

**HAMPSHIRE COUNTY COUNCIL
Decision Report**

Decision Maker:	Regulatory Committee
Date:	16 January 2025
Title:	Vary condition 12 attached to planning application 22/01323/CMAS to increase the stockpile heights from 4m to 7m to enable flexibility of waste operations at the site at Salvidge Farm, Bunny Lane, Timsbury Hampshire SO51 0PG (No. 23/02231/CMAS) TV066
Report From:	Director of Universal Services

Contact name: Tim Felstead

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Recommendation

1. That planning permission be REFUSED for the reasons outlined in **Appendix A.**

Executive Summary

2. The application is for an increase in the maximum stockpile height limit as set out in condition 12 of planning permission 22/01323/CMAS from 4 metres (m) to 7m.
3. The proposed development is not an Environmental Impact Assessment (EIA) development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
4. Key issues raised are:
 - Landscape and Visual Impact; and
 - Noise impact.
5. The planning application is being considered by Regulatory Committee as Councillor Adams-King, the local member, and Michelmersh and Timsbury Parish Council wish to make a deputation on the application.

6. A committee site visit by Members took place on 23 November 2023 in advance of the proposal being considered by the Regulatory Committee. A virtual site visit was also prepared for members.
7. The applicant has stated that the increase in stockpile height is required to provide flexibility in their operations. The applicant states that the current restriction of the 4m stockpile height limit often results in the operator being unable to fulfil their businesses annual commitment due to not being able to store more material site which is waiting to be processed. They further state that there are often delays in the on-site processing due to weather constraints, as a result these stockpiles over the course of recent years have inadvertently increased to be on average 7m high (especially in wetter months when materials are difficult to screen). They state that in addition to regularising the existing stockpile height, the proposal would also allow for a more versatile waste management operation which can accommodate weather and seasonal changes and continue to feed into the recycling capacity.
8. Planning Permission [22/01323/CMAS](#) allowed for the permanent retention of a wash plant, which had previously been given temporary planning permission under [21/00588/CMAS](#). Stockpiles on the site have been above the 4m height limit prior to a wash plant obtaining temporary consent and have remained above since permanent permission was obtained. At the time of the temporary planning permission, the stockpiles in the north of the site were surveyed as being 9m and 10m above the ground they were sitting on. Currently, one of the stockpiles in the north of the site is currently over the 7m currently applied for and the other is above the current 4m limit.
9. Based on the information presented, the proposal is in accordance with Policies 17 (Aggregate supply – capacity and source) and 18 (Recycled and secondary aggregates development) of the [Hampshire Minerals and Waste Plan \(2013\)](#) (HWMP) in that it would not impact the existing ability of the site to contribute to those policies. However, it is unclear how the increase height limit would provide further capacity at the site. It is considered the additional flexibility in storage capacity could just as well be provided by reducing the stockpiles below the current 4m limit.
10. The existing 4m height limit originates from a Planning Appeal Decision granted in 2012 ([APP/Q1770/A/11/2161324](#)) which allowed an expansion of waste activities and use of land which is now in the southern third of the site. The planning appeal also required new vegetative screening and bunding to improve screening of the site and moved public footpath Michelmersh and Timsbury 158/4/1 away from the eastern edge of the site further east to reduce the impact of the development on public views and amenity.

11. In addition to limits on stockpile heights to 4m, the Planning Appeal decision also required plant machinery loading material or waste on to or off stockpiles to be entirely below the level of the bunds and associated screening vegetation in that part of the site. This requirement has been carried forward in subsequent planning permissions for the site and is covered by condition 10 in the extant planning permission ([22/01323/CMAS](#)). The applicant did not originally propose to amend this condition but they have identified that there will need to be a limited allowance for mobile plant to be on top of the stockpiles.
12. In relation to planning permission [22/01323/CMAS](#) for the permanent retention of a wash plant, additional bunding and vegetative screening was required on the western edge of the southern third of the site and a new bund and planting along the eastern edge of the northern third of the site to screen the visual impact of the plant. This latter bund was delayed in completion due to the need to relocate part of the waste soil stockpile. Planting of the bund has also been delayed. The applicant has now planted tree stock including some oversized stock that was originally specified with the intention of speeding up the screening benefits it would afford to stockpiles in the north of the site. The County Landscape Architect expects to planting to take 8-10 years to take to establish sufficiently to be effective.
13. The development would not result significant adverse impacts on important habitats and species and would be in accordance with Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#). Existing measures to address amenity impacts of dust and noise would adequately address any potential impacts from the increased stockpile height to allow the development to be in accordance with those aspects of Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#).
14. However, based on the information before the Minerals and Waste Planning Authority, and taking into account the reasons for the Planning Inspector imposing the current limits on stockpile heights and requirement for plant and machinery to operate entirely below the level of the bunds and associated screening vegetation in that part of the site, the visual impacts of the proposal and its impact in the countryside are not considered to in accordance with Policies 5 (Protection of the Countryside), 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste developments) of the [HMWP \(2013\)](#) as well as Policies E3 (Protect, conserve and enhance landscape character) and E1 (High quality development in the borough) of the [Test Valley Borough Council Local Plan \(2016\) \(TVBCLP\)](#). The proposal is therefore not considered to be in accordance with paragraph 11 of the [NPPF \(2024\)](#) and Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#).

15. It is therefore recommended that planning permission be refused, with the reasons for refusal listed in **Appendix A**.

The Site

16. The site is an existing waste site. The existing site contains materials recycling facility (MRF) plant, weighbridge, washplant offices and welfare facilities and parking spaces. The site is subdivided into three distinct areas:
 - a) The northern third comprises large stockpiles of imported concrete/waste soils, screened soils, and an area for concrete crushing and soil screening;
 - b) The central third houses the materials recycling facility (MRF) and associated materials and waste storage areas, site buildings (offices and welfare facilities), vehicle/plant storage and parking areas plus the weighbridge; and
 - c) The southern third contains a further operational area where the wash plant is located. The area also provides for the storage of waste soils, wood storage, containers, skips, and aggregate bays. This area is less intensively used. A small car park is also located in this part of the site.
17. The site occupies an area of approximately 6.2 hectares (ha) of land. The site lies approximately 4 kilometres (km) to the north of the town of Romsey, with the villages of Timsbury and Braishfield situated approximately 0.5km due west and 2km due east respectively, and about 1.2km east of the River Test.
18. The material recycling facility (MRF) plant sits central within the site. There are trees and hedges that provide screening along the northwest boundary the site. The sites eastern boundary is bordered by a shared informal access track and restored former mineral workings characterised by water features, planting, and grassland areas. The south western and southern boundaries are bordered by less mature and significant planting and Bunny Lane. The southwest is slightly elevated providing additional screening.
19. Access to the site is achieved from Bunny Lane at the site's south-eastern corner. Access to the wider highway network and Romsey and Southampton is gained via the A3057 due west of the site, where Bunny Lane joins it.
20. Public footpath Michelmersh and Timsbury 158/4/1 runs parallel to Bunny Lane alongside the site's southern boundary before turning north and then west to pass the site's north-eastern corner.

21. 'Hill Top' and 'Little Herons' are the nearest residential properties to the site situated approximately 0.1 and 0.2km north-west and west of the northern/north-western boundary. The next nearest residential properties are located approximately 0.3km to the north of the site on Redland Drive and within the village of Michelmersh further north. Bunny Lane House is situated approximately 0.4km west of the site at the entrance to Bunny Lane. Other residential properties within the village of Timsbury on Manor Lane and St Andrews Close lie approximately 0.6km to the west.
22. Timsbury Lake, occupied by Warsash Maritime Academy, is situated on land south of Bunny Lane approximately 0.4km south of the site. The Casbrook Household Waste Recycling Centre is situated approximately 0.4km to the north-east of the site. A number of industrial units forming 'Hunts Farm' are located approximately 0.6km on Rudd Lane to the north (beyond Redland Drive).
23. The site is not located in a sensitive surface water area (in Flood Zone 1, the lowest risk zone) but is situated in a sensitive groundwater area being situated on the boundary between Zones 2 and 3 of the Environment Agency's Groundwater Source Protection Zones (SPZs).
24. The site is not situated within any designated sensitive heritage, ecological or landscape sites. The closest designations are summarised below:

Table 1: Key environmental constraints associated with the site:

Constraints	Description	Onsite-adjacent-distance from site (approx) and direction
Nature conservation:		
Site of Importance for Nature Conservation (SINC)	Bunny Lane Rubbish Tip Wood	315m to the east
Site of Special Scientific Interest (SSSI)	River Test	900m to the west
Ancient Woodland	There are two unnamed ancient woodlands (1488456 and 1488804) in close proximity.	600m to the north 635m to the east

Biodiversity Opportunity Area (BOA)	Test Valley located around the site.	180m to the south at its closest proximity
Landscape designations, agricultural land and rights of way:		
Bridleway No 158/5/2	Michelmersh and Timsbury; running north-south	200m to the north west
Footpath No 158/505/1	Michelmersh and Timsbury	Adjacent to the south
Footpath No 158/4/1	Michelmersh and Timsbury	Adjacent to site in Southeast and north east corners
Waste:		
Historic landfill	Bunny Lane Landfill Site Timsbury Manor Farm	Onsite

Planning History

25. The planning history of the site is as follows (include refused planning applications):

Application no.	Proposal	Decision	Date issued
23/02238/CMAS	The erection and siting of 2no storage hangars to store dry materials	Granted	01/11/2023
23/00149/VARS	Vary conditions 2, 7 & 11 attached to App No. 15/00006/CMAS to accommodate some minor site changes in the interest of fire safety	Granted	29/03/2023
22/01323/CMAS	Section 73 Planning Application to Vary Condition(s) 1, 4, 7, 8, 14	Granted	14/11/2022

	and Remove Condition 24 of 21/005888/CMAS to ensure compliance and permanent retention of existing Wash Plant		
21/00588/CMAS	Revised Application - Variation of condition 2, 9 and 10 of Appeal decision reference APP/Q1770/A/11/2161324 (Planning Application Reference: 10/02712/CMA) to reshape and improve the existing peripheral north eastern landscape bund to facilitate enhanced screening from wider views into the site and improve biodiversity on the site's periphery and to accommodate a temporary wash plant operation in the southern section of the site for a period of twelve months only	Granted	20/07/2021
21/00298/CMAS	Variation of condition 12 (hours of operations and staff working hours) of Appeal decision reference APP/Q1770/A/11/2161324 (Planning Application Reference: 10/02712/CMA) (retrospective)	Granted	18/06/2021
20/01753/CMAS	Variation of condition 2, 9 and 10 of Appeal decision reference APP/Q1770/A/11/2161324 (Planning Application	Refused (detrimental impact on the landscape	21/12/2020

	Reference: 10/02712/CMA) to reshape and improve the existing peripheral north eastern landscape bund to facilitate enhanced screening from wider views into the site and improve biodiversity on the site's periphery and to accommodate a temporary wash plant operation in the southern section of the site for a period of twelve months only	character and amenity value of the countryside setting by virtue of the design, size and location)	
15/00006/CMAS	Removal of an existing lean to building and replacement with a picking station including associated conveyors and containers, replacing an existing picking station with a larger unit, provision of concrete surfacing for aggregate storage, minor extension and relocation of the existing offices/mess rooms and revision of vehicle manoeuvring/car parking area with associated changes to approved Layout Drawing 396C/SL/2 (March 2011 as referenced in Condition 2 of Appeal Decision APP/Q1770/A/11/2161324	Granted	22/04/2015
10/02712/CMAS	Change of Use to retain permanently and extend recycling facility with	Granted by appeal decision	12/07/2012

	ancillary development and activities		
10/00744/CMAS	Change of use to vehicle, plant and container parking of an area to the south of the existing waste recycling facility	Granted	07/10/2010
09/00450/CMAS	Planning application to vary the following conditions of planning permission 08/01463/CMAS for the purpose of clarification only. 1 (change description to 'waste recycling facility'), 2 (to specifically use Hunts Farm Quarry and Bunny Lane Landfill for tipping recycled residues "when these sites are operational"), 3 (concerning reversing alarms to add 'or as otherwise may be agreed by the Waste Planning Authority'), 11 (to limit duplication, include the restoration requirement in condition 1 and delete condition 11), 12 (to define areas of the site for inert waste, waste wood, and mixed waste recycling operations)	Granted	28/05/2009

26. The site is safeguarded through Policy 26 (Safeguarding – waste infrastructure) of the [HMWP \(2013\)](#) as a site for materials recycling.

The Proposal

27. This proposal is seeking to vary condition 12 on 22/01323/CMAS which will enable the increase of stockpiles on site from currently 4m to 7m in the northern and southern areas of the site. In the southern area of the site, stockpiles within the centre of this area would increase to 7m with other areas remaining at 4m.
28. The site provide capacity for the recycling of inert and non-hazardous waste all year round as a waste management site.
29. The current condition currently states:

Stockpiles of process and unprocessed materials and waste on the site shall not exceed 4 metres above existing ground level.

Reason: To ensure the protection of the local landscape in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) in the Hampshire Minerals and Waste Plan (2013).
30. The applicant's proposed new wording:

Stockpiles of process and unprocessed materials and waste on the site shall not exceed 7 metres above existing ground level with exception to the stockpiles subject to 23/00149/VARS which will remain at 4 metres in accordance with Condition 5.
31. The applicant is not proposing to increase the stockpiles in the central area of the site as this is subject to strict fire safety measures and an increase from 4m to 7m in stockpile height at this location would compromise fire safety.
32. Approved hours of use of machinery and plant on-site would remain at 07:30 - 17:30 Monday to Friday and 07:30 - 12:30 on Saturdays only. Existing hours for Heavy Commercial Vehicle entry/exit from the site would remain as 07:30 - 19:00hrs Monday to Friday, with limited numbers of vehicles allowed to exit the site between 0700 and 0730, and 07:00 - 14:00hrs Saturday, and not at any time on Sundays, recognised Public Holidays.
33. No changes to the approved maximum number of HCV two-way movements generated by the site on any one day would be 208 (104 in and 104 out) are proposed.
34. No changes to the annual permitted amount of waste materials imported to the site (150,000 tonnes) are proposed.

35. The extant conditioned mitigation schemes, controlling impacts from dust, noise, vehicle cleaning amongst others would also be retained.
36. All documents associated with the planning application can be found on the planning application webpage:
<https://planning.hants.gov.uk/Planning/Display/HCC/2023/0470>

Development Plan and Guidance

37. 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.
38. 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.
39. For the purposes of this application, the statutory development plan comprises the following:

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

40. 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 5 (Protection of the countryside);
 - Policy 10 (Protecting public health, safety and amenity);
 - 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); and
 - Policy 27 (Capacity for waste management development).

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

41. Hampshire County Council and its partner authorities (Southampton City Council, Portsmouth City Council, New Forest National Park Authority and the South Downs National Park Authority) are working to produce a partial update to the HMWP (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 [HMWP \(2013\)](#) 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.
42. Paragraph 49 of the NPPF (2024) states that:
- 'Local planning authorities may give weight to relevant policies in emerging plans according to:*
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'*
43. The Hampshire Authorities submitted the Plan for independent examination, under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) in July 2024. This means some weight can now be applied to the emerging policies but not full policy weight.
44. The following emerging policies are of the relevance to the proposal:
- Policy 1: Sustainable minerals and waste development;
 - Policy 2: Climate change - mitigation and adaptation;
 - Policy 3 (Protection of habitats and species);
 - Policy 5: Protection of the countryside;
 - Policy 11: Protecting public health, safety, amenity and well-being;
 - 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; and
 - Policy 27: Capacity for waste management development.

Test Valley Borough Revised Local Plan (2011 - 2029) (2016) (TVBLP (2016))

45. The following policies are relevant to the proposal:

- Policy E1 (High quality development in the borough);
- Policy E3 (Protect, conserve and enhance landscape character); and
- Policy LHW4 (Amenity).

National Planning Policy Framework (2024) (NPPF)

46. The following paragraphs are relevant to this proposal:

- Paragraphs 10-12: Presumption in favour of sustainable development;
- Paragraphs 48-51: Decision making;
- Paragraphs 56 – 57: Planning conditions;
- Paragraphs 131-141: Design;
- Paragraphs 187: Contributions and enhancement of natural and local environment; and
- Paragraphs 193-195: Biodiversity and planning.

National Planning Policy for Waste (2014) (NPPW)

47. The following paragraphs are relevant to the proposal:

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

National Planning Practice Guidance (NPPG)

48. The following paragraphs are relevant to the proposal:

- Paragraphs 001-024: [Determining a planning application](#) (June 2021);
- Paragraphs 001-012: [Healthy and safe communities](#) (August 2022);
- Paragraphs 001-017: [Noise](#) (July 2019);
- Paragraphs 001-030: [Use of planning conditions](#) (July 2019); and
- Paragraphs 001, 002, 045 and 047-0055: [Waste](#) (October 2015).

Consultations

49. 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/2023/0470>.
50. **Arboriculture Officer:** Holding objection requiring a submission of arboricultural details about the application. Did not consider additional information provided to provide sufficient details to address concerns regarding adjacent woodland.
51. **County Councillor Adams-King:** Has requested that the planning application be brought to Regulatory Committee and wishes to make a deputation. Is opposed to the applicant's proposal to increase stockpile heights. Considers application to actually be to retain stockpile heights which should have been reduced long before now. The continued height of the stockpiles causes detriment to the landscape, with working on top of them additionally impacting both visual intrusiveness and noise disturbance for local residents.
52. **Braishfield Parish Council:** Has objection commenting that the policies on which the original condition was based have not changed since the planning permission was granted. Therefore, there is no valid reason for raising the stockpile levels to 7m in height.
53. **Test Valley Borough Council (TVBC):** Has no comments on the proposal but does state that the TVBC Landscape Officer objects to the proposed development. TVBC Landscape Officer considered the stockpiles would be visible from a number of viewpoints and there is concern that the proposals would have a negative landscape impact, particularly as some of the planting previously approved has not been implemented. As such, it is considered that parts of the site lack a robust landscape buffer to mitigate and integrate the proposals better within the immediate and wider landscape. There appears to be enough space within the red edge to establish a high quality buffer which would respect the character of the surrounding area and neighbouring uses.
54. **Test Valley Borough Council Environmental Health Officer (EHO):** Has no objection to the application but made a comment that the increased stockpile heights that increased stockpile heights may require greater management of some amenity elements, in particular dust and potentially noise.

55. **Michelmersh and Timsbury Parish Council:** Objects to this application to amend Condition 12 on the grounds of landscape, visual, and noise impacts. The comments indicate that the potentially significant impacts of the 7m stockpile heights have not been properly assessed in the supporting documents. It is also mentioned that the perimeter bunds will not provide enough acoustic screening, therefore breaching Condition 10 of 22/01323/CMAS.
56. **Environment Agency:** Has no comments on the application.
57. **Southampton Airport:** Has no objection because the increased stockpile height does not conflict with the safeguarding criteria.
58. **Local Highway Authority:** Has no objection subject to retention of condition 23 of the extant planning permission 22/01323/CMAS.
59. **Lead Local Flood Authority (LLFA):** Has no comments on the application.
60. **Landscape Planning and Heritage (Landscape) (Hampshire County Council):** Has an objection on the increase of stockpile height due to the potential impact on the adjacent SINC, the PRoW and views into the Test Valley.

Noted that at the time of application the planting required under the extant planning permission had not been provided. Considered the northern section of the site to be highly visible from footpath 158/4/1. Stockpiles may also be visible from the Test Way. Did not consider planting in southern part of site to be mature enough to screen 7m high stockpiles in the south of the site. Also noted that winter views had not been provided in the Landscape and Visual Impact Assessment (LVIA). Any increase in the stockpile to 7m would need to consider the impact of machinery on top of the stockpiles. Noted potential dust impacts to the SINC.

In response to additional information submitted by the applicant, the Landscape Officer noted the comments made by the Planning Inspector in their ruling on the 2012 planning appeal. They highlighted the Inspector's conclusion about the need for planning conditions to ensure the screening would be effective in addressing the visual impact of the stockpiles and mobile plant. The considered it to take 8-10 years before required planting on the north east bund would be sufficiently effective.

The applicant submitted a further response. The Landscape Officer disagreed with the assertions of the Technical Memorandum. Provided some suggestions on how adequate screening by the required planting could be established but recommended that permission not be granted until the planting is effective.

The applicant submitted further information including further justification of the baseline used and how intermittent visibility of plant had been included in that baseline and the LVIA's submitted for other recent planning applications at the site. In response the Landscape Officer reiterated their previous stance regarding the lack of screening of views from the footpath in the north east of the site.

61. **County Ecologist (Hampshire County Council):** Has no comments as the proposal is not considered to have an impact on ecology.
62. **Public Rights of Way (Hampshire County Council):** Has no comments.
63. **Romsey Town Council:** Has objection due to concerns regarding the adverse impact on the countryside surrounding the site and possible instability in the stockpile.

Representations

64. Hampshire County Council's [Statement of Community Involvement](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications. In complying with the requirements of the SCI, Hampshire County Council:
 - Published a notice of the application in the Public Notice Online, Andover Advertiser, Hampshire Chronicle, Hampshire Chronicle Lite, Romsey Advertiser, Salisbury Journal, and Southern Daily Echo.
 - 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 beyond 100 metres of the boundary of the site.
65. All additional information received on the planning application, during its processing, have been consulted upon (as required) and made publicly available in accordance with the [Statement of Community Involvement](#).
66. As of 6 January 2025, a total of 8 representations, from 6 respondents, to the proposal have been received all objecting to the application.
67. The main areas of concern raised in the objections related to the following areas:
 - impact on wildlife/designated sites;

- impact of the site and its activities on the rural location;
- visual amenity and landscape impact;
- noise impacts;
- impact on dust; and
- inaccurate information submitted as part of the planning application (e.g. noise assessment, location of the nearest property).

68. 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

69. 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.
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70. 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.

71. The HRA screening hereby carried out by the Minerals and Waste Planning Authority considers the proposed development to have **no likely significant effect** on the identified European designated sites due to:

- It is not located at a distance to be considered to have proximity to directly impact on the European designated sites;
- The site is not considered to have any functional impact pathways connecting the proposed works with any European designated sites; and
- The proposal does not have any significant increase on any adverse impacts the wider site may have.

Climate Change

72. Hampshire County Council declared a [Climate Emergency](#) on 17 June 2019. Two targets have been set for the County Council, and these also apply to Hampshire as a whole. These are to be carbon neutral by 2050 and preparing to be resilient to the impacts of temperature rise. A [Climate Change Strategy and Action Plan](#) has since been adopted by the Council. The [Climate Change Strategy and Action Plan](#) do not form part of the Development Plan so are not material to decision making. However, it is true to say that many of the principles of the Strategy and Action Plan may be of relevance to the proposal due to the nature of the development. Where these principles are of relevance, they are addressed in the relevant parts of the Commentary section.
73. In terms of the carbon impact of the proposal, the application is a variation of a condition that will allow the stockpile height to increase from 4m to 7m. No other conditions are proposed to be changed and the activities would remain the same. Therefore, the development is not considered to have any impact on climate change.
74. This proposed development has been subject to consideration of Policy 2 (Climate change – mitigation and adoption) of the [HMWP \(2013\)](#).

Commentary

Principle of the development

75. The application relates to a well-established and authorised waste management facility. The site is safeguarded through Policy 26 (Safeguarding – waste infrastructure) of the [HMWP \(2013\)](#) which helps protect strategically important waste management infrastructure against redevelopment and inappropriate encroachment unless the site is no longer required and the merits of any such redevelopment outweigh the safeguarding need.
76. Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#) has the long-term aim to enable net self-sufficiency in waste movements and divert 100% of waste from landfill. This encourages all waste development to be located near to the sources of waste, or markets for its use. In the [HMWP-Partial Update](#), Policy 25 (Sustainable waste management) is largely the same as the existing policy except there is additional emphasis on the need

to demonstrate that waste is being managed at the highest achievable level of the waste hierarchy.

77. Policy 27 (Capacity for waste management development) of the [HMWP \(2013\)](#) identifies arisings of 2.62mtpa of non-hazardous waste by 2030. The waste element of the proposal could indirectly allow some contribution to achieving waste targets by providing overflow storage for applicant's the existing permitted site. In the [HMWP-Partial Update](#) Policy 27 (Capacity for waste management development) provides for increased capacity for non-hazardous, inert, and hazardous waste. The requirements for additional capacity for those waste types are reduced reflecting the success of the existing adopted plan in enabling additional waste infrastructure.
78. It is recognised that the existing site already contributes to the supply of recycled and secondary aggregates in Hampshire and that recycled and secondary aggregates play an important role in ensuring a balanced supply of aggregate for Hampshire. Recycled and secondary aggregate are products manufactured from recyclables or the by-products of recovery and treatment processes. They can be produced when wastes such as construction, demolition and excavation (CDE) wastes are recycled.
79. The principle of the site as a location of waste management and specifically the production of recycled and secondary aggregate from imported waste materials has already been determined through the historical permissions granted, in particular appeal decision [APP/Q1770/A/11/2161324](#) and planning permission [15/00006/CMAS](#) granted in 2012 and 2015 respectively. Both of these allow waste management and ancillary operations to be undertaken on a permanent basis. The proposal supports the delivery of Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development) of the [HMWP \(2013\)](#) and as well as the emerging policies of the [HMWP-Partial Update](#).
80. Whether the proposal is considered to be in accordance with paragraph 11 of the [NPPF \(2024\)](#) and Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#) will be considered in the remaining sections of this commentary section.

Demonstration of need and capacity for waste management

81. Policy 17 of the [HMWP \(2013\)](#) sets out that an adequate and steady supply of aggregates until 2030. This includes safeguarding infrastructure capacity so that around 1mtpa of recycled and secondary aggregates can also be supplied (2.0mtpa in the [HMWP-Partial Update](#)).

82. Policy 18 (Recycled and secondary aggregates development) of the [HMWP \(2013\)](#) states that the production of recycled and secondary aggregate production will be supported by encouraging investment and further infrastructure to maximise the availability of alternatives to marine-won and local land-won sand and gravel extraction. This is repeated in emerging Policy 18 (Recycled and secondary aggregates development) of the [HMWP-Partial Update](#).
83. As an existing waste site, the site provides recycling capacity for C,D,E waste, contributing to meeting the requirements of Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development) of the [HMWP \(2013\)](#). The stockpiles subject to this planning application relate to storage of waste and processed soils, and concrete. The processing of the soils by mechanical screening and the approved wash plant, and concrete crushing results in secondary aggregates which contribute to meeting the requirements of Policies 17 (Aggregate supply – capacity and source) and 18 (Recycled and secondary aggregates development) of the [HMWP \(2013\)](#).
84. The applicant addresses the need for the development in their [Planning Statement](#). The applicant states that the current restriction of the 4m stockpile height limit often results in the operator being unable to fulfil their businesses annual commitment due to not being able to store more material site which is waiting to be processed. They further state that there are often delays in the on-site processing due to weather constraints, as a result these stockpiles over the course of recent years have inadvertently increased to be on average 7m high (especially in wetter months when materials are difficult to screen). They state that in addition to regularising the existing stockpile height, the proposal would also allow for a more versatile waste management operation which can accommodate weather and seasonal changes and continue to feed into the recycling capacity for Hampshire County Council. The applicant acknowledges that this is contrary to their extant planning conditions and would like to formally regularise the stockpile heights for the northern and southern sections of the site to 7m.
85. The existing stockpile heights have been above the required 4m for a number of years. At the time of determining the temporary planning permission for the wash plant in 2021, the stockpiles in the north of the site were surveyed as being between 9m and 10m above the ground level. Stockpiles in the southern area of the site were also temporarily above 4m due to waste soils from the operators former site in Alton being moved to the subject site. One justification for the need for the wash plant was that it would assist in the processing of these over height stockpiles and enable the site to come into compliance with the 4m limit on stockpile heights.

86. The over height stockpiles in the north of the site appear to be a legacy issue with the need of the application more related to regularising the existing height of the stockpiles rather than to allow future flexibility in importing large quantities of material in a short period of time. Since approval of the wash plant, it has been the enforcement position of the Minerals and Waste Planning Authority (MWPA) that the stockpiles throughout the site be reduced to the maximum 4m allowed under the extant planning condition. The MWPA has recognised that the wash plant has been subject to operational issues and when operational, the throughput of material has been lower than anticipated. The throughput issue has been related to the need to 'blend' the previously stockpiled soils and also screen stockpiled soils – both have been impacted by wet weather in recent years. The MWPA has been accepting of over height stockpiles over recent years since approval of the wash plant on the understanding that demonstrable progress toward the 4m limit continued to be made by the operator and no new material are added to the already over height stockpiles.
87. It is recognised that since the operation of the wash plant, the applicant has made some progress in reducing the over height stockpiles with reductions in the stockpile footprint and height. The stockpiles in the south of the site have been reduced and maintained at or below 4m. However, at no point have the stockpiles in the northern part of the site been at or below the current 4m limit.
88. More information on enforcement is provided in the section on [Monitoring and Enforcement](#).
89. The application does not seek to increase the current annual limit on material imported to the site of 150,000 tonnes.
90. Based on the information presented, the proposal is in accordance with Policies 17 (Aggregate supply – capacity and source) and 18 (Recycled and secondary aggregates development) of the [HMWP \(2013\)](#) and [HMWP- Partial Update](#) in that it would not impact the existing ability of the site to contribute to those policies. However, it is unclear how the increase height limit would provide further capacity. It is considered the additional flexibility in storage capacity could just as well be provided by reducing the stockpiles below the current 4m limit.

Development in the countryside and landscape and visual impact

91. Policy 5 (Protection of the countryside) of the [HMWP \(2013\)](#) states that minerals and waste development in the open countryside, outside the National Parks and Areas of Outstanding Natural Beauty (now known as

National Character Areas), will not be permitted unless it is a time-limited mineral extraction or related development or the nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location or the development provides a suitable reuse of previously developed land, including redundant farm or forestry buildings and their curtilages or hard standings. The policy also includes an expectation that the highest standards of design, operation and restoration will be met and there will be a requirement that it is restored in the event it is no longer required for minerals and waste use.

92. Emerging Policy 5 (Protection of the countryside and valued landscapes) of the [HMWP-Partial Update](#) includes the same location requirements but where Policy 5 Part 1) is met, there are more specific requirements regarding how the development has to respect the formally assessed qualities of the landscape, demonstrate how they would not result in significant adverse impacts to landscape and visual amenity, ensure public rights of way are protected and where possible enhanced, and be subject to a restoration requirement.
93. In addition, Policy 13 (High-quality design of minerals and waste development) of the [HMWP \(2013\)](#) states that minerals and waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and townscape. It also states that the design of appropriate built facilities for minerals and waste development should be of a high-quality and contribute to achieving sustainable development. Emerging Policy 14 (High-quality design of minerals and waste development) of the [HMWP-Partial Update](#) is largely the same as existing Policy 13. However, additional emphasis on designing developments so they do not cause a significant adverse visual impact. Development should also provide for climate change mitigation and adaptation.
94. Part 'd' of Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) protects residents from significant adverse visual impact. Emerging policy 11 (Protecting public health, safety, amenity and well-being) of the [HMWP-Partial Update](#) is largely the same as the existing policy
95. Policies E3 (Protect, conserve and enhance landscape character) and E1 (High quality development in the borough) of the [TVBCLP \(2016\)](#) both require that development proposals must respect and wherever possible enhance the special characteristics, value or visual amenity of the District's landscapes and that all developments should seek to achieve a high-quality design and positively contribute to the overall appearance of the local area.

96. The applicant has submitted a [Landscape and Visual Appraisal \(LVA\)](#) as well as a number of additional [technical memorandums](#) to address the Landscape issues raised by consultees and public representations. They have also submitted a [Stockpile Management Guide and Advanced Mitigation Measures](#) which addresses how the visual and noise impact of having mobile plant/vehicles operating on the stockpiles.
97. As detailed in the [Consultations](#) section, the County Landscape Architect objects to the application. In particular they note the lack of screening in the north east of the site to mitigate the impact of the increased stockpile height and the operation of vehicles on the stockpiles due to their increased height. They also considered the screening in the south of the site to be inadequate.
98. In addition, Michelmersh and Timsbury Parish Council (M&TPC) also noted the photos provided in the LVA were misleading as they only used summer photos and did not include winter photos. They considered the effect of allowing stockpile heights of up to 7m on this site on a permanent basis will result in landscape and visual impacts that are unacceptable in this countryside location in the Test Valley.
99. There was also criticism from both consultees about the applicant's assertion that activities were already occurring which were visible above the existing screening and that this should be considered the baseline. The consultation response instead state that if the condition of the extant permission were being complied with there would be no visible stockpiles or plant.
100. The existing 4m height limit originates from a Planning Appeal Decision granted in 2012 ([APP/Q1770/A/11/2161324](#)) which allowed an expansion of activities and use of land which is now in the southern third of the site. The planning appeal also required new vegetative screening and bunding to improve screening of the site and moved footpath 4 away from the eastern edge of the site further east to reduce the impact of the development on public views and amenity.
101. Planning Permission [22/01323/CMAS](#) allowed permanent retention of a wash plant, which had previously been given temporary planning permission under [21/00588/CMAS](#). To screen the visual impact of the wash plant, additional bunding and vegetative screening was required on the western edge of the southern third of the site and a new bund and planting along the eastern edge of the northern third of the site. This latter bund was delayed in completion due to the need to relocate part of the waste soil stockpile. Planting of the bund has also been delayed. The applicant has now planted tree stock including some oversized stock that was originally specified with the intention of speeding up the screening benefits it would afford to

stockpiles in the north of the site. The County Landscape Architect expects to planting to take 8-10 years to take to establish sufficiently to be effective.

102. In addition to limits on stockpile heights to 4m, the Planning Appeal decision also required plant machinery loading material or waste on to or off stockpiles to be entirely below the level of the bunds and associated screening vegetation in that part of the site. This requirement has been carried forward in subsequent planning permissions for the site and is condition 10 in the extant planning permission ([22/01323/CMAS](#)). The applicant did not originally propose to amend this condition they have identified that there will need to be a limited allowance for mobile plant to be on top of the stockpiles.
103. The County Landscape Architect has raised the likely need for plant to operate on top of stockpiles and so be visible from outside the site, above the level of the bunds and associated screening vegetation in that part of the site. They requested the impact of the plant be taken into account in the LVA. In response the applicant has indicated that plant would need to operate on the stockpiles some of the time due to the increased stockpile height. The applicant has noted that past LVA's associated with the site noted that plant was visible and that impact was assessed and they consider this to be part of the baseline impacts for the current application. However, it is considered by the County Landscape Architect that as there is and has been a planning condition that prevents visibility plant their current visibility should not be considered to be part of the 'approved' baseline.
104. It is acknowledged that the wash plant has allowed the operator to work towards addressing over-height waste soil stockpiles on the site with the footprint and height of the stockpiles has been continually reduced since July 2021. However, the stockpiles continue to be over-height. To remove material from the over-height stockpiles the operator has found it necessary to operate plant in a manner which makes it visible from outside the site above bunds/screening. In order to allow the operator to reduce the stockpile heights down to 4m, the MWPA has had to be pragmatic and allow plant to operate in this manner while requiring it to be minimised to times when material is being removed from the stockpiles. When stockpiles are 4m in height it is expected that plant can remain at ground level to work the stockpiles although it is noted Condition 10 of the extant permission allows plant to be on stockpiles provided it is below the level of the perimeter screening. Mobile plant has also been visible on occasions when loading stockpiled soils into the wash plant. Complaints from the public have been received regarding the visibility of mobile plant from outside the site especially on the stockpiles in the north of the site.

105. The County Landscape Architect has highlighted specific parts of the Planning Inspector' decision notice in justifying their objection. These extracts highlight the importance given to the need for suitable screening and conditions which would prevent the visibility of the stockpiles and mobile plant from outside the site.

106. In Paragraph 50 of the Planning Inspectors decision they state:

'In the longer term the overall effect of the proposed landscaping would be to significantly reduce the visual impact of the appeal scheme and provide effective mitigation of it.'

107. However, in Paragraph 55 they state:

'The success of proposed screening to address landscape (and visual) impact would be diminished by stockpiles and vehicles that rise above the height of the bunds and the associated planting.'

108. And:

'However, planning conditions would provide a means of addressing these operational activities and the potential landscape (and visual) impact that could result from them.'

109. In paragraph 75 of the Decision, the Planning Inspector states:

'Once the proposed hedges and planting become established, they would provide effective mitigation of the visual impacts associated with external views of the proposed bunds and activity within the site. However, this would take a number of years and the level of screening would to some extent be seasonal. Therefore, conditions would be necessary to address stockpile heights and the location of machinery.'

110. The condition imposed by the Planning Inspector deliberately limited the fixed plant height, stockpile heights and the visibility of mobile plant on them to ensure they were entirely below the level of the bunds and associated screening vegetation in that part of the site.

111. To address the visibility of mobile plant, the applicant has suggested a method of working for stockpiles. For the northern area of the site, plant working on the increased stockpile height would need to 'intermittently' operate on top of stockpiles but behind a 'protective screening bench'. They propose to be on top of stockpiles 'when absolutely necessary and measures to compact and reshape stockpiles will always take place at ground level when possible'.

112. Similarly for the central third of the site plant would only be on top of the stockpiles when absolutely necessary.
113. For the southern area, it is acknowledged the excavator will have to be located differently to previously proposed to allow its operator to see the hopper of the wash plant.
114. Plant on stockpiles is not contrary to condition 10 of the extant permission. The condition only requires plant loading material onto or off the stockpiles to be entirely below the level of the bunds and associated screening vegetation in that part of the site.
115. The application of a planning condition it is not considered to be acceptable as it would not be possible to set a condition that would precise enough to be enforceable. It would also be contrary to the requirements of the previous planning appeal.
116. It is also considered the applicant's proposed working method for in the increased stockpile heights would result in the plant being visible until the screening becomes effective to screen vehicles at these heights.
117. At some point in the future, the existing planting may be suitable to provide screening of the increased bund heights and any plant required to work on them. The County Landscape Architect expects it will be 8-10 years before the screening is sufficient.
118. The applicant's proposed method of working the stockpiles is also considered to be imprecise and unenforceable to ensure any visibility would be of such a limited impact that the impact would be insignificant over the existing extant planning conditions.
119. It is also important to note the Planning Inspector's specific consideration that the stockpiles and plant should not be visible when viewed from outside the site, to the extent that the Inspectorate imposed a planning condition to this effect. Therefore, this is an important consideration in determining this planning application.
120. Based on the responses from the County Landscape Architect and taking into account the Planning Inspector's Decision, it is considered that the proposed development would result in an unacceptable significant landscape and visual impact and would not result in a high quality design. Taking all matters into account, the proposal is not in accordance with Policy 5 (Protection of the countryside), with part 'd' of Policy 10 (Protecting public health, safety and amenity), and Policy 13 (High quality design of minerals and waste development) of the [HMWP \(2013\)](#) as well as Policies E3 (Protect, conserve and enhance landscape character) and E1 (High

quality development in the borough) of the [TVBCLP \(2016\)](#). It would also not be in accordance with emerging Policy 5 (Protection of the countryside and valued landscapes), part e) of emerging Policy 11 (Protecting public health, safety and amenity) and Policy 14 (High-quality design of minerals and waste development) of the [HMWP-Partial Update](#).

Ecology

121. 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.
122. Emerging Policy 3 (Protection of habitats and species) of the [HMWP-Partial Update](#) has also been considered. Emerging Policy 3 (Protection of habitats and species) adds a requirement for development to deliver 10% Biodiversity Net Gain and also updates the list of sites, habitats and species that will be protected where there is potential for impact. The supporting text recognises that 10% BNG is not mandatory for all development.
123. The [Planning Statement](#) states that the increase in stockpile height is not considered to impact ecological receptors near the site due to the existing approved mitigation measures and limitations of the extant planning permission.
124. While possibility of impacts on ecological designations in the vicinity were noted by the County Arboricultural Officer and Landscape Architect in terms of run-off and dust due to their increased height. However, the County Ecologist does not consider that the amendment of the proposed condition would have an impact on ecology.
125. The premise of having stockpiles on the site and in their current locations would not be changed as a result this proposed development. There are existing schemes to control dust and run-off on the site and the site is also subject to an Environmental Permit.

126. The planning application was submitted before 12 February 2024 and as such is exempt from the statutory requirement to provide 10% Biodiversity Net Gain.
127. Taking the matters into account, the proposal is in accordance with Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) and emerging Policy 3 (Protection of habitats and species) of the [HMWP-Partial Update](#).

Impact on public health, safety and amenity

128. 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. It sets out a number of criteria. Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development. The equivalent policy in [HMWP-Partial Update](#) is emerging Policy 11 (Protecting public health, safety, amenity and well-being).

a) Noise and vibration:

129. Consultation responses from Michelmersh and Timsbury Parish Council (M&TPC) have raised the potential for the increased stockpile heights to increase noise from the site. This relates to the need to operate plant on top of stockpiles above any noise attention provided by the bunds surrounding the site or the stockpiles themselves. They also note that intermittent noise from mobile plant can be difficult to assess through noise modelling.
130. The Test Valley Borough Council Environmental Health Officer (EHO) has no objection the application on noise grounds stating that existing measures are in place to protect amenity around the site. However, they do note that the increased stockpiles may require greater management of activities to ensure there are no noise issues.
131. The extant planning permission includes planning conditions that relate to management of noise from the site including limits at the Casbrook Fields housing development to the north and Cranford Farm to the east (conditions 7,8 and 9 of planning permission [22/01323/CMAS](#)).
132. In response to the concerns raised by M&TPC, the applicant has undertaken additional noise modelling of the impact of plant operating on top of a 4m high stockpile versus a 7m high stockpile in the northern area of the site which is closest to the receptors subject to the planning condition. The assessment concludes that there would not result in a significant increase noise resulting from mobile plant on the stockpile. They also state that the mobile plant would only be on stockpiles for 1-2 hours per week.

133. It is considered that the existing planning conditions would appropriately address any noise resulting from mobile plant on the stockpiles.

b) Dust:

134. Similarly to noise, the EHO notes that there may be a potential dust impact resulting from the increased stockpile height but notes that there are existing measures in place.

135. Condition 16 of the extant planning permission requires that the site adhere to the Dust Management Scheme approved under the earlier Planning Appeal.

136. Existing control measures include reducing the number of stockpiles in use and disturbance of stockpiles in hot, dry, dusty weather, and use of damping sprays on stockpiles and equipment processing those stockpiles.

137. It is considered that the existing planning conditions would appropriately address any dust resulting from mobile plant on the stockpiles.

138. In terms of dust and noise the proposal is in accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Emerging Policy 11 (Protecting public health, safety, amenity and well-being) of the [HMWP-Partial Update](#).

Links to Environmental Permitting

139. National Planning Practice Guidance on Waste 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](#))

140. Planning and permitting decisions are separate but closely linked. The Environment Agency has a role to play in both.

141. 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.

142. 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.

143. The site is subject to an Environmental Permit. The Environmental Permit does not have a limit on the height of stockpiles.
144. The Environment Agency was consulted on the application and raised no objection to the proposal.
145. 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.
146. 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.

Monitoring and enforcement

147. As an operational waste site, the site is subject to monitoring by the Councils Monitoring and Enforcement team to ensure compliance with previous permissions granted .
148. Since the extant planning permission was granted complaints about the site operations have been received. Complaints have related to noise from general site operations, stockpile heights, visibility of mobile plant, dust from moving around the site, and discharge of water from the site.
149. Some of the public representations submitted with this planning application have also included complaints regarding dust/mud on roads, general noise from the site.
150. The impact of the proposed increased stockpile heights on the countryside landscape, visual amenity, dust, and noise are addressed in the relevant parts of this report.

151. Other issues raised are not considered to be directly affected by the proposed development but are noted. They either have been or are currently being investigated by Officers.
152. The applicant, Hampshire County Council Officers, and the TVBC EHO have worked to address noise from the site as part of the extant planning conditions that requires monitoring of noise from the site. Following the grant of the extant planning permission it was determined that soil screening activities in the north of the site was exceeding the limit for the Casbrook Fields location. To address this the operator has provided a 'stockpile wall' has been required to provide further noise attenuation from the screener.
153. Regarding stockpile heights, as noted above, the operator has continued to work through the stockpiles albeit at a slower rate than expected when the wash plant was granted planning permission. The operator has been instructed to not add new material to the over height stockpiles and also spread the stockpiles into space made available by processing of the soils in the south of the site and also the north of the site.
154. As explained above, it is necessary for plant to be on the over height stockpiles periodically, and so located and be visible from outside of the site above bunds and screening, for material to be safely moved down. Not fully enforcing this planning condition requirement will cease once stockpiles can be worked without plant being visible from outside the site.
155. The operator has been periodically requested to sweep the road due to mud being tracked from the site. Most complaints about the road have either been due to mud being generated by road vehicles tracking on to the verges along Bunny Lane or have related to discoloration of the road rather than mud or debris that would pose a highway safety concern.
156. A current complaint regarding discharge of water from the site onto adjacent land is currently being investigated by Officers and the Environment Agency has been alerted.
157. As noted above the Environment Agency would 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.

Community benefits

158. 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.

159. A site liaison panel has been in place since 2021. The Minerals and Waste Planning Authority support the continuation of this panel.

Conclusions

160. The applicant has stated that the increase in stockpile height is required to provide flexibility in their operations. The applicant states that the current restriction of the 4m stockpile height limit often results in the operator being unable to fulfil their annual commitment due to not being able to store more material site which is waiting to be processed. They further state that there are often delays in the on-site processing due to weather constraints, as a result these stockpiles over the course of recent years have inadvertently increased to be on average 7m high (especially in wetter months when materials are difficult to screen). They state that in addition to regularising the existing stockpile height, the proposal would also allow for a more versatile waste management operation which can accommodate weather and seasonal changes and continue to feed into the recycling capacity.
161. Planning Permission [22/01323/CMAS](#) allowed for the permanent retention of a wash plant, which had previously been given temporary planning permission under [21/00588/CMAS](#). Stockpiles on the site have been above the 4m height limit prior to a wash plant obtaining temporary consent and have remained above since permanent permission was obtained. At the time of the temporary planning permission the stockpiles in the north of the site were surveyed as being 9m and 10m above the ground they were sitting on. Currently, one of the stockpiles in the north of the site is currently over the 7m currently applied for and the other is above the current 4m limit.
162. Based on the information presented the proposal is in accordance with Policies 17 (Aggregate supply – capacity and source) and 18 (Recycled and secondary aggregates development) of the [HMWP \(2013\)](#) in that it would not impact the existing ability of the site to contribute to those policies. However, it is unclear how the increase height limit would provide further capacity. It is considered the additional flexibility in storage capacity could just as well be provided by reducing the stockpiles below the current 4m limit.
163. The existing 4m height limit originates from a Planning Appeal Decision granted in 2012 ([APP/Q1770/A/11/2161324](#)) which allowed an expansion of waste activities and use of land which is now in the southern third of the site. The planning appeal also required new vegetative screening and bunding to improve screening of the site and moved public footpath Michelmersh and

Timsbury 158/4/1 away from the eastern edge of the site further east to reduce the impact of the development on public views and amenity.

164. In addition to limits on stockpile heights to 4m, the Planning Appeal decision also required plant machinery loading material or waste on to or off stockpiles to be entirely below the level of the bunds and associated screening vegetation in that part of the site. This requirement has been carried forward in subsequent planning permissions for the site and is condition 10 in the extant planning permission ([22/01323/CMAS](#)). The applicant did not originally propose to amend this condition they have identified that there will need to be a limited allowance for mobile plant to be on top of the stockpiles.
165. In relation to planning Permission [22/01323/CMAS](#) for the permanent retention of a wash plant, additional bunding and vegetative screening was required on the western edge of the southern third of the site and a new bund and planting along the eastern edge of the northern third of the site to screen the visual impact of the plant. This latter bund was delayed in completion due to the need to relocate part of the waste soil stockpile. Planting of the bund has also been delayed. The applicant has now planted tree stock including some oversized stock that was originally specified with the intention of speeding up the screening benefits it would afford to stockpiles in the north of the site. The County Landscape Architect expects to planting to take 8-10 years to take to establish sufficiently to be effective.
166. The development would not result significant adverse impacts on important habitats and species and would be in accordance with Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#). Existing measures to address amenity impacts of dust and noise would adequately address any potential impacts from the increased stockpile height to allow the development to be in accordance with those aspects of Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#).
167. However, based on information before the Minerals and Waste Planning Authority, and taking into account the reasons for the Planning Inspector imposing the current limits on stockpile heights and requirement for plant and machinery loading material/waste onto or off stockpiles to operate in a manner that ensures it is entirely below the level of the bunds and associated screening vegetation in that part of the site, the visual impacts of the proposal and its impact in the countryside are not considered to in accordance with Policies 5 (Protection of the Countryside), 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste developments) of the [HMWP \(2013\)](#) as well as Policies E3 (Protect, conserve and enhance landscape character) and E1 (High quality

development in the borough) of the [Test Valley Borough Council Local Plan \(2016\) \(TVBCLP\)](#).

168. The proposal is not considered to be in accordance with paragraph 11 of the [NPPF \(2024\)](#) and Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#).

Recommendation

169. That planning permission be REFUSED for the reasons outlined in **Appendix A**.

Appendices

Appendix A –Reasons for refusal

Appendix B - Committee Plan

Appendix C – Site layout plan showing existing stockpile locations Layout Plan

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2023/0470>

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	No
People in Hampshire live safe, healthy and independent lives:	No
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	No
OR	
This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because: the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste or local planning authority.	

Other Significant Links

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

23/02231/CMAS
TV066

Hampshire County Council

Vary condition 12 attached to planning application 22/01323/CMAS to increase the stockpile heights from 4m to 7m to enable flexibility of waste operations at the site at Salvidge Farm, Bunny Lane, Timsbury Hampshire SO51 0PG

EQUALITIES IMPACT ASSESSMENTS:

1 Equality Duty

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

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

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

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

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

Reasons for Refusal

Planning permission is refused for the following reasons:

- a) The proposal would result in unacceptable adverse landscape and visual amenity impacts and is not considered to be in accordance with Policies 5 (Protection of the Countryside), 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste developments) of the [Hampshire Minerals and Waste Plan \(2013\)](#) as well as Policies E1 (High quality development in the borough) and E3 (Protect, conserve and enhance landscape character) of the [TVBCLP \(2016\)](#).

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

Notes to Applicant

1. In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant. However, in this case the proposal is contrary to policy and the impacts were regarded as unacceptable and would not be overcome. This approach has been taken positively and proactively in accordance with the requirement in the National Planning Policy Framework (2024), 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. Important notes, including the rights of appeal, are set out on a sheet attached to this notice and you are advised to read these carefully.
4. The Minerals and Waste Planning Authority supports the continuation of the site Liaison Panel.