

107. On the basis of the nature of the proposal, the proposed development is in accordance with Policies 17, 18, 25 and 27 of the [HMWP \(2013\)](#).
108. Whether the proposal is considered to be in accordance with paragraph 11 of the [NPPF \(2023\)](#) and Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#) will be considered in the remaining sections of this commentary section.

#### Suitability of site location

109. Policy 29 (Locations and sites for waste management) of the [HMWP \(2013\)](#) provides the framework for the location of new waste sites in Hampshire. It is acknowledged that waste uses are already taking place at the site. The focus here is whether the changes to the waste use are acceptable. Part 1 of the policy addresses proximity to urban areas, strategic road corridors or major new or planned development, and Part 2 relates to the status of the land to be developed. Parts 1 and 2 of the policy are read together. Appropriateness of the proposal in the setting is also a consideration under the policy. It is also important to note that the site has an extant planning permission for storage and processing of inert wastes.
110. The site is located along an identified strategic road corridor and has good access to the A31 and so meets Part 1 ii) of Policy 29. The development would be completely on Previously Developed Land within the existing site and as discussed below is considered to be of a scale compatible with the setting when considering the existing planning context. The development there meets Part 2 c) and e) of Policy 29. Sites which do not meet the requirements of Parts 1 and 2 should be considered against the requirements of Part 3. Part 3 is therefore not of relevance to this proposal.
111. The site is located within the Alton urban area so Policy 5 (Protection of the Countryside) of the [HMWP \(2013\)](#) is not applicable.
112. Taking into account the existing waste uses and the proposed changes, the proposal is in accordance with the relevant parts of Policy 29 of the [HMWP \(2013\)](#)

## Ecology

113. Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) sets out a requirement for minerals and waste development to not have a significant adverse effect on, and where possible, should enhance, restore or create designated or important habitats and species. The policy sets out a list of sites, habitats and species which will be protected in accordance with the level of their relative importance. The policy states that development which is likely to have a significant adverse impact upon the identified sites, habitats and species will only be permitted where it is judged that the merits of the development outweigh any likely environmental damage. The policy also sets out a requirement for appropriate mitigation and compensation measures where development would cause harm to biodiversity interests.
114. Policy CP21 (Biodiversity) of the [EHCS \(2014\)](#) states that Development proposals must maintain, enhance and protect the District's biodiversity and its surrounding environment.
115. Paragraph 180 d) of the [NPPF \(2023\)](#) states that planning decisions 'should contribute to and enhance the natural environment'.
116. While the primary purpose of the additional planting and seeding on the bunds is to provide visual screening of the site, it will also be creating some additional habitat gains along an existing stream corridor.
117. The County Ecologist has reviewed the application and is satisfied with the planting species proposed. They have noted that the existing bund which will need to be regraded could have potential to support existing badger setts and an ecological walkover might be required. As a protected species under wildlife legislation, any badger setts would need to be protected during the works to the bunds.
118. The proposed development would take place within the existing developed site.
119. The application was made prior to the introduction of mandatory 10% Biodiversity Net Gain (BNG) requirements which was brought in on 12 February 2024. As a Section 73 application, BNG is not be applicable where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024.

The proposal is in accordance with Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) and Policy CP21 (Biodiversity) of the [EHCS \(2014\)](#).

#### Visual impact, landscape and arboriculture

120. Policy 13 (High-quality design of minerals and waste development) of the [HMWP \(2013\)](#) requires that waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) protects residents from significant adverse visual impact.
121. Policy CP20 (Landscape) of the [EHCS \(2014\)](#) states that the special characteristics of the district's natural environment will be conserved and enhanced. The requirements include incorporating appropriate new planting to enhance the landscape setting of the new development which uses local materials, native species and enhances biodiversity.
122. Paragraph 7 of the [National Planning Policy for Waste \(2014\)](#) states that Minerals and Waste Planning Authority should ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.
123. A **Landscape and Visual Impact Assessment (LVIA)** was submitted with the application. Since the LVIA was submitted updated landscaping plans were submitted to address consultee comments. The LVIA concludes that the proposed development would result in limited site specific/localised landscape and visual effects. It further states the proposed development would not be detrimental to the overall character, qualities and appearance (in views) of the site and its surrounding environment, including the South Downs National Park. It notes the undulating nature of the surrounding landscape and the presence of woodland/tree cover visually contain the site and also mean that there is a limited number of potential visual receptors, such as local residents, road and footpath users which are largely confined to within 1km of the site.
124. The context of the surrounding development in the industrial estates around the site and the existing allowed site use should be taken into account in determining the acceptability of the proposed changes to the site layout and operations. Uses directly adjacent to the site include a sewage works and concrete batching plant. The use of the site to store and process waste has

already been approved by past planning permissions albeit more recently with a requirement to improve visual screening of the site.

125. An approved landscaping plan was required to be implemented as a planning condition of the extant planning permission 51471/008 (conditions 1 and 6). This in turn reflected the approved but implemented landscaping scheme for planning permission [51471/007](#). This landscaping scheme would have required a new landscaped bund on part of the southern perimeter where the picking station and trommel are now located. The bund was to be extended further into the site with a shallower slope on the inside face than at present. The new bund would have meant the existing hardstanding and a concrete retaining wall were removed on the western part of the southern perimeter of the site. The concrete pad was an appropriate location for the trommel and picking station to be located as it had a sealed surface with self-contained surface drainage.
126. The eastern part of this southern perimeter bund was also to have enhanced landscaping.
127. During the determination of this current planning application, a revised landscaping plan has been submitted which still included a vegetated bund on the eastern part of the southern site perimeter. The vegetation on this part of the bund is intended to complement the existing screening provided by the mature trees on the banks of Caker Stream. No existing trees would be impacted by the proposed changes to the site.
128. Along the western section of the southern perimeter, alongside the location of the trommel and picking station, a four metre high barrier (part wooden fence and part dust netting) is proposed to sit on the existing retaining wall /bund. The fencing would provide visual screening along this part of the perimeter. It would also serve as an acoustic barrier to attenuate noise for the trommel/picking station and contain dust within the site. Additional planting would also be added to the bank of Caker Stream and the fence.
129. New lighting has been proposed to be located above the picking station for use during the allowed working hours when it is dark. Other than this no additional lighting is proposed on wider site as part of the site layout amendments. It is proposed to add an additional condition requiring a lighting plan to be submitted that demonstrated the lighting will have no upward light spill, have a lux value of 1 Lux or less at the perimeter of the site and use fixtures which have a warmth of 3500K. In addition the existing condition which requires there to be no lighting outside of operational hours is recommended to be retained.

130. The County Landscape Architect has reviewed the application. The County Landscape Architect initial consultation response required the bund to on the southern perimeter to be landscaped in accordance with the Landscaping Scheme approved under the earlier planning permission [51471/007](#). However, the County Ecologist noted that some of the species proposed in the previously approved landscaping scheme included non-native species. The updated Planting Plan still includes included extending the bund on the eastern part of the southern perimeter as previously agreed. The updated Planting Plan also still includes planting location per the earlier approved planting plan on the inside face of the bund to reinforce the existing mature trees. However, it now includes an alternative planting mix using native species. The County Landscape Architect has not provided any comment on the revised planting mix. The approved and newly proposed landscaping schemes are very similar in nature in terms of bund shape and location of planting. However, to allow the County Landscape Architect the opportunity to approve the proposed planting and to ensure the aftercare of the appropriate species a condition has been recommended.
131. Regarding the proposed fencing the County Landscape Architect has stated they have no objection to the proposed fencing on the eastern side of the southern perimeter. This is subject to additional details on the construction of the proposed acoustic fencing also submitted. Additional tree planting is also proposed on the outside face of the fencing.
132. It is considered that the proposed landscaping would adequately screen the proposed additional waste facilities once the planting mix is approved.
133. An existing condition limiting stockpile heights are also recommended to be retained (5m for road planings, soils and hardcore, and 4m for wastes stored in trommel/picking station area).
134. Taking into account the existing planning context and the recommended planning conditions, the proposal is considered to be in accordance with Policy 13 (High-quality design of minerals and waste development) of the [HMWP \(2013\)](#) and Policy CP20 (Landscape) of the [EHCS \(2014\)](#).

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

135. Policy 10 (Protecting public health, safety and amenity) of [HMWP \(2013\)](#) requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. Also, any proposal should not cause an unacceptable cumulative impact arising from

the interactions between waste developments and other forms of development.

136. Policy CP27 (Pollution) of the [EHCS \(2014\)](#) states that development must not result in pollution which prejudices the health and safety of communities and their environments. Developments that may cause pollution will only be permitted if they are appropriately separated and designed to remove the risk of unacceptable impacts. The policy also specifically requires developments to use the minimum amount of lighting required with glare and light spillage minimised.
137. The [National Planning Policy for Waste \(2014\)](#) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Policy 5 sets out criteria by which Waste Planning Authorities should assess the suitability of sites for new or enhanced waste management facilities. This includes the criteria that the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.

a) *Noise*

138. A **Revised Noise and Dust Management Plan** has been submitted by the applicant to reflect that a new plan has been required by the Environment Agency as part of an update to the site's Environmental permit.
139. Noise complaints have been received since the approval of the extant planning permission as well as in public representations regarding noise generated by the site which have been submitted regarding this planning application.
140. **Noise from trommel/picking station operation – a Noise Assessment (NA)** has been submitted as part of the planning application. Public representations have been critical of the methodology used in the NA. The NA has been updated during the determination of the planning application in response to the changes in the site design and comments from the Environmental Health Officer (EHO).
141. The application includes construction of two acoustic fences to mitigate noise produced by the trommel operations on both the adjacent PL Waste site and the from the trommel on the subject site. The operations of the PL

Waste trommel has planning permission and there were no noise limits associated with it.

142. The NA concludes that when taking account of the proposed mitigation that the resulting noise levels would be 2 dB above background at the most impacted Noise Sensitive Receptor (NSR01) on Wilsom Road. This impact is considered to be 'Low'. The EHO has no objection to the planning application.
143. Based on the evidence provided, and accounting for the consultation response from the EHO, and the existing waste processing activities allowed on both the site and the adjacent PL Waste site, the proposed glass, scrap metal and trommel/picking station operations are not considered to result in adverse impacts.

#### *Nighttime road planings*

144. The extant planning permission allowed for 10 HGV movements (five in and five out) related to deliver of road planings and two movements related to deliver of a trailer pre-loaded with waste. This was only allowed for a trial period until 31 March 2023. During the determination of this subject planning application delivery of nighttime road planings has been allowed to continue as the applicant was seeking to permanently allowed them. The purpose of the temporary allowance was to understand whether the nighttime deliveries would disturb local residents.
145. The extant planning permission included an informative requiring the operator to keep a record of nighttime deliveries. A record of deliveries between January 2023 and May 2024 has been provided by the applicant.
146. The records show that there had been 173 nighttime deliveries on 65 separate days. During that time, seven complaints about nighttime disturbance have been received from residents on Wilsom Road although three complaints do not coincide with the dates of nighttime deliveries. There were 337 nights between those dates where deliveries could have taken place (this excludes Saturday, Sunday, and Bank Holiday nights).
147. In addition to the 'night-mode' requirements in the **Noise and Dust Management Plan** (recommended in condition 11) the applicant has also introduced other measures. The applicant has introduced a requirement for a banksman to accompany nighttime HGVs to ensure drivers are following the nighttime delivery procedure. The extant condition requires all nighttime HGVs to be fitted with hydraulic tailgate lifts. In addition the operator has fitted rubber 'bumpers' to the tail gates to minimise any noise during closure.

The recommended condition has been updated to include these additional practices (Condition 25).

148. Prior to the submission of the [51471/007](#), of which this application relates to, planning application [51471/006](#) for similar development was refused by the Regulatory Committee for the reason that the Minerals and Minerals and Waste Planning Authority considered that, on the basis of the information submitted, the proposed nighttime operations will result in unacceptable noise impacts to occupiers of residential property in the surrounding area, contrary to Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and the relevant paragraphs of the [NPPF \(2023\)](#). The applicant appealed this decision and the appeal was dismissed by the Planning Inspectorate on 31 August 2019 in appeal decision [APP/Q1770/W/18/3217698](#).
149. The Inspector found the main issue to be the impact of the proposal on the living conditions of neighbouring residents, in terms of noise and disturbance. The Inspector dismissed the appeal on the grounds that that they considered *‘that there would be an adverse effect from nighttime HGV movements without a routing agreement in place’* and that this would be harmful to the living conditions of neighbouring occupiers, contrary to Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#). The Inspector considered that *‘the noise assessments are conservative in their assessment of the impacts of the proposal.’* and *‘On the basis of the modelling and noise assessment carried out, which I consider to be satisfactory, ...there would not be an adverse effect in terms of noise from the proposed nighttime use of the site.’* The inspector took the view that the proposal would comply with Paragraph 180 (appropriate development taking into account pollution on health, living conditions and the natural environment) of the [NPPF \(2023\)](#). Therefore, the Inspector found the principle of the development acceptable, subject to conditions and the establishment of a legal agreement to restrict the routing of Heavy Goods Vehicles travelling to and from the site, in order to avoid the most noise sensitive locations. As already noted, this routing agreement was previously agreed through the grant of planning permission [51471/007](#) with a continuation of the agreed legal agreement when the trial period was extended.
150. Alton Town Council and a number of public representations object to the proposal on grounds of unacceptable noise likely to be generated from the proposed development. These are acknowledged.



151. The previous planning application ([51471/007](#)) included two Noise Assessments; one for the proposed nighttime activities on the site, and one for the sound generated by nighttime HGV movements to and from the site. Both noise assessments were based upon British Standard [BS4142:2014](#), which was recognised by the MWPA and the EHO as an acceptable standard to consider the impacts of noise for minerals or waste developments. The assessments considered potential noise impacts against site measured background noise at identified survey locations and sensitive receptors.
152. Both assessments demonstrated that the noise impact from the proposed activities would not cause an unacceptable adverse noise impact on local sensitive receptors – a conclusion that the Environmental Health Officer accepted, raising no objection. The proposed nighttime operations and measures taken to mitigate the effects of noise remain the same as those permitted in [51471/007](#). The EHO has again been consulted on this application and considers that the proposed extension of the trial period to be acceptable. It is the view of the MWPA that the proposed extension to the trial period will not generate unacceptable noise impacts and will allow for a full assessment of the impacts that the nighttime operations.
153. Taking into account the Planning Inspector's earlier conclusions and the low number of substantiated complaints during the trial period, it is considered that the permanent allowance for nighttime road planings would not result in adverse noise impacts to local residents.

*a) Dust:*

154. This includes measures to ensure dust is adequately controlled from vehicle movements, stockpiles and the trommel (both PL Waste site and subject site).
155. A public representation was received regarding dust being generated by trommel leaving the site and impacting the adjacent commercial premises. As a result the operator has erected temporary dust netting around the trommel on the southern boundary. This netting is not acceptable in terms of visual impact and demonstrating high quality design. A permanent fence and netting solution has been proposed along the boundary. Further details regarding the construction of the fencing and netting has been recommended as a condition of approval (Condition 13). In addition the condition requires the netting to remain free from holes and for the approved colours to be retained.

156. The EHO has no objection to the proposal but has requested that a record of the daily site inspections required by the Revised Noise and Dust Management Plan is maintained and made available for inspection. This has been added to the recommended condition requiring implementation of the revised dust management plan for the duration of the development (Condition 10) as set out in **Appendix A**.

*b) Lighting:*

157. New lighting has been proposed to be located above the picking station for use during the allowed working hours when it is dark. Other than this no additional lighting is proposed on wider site as part of the site layout amendments. It is recommended amend the existing lighting condition to require a lighting plan to be submitted that demonstrated the lighting will have no upward light spill, have a lux value of 1 Lux or less at the perimeter of the site and use fixtures which have a warmth of 3500K. In addition, the existing condition which requires there to be no lighting outside of operational hours is recommended to be retained.

158. Taking all matters into account in terms of lighting, noise and air quality aspects of amenity and health, based on the proposal mitigation and planning conditions, the proposal is considered to be accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy CP27 (Pollution) of the [EHCS \(2014\)](#).

Flooding, drainage and water resources

159. Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts and this includes release of emissions to water. Policy 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) addresses the need for development no increase flood risk and to have appropriately designed drainage systems.

160. Policy CP25 (Flood risk) of the [EHCS \(2014\)](#) states that all development will be required to ensure that there is no net increase in surface water run-off.

161. The extant planning permission allows the site to import inert CDE waste, uncontaminated soils, rubble, concrete, wood and road planings. The applicant has requested that mixed waste, glass, and metals are added to the allowed wastes.

162. The site currently benefits from an approved drainage system, with discharges from site drainage largely being a matter for the Environment Agency to regulate through the Environmental permit. There have been no substantiated drainage complaints arising from site operations and no changes to onsite drainage systems are proposed at the site as part of this application. The concrete pad on which the trommel sites benefits from a sealed drainage tank.
163. While the Environment Agency has not commented on this application, when consulted on the previous application at the site, the Environment Agency confirmed that the site's Environmental permit includes bituminous mixtures such as road planings as acceptable waste, with the exception of certain road planings, such as those containing coal tar, as these are hazardous waste. Therefore, the operator holds a permit for the importation and processing of non-hazardous road planings.
164. The application seeks to allow storage of hazardous road planings. However, no evidence has been provided that shows that the site has been determined to be suitable for the storage of hazardous road planings. As a result this has not been added to the list of allowed wastes under recommended Condition 19.
165. It is considered that metals and glass materials are acceptable. It has been specified that only non-hazardous mixed waste is appropriate so the term 'non-hazardous' has been added to recommended condition 18 as set out in **Appendix A**.
166. Other wastes proposed to be added to those currently allowed include mixed waste which would be stored in the area immediately around the trommel/picking station. The recommended condition requires only non-hazardous mixed waste to be imported.
167. The site's Environmental permit will continue to control the suitability of the waste material imported to the site as well as site drainage. Taking this into account as well as the proposed conditions the proposal is considered to be in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) as well as Policy CP25 (Flood risk) of the [EHCS \(2014\)](#) with respect to water pollution and flood risk.

## Links to Environmental permitting

168. National Planning Practice Guidance states that Planning Authorities should assume that other regulatory regimes will operate effectively rather than seek to control any processes, health and safety issues or emissions themselves where these are subject to approval under other regimes ([Paragraph 050 Reference ID: 28-050-20141016](#))
169. Planning and permitting decisions are separate but closely linked. The Environment Agency has a role to play in both.
170. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.
171. The need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an Environmental permit. An application for an Environmental permit will include an assessment of the environmental risk of the proposals including the risk under both normal and abnormal operating conditions. The Environment Agency will assess the application and the adequacy of the impact assessment including whether the control measures proposed by the operator are appropriate for mitigating the risks and their potential impact.
172. The site has an active Environmental permit. The single Environmental permit incorporates the activities of the adjacent PL Waste site and the site subject to this planning application.
173. The scope of an Environmental permit is defined by the activities set out in the Environmental permitting Regulations (England and Wales) 2016 (EPR). The aim of the EPR regime is to protect the environment from potential impacts associated with certain liable facilities or installations. The permitted activities may form a part of, but not all, of the development needing planning permission. In these cases, the planning application will need to address environmental considerations from those parts of the development that are not covered by the permit.
174. The Environment Agency carry out unannounced inspection visits to ensure sites are operating in accordance with permit conditions and scrutinise data associated with the development. The Environment Agency has the powers to suspend any permits it considers are not being fully complied with and are creating an unacceptable risk.

## Highways impact

175. 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.
176. Paragraph 115 of the [NPPF \(2023\)](#) 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.*'
177. This proposal includes the permanent allowance for up to 12 HGV daily movements to and from the site outside of the operating hours of the site as set in Condition 5 (Operating times) of planning permission [51471/007](#) (0700-1800 Monday to Saturday). These would travel to the A31 via Waterbrook Road and the B3004, Mill Lane. It is proposed that these HGV movements would be included in the existing HGV movement limit of 612 weekly, therefore it is proposed to retain this limit in the scheme of conditions proposed in **Appendix A**.
178. Prior to the submission of planning application [51471/007](#), a planning application [51471/006](#) for similar development was refused by the Regulatory Committee on the grounds that the application was considered to be contrary to Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and the relevant paragraphs of the NPPF. The applicant appealed this decision and the appeal was dismissed by the Planning Inspectorate on 31 August 2019 (appeal decision [APP/Q1770/W/18/3217698](#)). The Inspector found the main issue to be the impact of the proposal on the living conditions of neighbouring residents, in terms of noise and disturbance. The Inspector dismissed the appeal on the grounds that that they considered '*that there would be an adverse effect from nighttime HGV movements without a routing agreement in place*' and that this would be harmful to the living conditions of neighbouring occupiers, contrary to Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#). It is important to note that the Inspector found the principle of the development acceptable, subject to conditions and the establishment of a legal agreement to restrict the routing of HGVs travelling to and from the site, in order to avoid the most noise sensitive locations. As already noted,

this routing agreement was agreed through the grant of planning permission [51471/007](#). This routing agreement was continued under the extant planning permission (51471/008) with a clause added allowing for future Section 73 planning permissions to not require further updates to the legal agreement. The existing legal agreement would continue should permission be granted for this application. The agreed lorry route is set out in **Appendix D**.

179. The Highway Authority raises no objection to the proposal subject to retention of the existing highways conditions which are included in **Appendix A**. On this basis, it is considered that the proposal is in accordance with Policy 12 (Managing traffic) of the [HMWP \(2013\)](#).

#### Socio-economic impacts

180. Paragraph 7 of the [NPPF \(2023\)](#) states that achieving sustainable development is the primary objective of the planning system, with paragraph 8 confirming the importance that the economic role of development has in delivering sustainable development. Further to this, the [NPPF \(2023\)](#)
181. incorporates planning policy in relation to the socio economic effects of development. Specifically, paragraph 85 of the [NPPF \(2023\)](#) states that: *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'*.
182. The additional of new waste facilities and capacity at an existing waste site will retain existing employment and allow for creation of further jobs.

#### Monitoring and enforcement and complaints

183. As an operational minerals / waste site, the site is subject to monitoring by the County Council's Monitoring and Enforcement team to ensure compliance with previous permissions granted. If permission were granted, the Site would continue to be inspected by officers.
184. Since grant of the extant planning permission complaints have been received regarding the following areas:
- noise from the site during daytime hours which are from unknown sources but have been attributed by complainants to the trommel operation at either the subject site or the adjacent PL Waste site;
  - noise during nighttime operations attributed to delivery of road planings; and

- dust impacting adjacent business attributed to the operation of the trommel on the subject site.

185. These complaints have been investigated with solutions agreed and implemented by the site operators as follows:

- **Trommel noise** - it was suspected noise issues were related to the location of the trommel within the PL Waste site. While there are no conditions limiting noise levels from this site the trommel was reorientated to take advantage of existing barriers and change the direction of travel of sound from the end of the trommel. As described above the current application would see additional acoustic fencing at the perimeter of the PL Waste site to provide further attenuation. Acoustic fencing would also be installed at the perimeter of the subject site alongside the trommel/picking station.
- **Noise during nighttime road planing deliveries** – as a result of complaints, the operator implement toolbox talks and ensured a banksman accompanied vehicles between the site gates and the road planings area of the site. This was to ensure drivers adhered to the night-mode operation methods. Other issues seemed to have related to the closing of the site gates following deliveries.
- **Dust** – This complaint was received as a public representation to the subject application. The operator subsequently erected temporary dust netting along the southern boundary along site the trommel/picking station. This would be replaced by a 4m high fence acoustic fence and permanent dust netting to be installed on top of the existing retaining wall as part of the of the proposed development would take the place of the temporary dust netting.

186. The Environment Agency also inspect the Site as part of monitoring the Environmental permit. The Environment Agency has the powers to suspend any permits it considers are not being fully complied with and are creating an unacceptable risk.

#### Planning conditions

187. The following condition has been deleted:

- Original Condition 1 – this has been deleted. Removal of this condition impacts the numbering of subsequent conditions. The condition has been deleted as the requirement for the site screening as shown on an updated landscape planting plan is included in an updated condition (see original condition 6 and updated to be condition 5).

188. The following new condition has been added as part of this planning permission.

- New condition 13 – This condition has been added to require the applicant to submit details regarding the construction of the proposed fence to be installed to prevent adverse noise, dust, and visual amenity impacts resulting from the installation of the new trommel and picking station. The details should reflect the information on the proposed fence design and location as shown on the updated site plan and applicant information on the type and appearance of the fence to be installed. This fence should be installed within three months of the approval of the details. This new condition impacts the number of subsequent conditions.

189. In addition to the conditions proposed for amendment by the applicant, the following conditions have been updated to reflect the updated drawings and plans submitted as part of this application.

- Original condition 2 (now condition 1) – updated to reflect updated site plan showing location of the perimeter bunds
- Original condition 3 (now condition 2) – updated to reflect the updated site plan showing the locations of the existing and new waste uses/activities on the site. Also requires a one metre buffer between the inside toe of the bunds to any stockpiles to ensure the planted bund is not encroached into. This one metre require was shown on the previous site plan.
- Original condition 4 (now condition 3) – updated to reflect a new survey of site levels has been submitted. The new surveyed levels have been compared with the surveyed levels of the drawing approved under planning permission 51471/003 and they are in very close agreement.
- Original condition 6 – updated to reflect the updated planting plan submitted with the application.
- Original condition 5 (now condition 4) – updated to remove trial period limitation in extant permission and reflect new site plan.
- Original condition 11 (now condition 10) – updated to reflect a new noise and dust management plan has been submitted which duplicates the noise and dust management plan submitted for the Environmental Permit. Also added the requirement from the EHDC EHO for daily dust monitoring logs to be kept and available for inspection by the MWPA.
- Original condition 12 (now condition 11) – updated to reflect new dust and noise management plan.



- Original condition 16 (still condition 16) – updated to reflect the updated site plan and new levels. The new survey drawing offers the advantage of more detailed spot heights surrounding the stockpiles.
- Original condition 18 (still condition 18) – updated to reflect the additional waste types allowed on the site. In a change to the proposed condition It has been specified that the proposed ‘mixed waste’ is classified as ‘non-hazardous commercial mixed waste’.
- Original Condition 25 (still condition 25) – updated to reflect new updated drawings.

### Legal agreement

190. In July 2020, planning application 51471/007 was submitted seeking approval for the variation of three same conditions. The changes to the three conditions had been previously refused and upheld at appeal due to concerns that without a routing agreement nighttime deliveries could result in disturbance to residential properties on the route. Importantly, for planning permission 51471/077, the Applicant offered to enter into a S106 obligation that contained a detailed HGV routeing arrangement. planning permission was approved by the Regulatory Committee on 21st February 2021 (hereafter referred to as ‘the 2021 Permission’) and was subject to 24 conditions and a Section 106 (s106) obligation regarding vehicle routing. The routing agreement was continued under the extant planning permission (51471/008) through a deed of variation. This deed of variation included a mechanism whereby further S73 planning permissions would not need the legal agreement to be further updated.

### Community benefits

191. Paragraph 5.59 of the [HMWP \(2013\)](#) states that there is an expectation that all 'major' minerals and waste development will be accompanied by a site Liaison Panel. Panels should be setup between the site operator, Minerals and Minerals and Waste Planning Authority, other interested parties and community representatives to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community.

192. Following the grant of planning permission [51471/007](#), a liaison panel was established at the site covering all site operations. Councillor Joy is chair of this panel. The last meeting was held in January 2023 to allow discussion of the planning application. Although the operator and Agent were not invited, Councillor Joy, Council Officers and the Environment Agency were able to meet with local residents. As is common, the Liaison Panel has not met

during the determination period of a planning application. The Minerals and Minerals and Waste Planning Authority supports the continuation and development of this panel, to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community.

### **Other issues**

193. The relationship with the adjacent site at the entrance to the subject site – and under the same ownership as the subject site - is also important. The adjacent site, which uses the same site entrance, has a separate planning permission (33089/032) for trommel and picking station to process non-hazardous commercial and industrial waste. The wastes proposed to be added under the current application are already allowed to be imported and processed on this adjacent site. In the recent past this adjacent site has been leased to a third party operator (PL Waste) to further process imported trommel fines. It currently occupied by a waste wood shredding operation.

### **Conclusions**

194. It is considered that the proposal is in accordance with the relevant policies of the adopted [HMWP \(2013\)](#). The existing waste site is very close to the Strategic Road network, and so in principle, is considered suitable for additional waste development, such as this, in order to sustainably support Hampshire's provision of waste facilities (Policies 17, 18, 25 and 27). The proposal would allow for permanent but limited nighttime HGV movements to deliver road planings and export of a single pre-loaded HGV trailer during nighttime hours. In terms of the road planings it provides a suitable location to support highways works through the transfer of road planings to an existing Waste transfer facility located close to the Strategic Road Network in a central Hampshire location. It is considered that the proposal's benefits in providing this facility for the temporary storage of road planings outweighs the potential impacts to neighbourhood amenity and the environment within the site's context on an existing industrial estate adjacent to a residential area of Alton. The previous trial period has demonstrated that these impacts are minimal. This is in keeping with the Planning Inspectors previous conclusions regarding the nighttime deliveries. The current legal agreement associated with the extant planning specifies an appropriate nighttime deliveries routing and this would continue to be in effect.

195. In terms of the expanded materials and processing in plant proposed for retrospective planning permission, it is noted that the adjacent site can already process the same materials. Allowing them to also be processed in

the subject site would not result in adverse amenity impacts once the proposed visual screening, and noise and dust mitigation is implemented.

196. It is considered that the proposed development when considered with the proposed mitigation, subject to conditions and the continued implementation of the routing agreement as required by the Section 106 agreement, would not cause an unacceptable adverse impact on public amenity, noise or light pollution (Policy 10 of the [HMWP \(2013\)](#)), or to highway safety or amenity (Policy 12) subject to the continuation of the Section 106 agreement to control the route of heavy goods vehicles (HGVs) to and from the site out of the conditioned working hours to prevent nighttime HGV movements through residential areas. Existing restrictions on use of lighting during nighttime deliveries will be retained. A lighting plan has been recommended as a planning condition to ensure the new proposed lighting on the picking station does not impact local amenity as well as ecology (Policy 3 of the [HMWP \(2013\)](#)).
197. The proposed revised planting and fencing of the site is considered would be effective to address any impacts on public views, and provide for an attractive site perimeter. The implementation of the landscaping plan would also provide for additional biodiversity gains on the site (Policies 3, 10 and 13 of the [HMWP \(2013\)](#)).
198. Taking all matters into account, the proposed development within the existing waste site is considered to be in accordance with paragraph 11 of the [NPPF \(2023\)](#) and Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#).

## **Recommendation**

That planning permission be GRANTED subject to the conditions listed in **Appendix A**.

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Update Site Layout Plan

Appendix D – Updated Planting Plan

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2022/0633>

**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
<b>OR</b>	
<p><b>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:</b>          the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste or local planning authority.</p>	

**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

51471/009  
EH156

Hampshire County Council

Variation of conditions 3 (Layout), 5 (Hours of Working & Temporary Period), 11 & 12 (Noise, Dust & Odour), 16 (Storage), 18 (Types of Materials) & 25 (Plans) of planning permission 51471/008 at Unit 5 Waterbrook Estate, Waterbrook Road, Alton, GU34 2UD

## **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.

## **CONDITIONS**

### **Reasons for Approval**

It is considered that the proposed development when considered with the proposed mitigation, subject to planning conditions and the continued implementation of the Heavy Goods Vehicle routing agreement as required by the existing Section 106 agreement, would not cause an unacceptable adverse impact on public amenity, noise or light pollution, or to highway safety or amenity. The applicant has provided sufficient information to demonstrate it would be in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013) with respect to noise, lighting, dust and odour. With the proposed acoustic fencing, the noise resulting from the operation of the trommel would be minimal compared to existing background levels. The proposal is considered to be in accordance with Policy 12 (Managing traffic), subject to the existing Section 106 agreement to control the route of heavy goods vehicles (HGVs) to and from the site out of the conditioned working hours to prevent nighttime HGV movements through residential areas.

An approved lighting plan and implementation of existing lighting restrictions will prevent adverse lighting-related amenity and ecology impacts. The proposed revised planting and fencing, subject to approval of further details based on the respective proposals submitted, would be effective to address any impacts on public views, and provide for an attractive site perimeter. The implementation of the landscaping plan would also provide for additional biodiversity gains on the site (Policy 3 (Protection of habitats and species)). The site is very close to the Strategic Road Network, and so in principle, is considered suitable for additional development in order to sustainably support Hampshire's provision of waste facilities in accordance with Policies 17 (Aggregate supply – capacity and source), 18 (Recycled and secondary aggregates development), 25 (Sustainable waste management) and 27 (Capacity for waste management development) of the Hampshire Minerals and Waste Plan (2013).

### **Conditions**

#### **Perimeter Bunds**

1. Within one month of the approval of the Arboricultural Method Statement and Tree Protection measures required by Condition 6, the perimeter bunds' shall be constructed, graded, and provided with topsoil in accordance with the approved Updated Site Layout Plan Drawing 002 dated March 2024 and (drawing GF-LSC-01 Rev 0) dated March 2024. Arboricultural supervision

for the bund construction shall be present in accordance with the approved details of Condition 6.

The bunds shall be maintained for the duration of the development.

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

### **Layout**

2. The site shall be set out in accordance with the Updated Site Layout Plan Drawing 002 dated March 2024. A one metre buffer from the inside toe of the landscaping bund on the southern boundary shall be maintained free from stockpiles for the duration of the development.

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

### **Site Levels**

3. The site ground levels shall not exceed those shown on the Topographical Survey (drawing 001 Rev 0) dated February 2024 with the exception of the approved stockpile areas.

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

### **Hours of Working and Temporary Period**

4. No heavy goods vehicles (HGV) shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0700-1800 Monday to Saturday. There shall be no working on Sundays or recognised Public Holidays. This is with the exception of the following activities:
  - i) No more than 10 HGV movements per day shall enter or leave the site between 1800 and 0700 Monday to Saturday for the delivery of road planings only, to the road planings location as shown on the Updated Site Layout Plan 002 dated March 2024; and

- ii) No more than 2 HGV movements per day shall enter or leave the site between 1800 and 0700 Monday to Saturday for the delivery and collection of a construction, demolition and excavation waste trailer prepared within the site operating hours defined above and only from Waste Transfer Station location as shown on the Updated Site Layout Plan 002 dated March 2024.

For the purposes of matters relating to this decision HGVs are defined as vehicles over 3.5 tonne un-laden.

Reason: In the interests of local amenity and to minimise impacts of nighttime activities in accordance with Policy 10 (Protecting public health, safety and amenity) and paragraph 6.181 of the Hampshire Minerals & Waste Plan (2013).

### **Landscape**

- 5. Within two months of the date of the decision hereby approved, a detailed Landscaping Scheme shall be submitted to and approved by the Minerals and Waste Planning Authority. The Landscaping Scheme shall be in general accordance with the approved Updated Planting Plan (drawing GF-LSC-01 Rev 0) dated March 2024 in terms of planting, bunding and fencing locations. It shall include additional details of bund cross-sections; the types, size and species of all trees and shrubs to be planted and seeding; details of all trees to be retained; and details of protection fencing/enclosure of the inside face of the bunds, phasing and timescales for carrying out the works, and provision for future maintenance.

The landscaping shall be implemented by the first planting and seeding season following the date of the decision hereby approved and maintained as detailed on the approved Landscaping scheme.

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

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



## **Arboriculture**

6. Within two months and prior to any work on constructing the approved bunds, an Arboricultural Method Statement and Tree Protection Plan detailing how existing trees on the site will be protected and provided arboricultural supervision during construction shall be submitted to and approved in writing by the Minerals and Waste Planning Authority.

Construction of the bunds shall be undertaken in accordance with the approved details.

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

## **Protection of Water Environment**

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

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

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

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

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

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

### **Noise, Dust and Odour**

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

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

11. The site shall be run in accordance with the submitted and approved Dust and Noise Management Plan, updated 14 September 2024 or any subsequent updates of the Dust and Noise Management Plan submitted to and approved in writing by Minerals and Waste Planning Authority.

A log of daily dust inspections shall be maintained and be available for inspection by the Minerals and Waste Planning Authority. The log shall detail the frequency of monitoring throughout each day, wind speed and direction, whether any dust emissions are visible, and actions taken to prevent the emissions.

The management plan shall be implemented as approved for the duration of the site's operation.

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

12. All vehicles, operated within the site shall be fitted with white noise type low tonal reversing alarms. Those vehicles operating outside of the operating hours, as set out in Condition 4 (working hours) shall operate in 'night mode' as set out in the Dust and Noise Management plan, updated 14 September 2023. This shall be implemented as approved for the duration of the site's operation.

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

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

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

14. Within 2 months of the date of the decision hereby approved, details of the construction of the 4 metre acoustic fencing, and dust netting at the locations shown on the Updated Site Layout Plan (Drawing 002) dated March 2024 shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. The submitted construction details shall be approved by a qualified Civil Engineer or similarly appropriate professional acceptable to the Minerals and Waste Planning Authority.

The approved fencing and netting design shall be implemented within two months of the date of approval of the details. If by this time the acoustic fence is not erected there shall be no operation of the trommel without approval of the Minerals and Waste Planning Authority.

The fencing and netting shall be maintained as approved for the duration of the development including colour and being free from holes.

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

### **Buildings and Plant**

15. The 'Existing Storage Building' as shown on the Updated Site Layout Plan (Drawing 002) dated March 2024 shall be maintained in accordance with Plan. No. 4998 SK/05 Rev C 'Temporary Structure Elevations' dated 4 March 2010 as approved under permission 51471/002.

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

## **Restriction of Permitted Development Rights**

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

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

## **Storage**

17. Stockpiles of waste and recycled materials shall not exceed a maximum level of 5 metres in height above the level of the ground on which the stockpile is located for soil/hardcore processing and screened material and 4 metres in height above the level of the ground on which the stockpile is located for the product storage and materials storage including wood (as indicated on Updated Site Layout Plan 002 dated March 2024). Stockpile heights shall be measured from the existing ground levels adjacent to the stockpiles as shown on Topographical Survey (drawing 001 Rev 0) dated February 2024.

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

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

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

### **Types of Materials**

19. Material imported to the site shall comprise of non-hazardous commercial mixed waste, glass, scrap metal and inert construction and demolition waste (CDE waste), uncontaminated soils, rubble, concrete, wood and non-hazardous road planings.

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

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

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

### **Lighting**

21. Within 2 months of the date of the decision hereby approved, a lighting plan shall be submitted to and approved by the Minerals and Waste Planning Authority for the proposed lighting of the picking station shown on drawing Updated Site Layout Plan 002 dated March 2024.

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

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

No additional lighting is to be installed other than as approved including no lighting for the road planings bay. No lighting is to be used for out of operating hours, as set in Condition 4 (Working hours), activities on the site other than those attached to HGVs and considered necessary for the safe unloading, trailer drop off and pick up and driving of those HGVs.

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

## Highways

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

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

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

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

24. The Heavy Goods Vehicle movements hereby permitted outside of the operating hours of 0700-1800, set out by Condition 4 (Working hours), shall enter and leave the site using the agreed routing plan in the Section 106 agreement.

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

25. In addition to the noise management measures specified in the approved Dust and Noise Management Plan (Condition 11), all Heavy Goods Vehicles depositing road planings outside of the operating hours of 0700-1800 set out by Condition 4 (Working hours) shall be installed with an operational hydraulic tailgate, rubber bumpers on the tailgate, and be escorted by a banksman for the duration the vehicle is on the site.

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

### Plans

26. The development hereby permitted shall be carried out in accordance with the following approved plans: **001, 002, GF-LSC-01**

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

### Notes to Applicant

1. In determining this planning application, the Minerals and Waste Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2023), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.
3. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 3.5 tonne un-laden.
4. The Minerals and Waste Planning Authority, in line with the Hampshire Minerals and Waste Plan (2013), supports the continuation of the existing site liaison panel to aid in addressing public complaints about the existing activities on the site, to assist resolution of any possible future issues, and support community relationships.
5. Records of each road planings loads imported to the site (including a record of dates, arrival and departure times) should be kept and provided to the Minerals and Waste Planning Authority on request.
6. There is an existing legal agreement attached to this permission to secure the routing of out of hours Heavy Good Vehicle movements to and from the site.
7. Biodiversity Net Gain – The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to

the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the 'planning authority', and
- (b) the 'planning authority' has approved the plan.

The 'planning authority', for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Hampshire County Council as the Minerals and Waste Planning Authority.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These exemptions can be found on the Government guidance webpage 'Biodiversity net gain: exempt developments' at <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments> .

**Based on the information available, this permission is considered to be one which will NOT require the approval of a biodiversity gain plan before development is begun due to exemptions listed below.**

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.



### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

### The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- a) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- b) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.