

**HAMPSHIRE COUNTY COUNCIL**  
**Decision Report**

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	19 June 2019
<b>Title:</b>	Application for extraction and processing of minerals, importation and treatment of inert materials, the erection of a concrete batching plant, workshop, offices, weighbridge and internal access to the A35 with progressive restoration using residual inert materials to agriculture, woodland and grassland at land at Roeshot, Christchurch. (Application No. 16/10618) (Site Ref: NF269)
<b>Report From:</b>	Head of Strategic Planning

**Contact name:** Judith Smallman

**Tel:** 01962 847870      **Email:** [judith.smallman@hants.gov.uk](mailto:judith.smallman@hants.gov.uk)

**Recommendation**

1. It is recommended that:
  - a. The Head of Law and Governance be authorised to draw up a Section 106 Agreement to secure the Ecological Protection and Restoration, the revised Repair and Maintenance Scheme for Watery Lane (Byway Open to All Traffic (BOAT number 737) and permissive path.
  - b. Provided that by 31 December 2019 all parties enter into the Section 106 Agreement with the County Council, authority be delegated to the Director of Economy, Transport and Environment to GRANT permission subject to the conditions listed in Appendix A.
  - c. In event that the Section 106 Agreement is not completed by 31 December 2019 then the Director of Economy, Transport and Environment be authorised to refuse planning permission for that reason.

**Executive Summary**

2. This proposal seeks to extract 3 million tonnes of sharp sand and gravel at land at Roeshot, Hinton Admiral followed by restoration through the importation and treatment of inert waste material. The proposal also includes a concrete batching plant.

3. Access to the site is via an internal haul road from the A35 and is located within the New Forest National Park (NFNP). This was granted permission in August 2016 by the New Forest National Park Authority (NFNPA).
4. The site is allocated for the extraction of sharp sand and gravel through Policy 20 (Local land-won aggregate) of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#).
5. The proposal is an Environment Impact Assessment development under the [Town and Country Planning \(Environmental Impact Assessment Regulations \(2011\)\)](#) and an Environmental Statement has been submitted.
6. No objections were raised by statutory consultees. A total of 64 representations were received from members of the public. Two petitions were also submitted to the County Council in relation to the proposal.
7. The Regulatory Committee undertook two site visits on 31 October 2016 and 4 September 2017 in advance of the proposal being considered by the committee.
8. In summary it is considered that the proposal would:
  - be a time limited mineral extraction which is subject to a requirement for restoration and aftercare;
  - contribute to maintaining an adequate and steady supply of sharp sand and gravel for Hampshire though the development of a site allocated for mineral extraction in the adopted [Hampshire Minerals and Waste Plan \(2013\)](#);
  - be acceptable in terms of highway capacity and safety;
  - not cause adverse public health and safety impacts or unacceptable adverse amenity impacts;
  - not cause an unacceptable adverse visual impact;
  - not have a significant adverse effect on designated or important habitats and species;
  - protect water quality and surface water drainage of adjoining River Mude and its tributaries and cause no additional flood risk;
  - ensure that the amenity of residents is protected; and
  - safeguard the surrounding public rights of way.
9. Therefore, it is recommended that permission be granted subject to the conditions in Appendix A and the completion of a Section 106 agreement to secure post restoration ecological management of the site, repair and maintenance of Watery Lane and the delivery of a permissive path in addition to a Section 278 agreement between applicant and the County Council.

## The Site

10. The site is 77.8 hectares in size and is currently in agricultural use as part of the Hinton Admiral Estate (2,260 hectares). It adjoins the Hampshire and County Dorset borders.
11. The site is located to the north of Christchurch off the A35, separated by the Bournemouth to London railway line (which lies adjacent to the southern boundary of the site). The track is on a high embankment some 10-12 metres above ground level.
12. The closest residential area to the site is Waterditch which is located approximately 600 metres to the north- east of the site. Burton village is located more than 1 kilometres (km) to the west of the site. To the south is the residential area of Highcliffe but the proximity of this is negated by the railway embankment and A35. There is also an additional area of proposed new housing to the south of the site which is also screened from the application site by the railway embankment. Some of the areas of Suitable Alternative Natural Greenspace (SANG) to offset this residential development lie to the south of the application area.
13. Access to the site is via an access track which joins the A35, at an existing priority cross-road. Most of the access track is located within the New Forest National Park and passes across a former mineral working site (now agricultural fields). The access also provides public access to adjacent agricultural land and a Pick Your Own (PYO) farm. At the A35, the access track is currently gated to restrict access during the opening times of the PYO farm but rights of access over the junction have been secured with the landowners for the duration of the mineral extraction works.
14. The site is located to the east of the River Avon. The River Mude is located along the western boundary of the site and flows into the adjoining River Avon catchment area. The western boundary of the site is part of the Environment Agency's Flood Risk Zones 2 and 3. The site exhibits main watercourse features with Shears Brook on the northern site boundary, a tributary of the River Mude and Donkey Bottom one of the main and many drainage ditches which cross the application site.
15. The site is in proximity to the Avon Valley Special Protection Area (SPA) and the Burton Common Site of Special Scientific Interest (SSSI).
16. The ground level slopes gently upwards from west to east across the site with a noticeable change in gradient along the eastern boundary where the land rises sharply to a wooded edge beyond which is Burton Common SSSI and the New Forest National Park. A wooded area, Burton Rough, is located to the north of the site.
17. The site lies adjacent to the New Forest National Park and is also within the South West Hampshire Green Belt.

18. A bridleway (Hill Lane) runs along the north and east boundaries of the site and several public footpaths are in the area together with Watery Lane a Bridleway Open to All Traffic (BOAT) which runs through the site.
19. The site has a number of utility services running through or adjacent to it (see [Site Context Plan \(0617/SC/1\)](#)). Along the south side of the site, running parallel to the railway is an overhead electricity line and water main. An oil pipeline crosses the eastern area of the site and an 11kv cable lies across its centre.

### **Planning History**

20. There are no previous minerals or waste uses within the application site. Adjoining the site is a restored mineral working known as Roeshot Pit (otherwise known as Burton Quarry) which was granted permission in 1956 and completed in the early 1990s.
21. The site is identified in Policy 20 (Local land-won aggregate) of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) as a site allocation for the extraction of sharp sand and gravel. As a site allocation, it is also safeguarded under Policy 16 (Safeguarding: minerals infrastructure) of the adopted plan.
22. On the basis of the site's allocation in the adopted plan, the site has previously been subject to extensive assessment and scrutiny at the plan-making stage and prior to the application being made. This included a consideration of [constraints](#), [Integrated Sustainability Appraisal](#), [Habitats Regulation Assessment](#) and an assessment of the [strategic transport](#) options for the site. This level of assessment also means there are number of site development considerations which must be addressed through the planning application.
23. Planning permission for the internal haul road has already been granted by New Forest National Park Authority in August 2016 ([planning permission \(16/00277\)](#)).

### **The Proposal**

24. Planning permission is sought for the extraction of sharp sand and gravel, the importation and treatment of inert materials, the location of a concrete batching plant, construction of an internal access road and restoration of the site to agriculture.
25. The extraction area will extend over 60 hectares with the remaining area of the application site being occupied by soil storage / environmental bunds, mitigation / enhancement planting and site management area / access as shown on Drawing nos [0617/PO/1 7](#) and [0617/PO/2](#).

26. The extraction of approximately 3 million tonnes is proposed to take place in a phased manner over a period of 14-16 years followed by a 4-year phased restoration programme. The annual throughput of mineral will be approximately 160,000 tonnes per year. In addition to the extraction of minerals there will be an on-site concrete batching plant, which will produce circa 20,000 cubic metres of concrete per annum.
27. The development will be implemented in four phases as shown on [Drawing no 0617/CO/1](#). The soils will be removed in advance of the mineral extraction using a hydraulic excavator on the top of the gravel seam, which is approximately 1.0 metre below existing ground level and between 3 to 4 metres deep. The site will be excavated 'dry', with lower deposits worked below the water table with de-watering taking place using pumps. The mineral will be moved to the plant site. The broad direction of working will be from west to east. The proposal includes the creation of several environmental bunds to help protect local amenity. These will be created from layers of topsoil and subsoils which are stripped as part of preparing the land for the extraction of minerals. Topsoil bunds will be 4 metres in height along the North West boundary between with Plant Area and boundary of the site. Bunds for the remaining boundaries will be 3 metres high. The area of Phase 1, following extraction, will be used for water management purposes throughout the period of extraction.
28. The site will have a [plant area](#), concrete batching plant, weighbridge and associated office and other buildings, which are being placed in the north-west corner of the site. The plant area is 7-8 hectares in size and is large enough to also accommodate the stockpiles of sand and gravel to be used in the batching process. This location of the plant area was chosen as it is the furthest point from proposed residential development planned to the south of the site. There will be some [floodlighting](#) in the plant area to ensure safe operating procedures during those hours when daylight is low. Wheel washing facilities will be provided on the plant site at the point adjoining the proposed car and lorry parking.
29. It is anticipated that the site will employ 10 staff during operational hours.
30. A [Transport Statement](#) (TS) is included within the application. Access to the site will be from the A35 via an existing internal haul road. This first section to the A35 is already tarmacked. The A35 priority junction includes the provision of a dedicated right turn lane to the access track the A35. This will be linked to a new [internal haul road](#) which will use the existing track from the access junction. This will be constructed using clean gravels from the site. The internal haul road will be 4 metre in width and will include regular passing spaces. It will follow the northern boundary of the former workings off Burton Quarry. The internal haul road will cross the public footpath twice and the bridleway. Suitable mitigation measures to ensure safety and local amenity are not affected forms part of the proposals. This includes surfacing 10 metres either side of the bridleway and signage warning users of the bridleway of HGVs. The internal haul road will also pass over an oil pipeline

and this area will be concreted to ensure the integrity and safety of the pipeline. The road will have two speed bumps installed. Outside of operating hours there will be gates to ensure security to the works and access road. The majority of the internal haul road falls within the New Forest National Park. This already has the benefit of planning permission ([16/00277](#)), granted by the National Park Authority in August 2016 and therefore does not form part of this application.

31. The [Transport Statement](#) (TS) sets out the existing conditions (Site Location and Local Highway Network, Rights of Way, Traffic flows etc), the operational impact and the site access proposals. It makes the following assumptions about the production and restoration phases of the development:

	Production Phase HGV's	Restoration Phase HGV's	Concrete Batching HGV's and other vehicle	Staff Movements other vehicle
Estimated Movements	88 (44 in,44 out) (32 with extraction,11 with batching and 1 delivery)	48 (24 in and 24 out)	16 HGV movements for both in and out bound	30 (15 in,15 out)+

32. The Transport Statement assumes that all staff employed to the site will travel by car. An additional 10 car trips per day have also been estimated for management visits etc, spread throughout the 10-hour day in addition to the figures presented in the above table.
33. It is anticipated that approximately a third of all HGVs importing material to the site will be re-utilised for the export of material off site.
34. The principal markets for the extracted materials will be to the south west area of Hampshire from Lymington to Christchurch as well as the south east of Dorset, particularly Bournemouth and Poole. These will therefore be served by either the A35 and/or the A338.
35. The potential to link the site to the local railway network via a rail siding was investigated at the outset of the proposal but constraints, impracticalities and rejection by Network Rail prevented this option from being taken further. This is documented in the [Environmental Statement Volume 1 March 2016](#). The reasons this is not considered to be viable can be summarised as follows:
- Physical - The significant difference in height between the level of the rail track relative to the Roeshot reserve.
  - Connection – Connecting a siding to an existing active main railway line is not straightforward. Whilst installation of the track and “points” can be easily done, there are technical matters relating to signalling and remote activation of the points.

- Impact - The obvious benefit of installing a siding is that it will remove the need for mineral traffic to use the local road network. The premise assumes that the local road network is either unsuitable or does not have the capacity. This is not the case as the proposed number of traffic movements can be accommodated on the A35 particularly as the operation does not load the network at the peak times. The Transport Statement assumes that only 10% of total HGV trips will coincide with the morning and afternoon peak hours.
36. The raised design of the siding combined with the loading structure would be very visible as evidenced by the current embankment. It will also intensify the rail activity by having a line of rail wagons on the siding that are being loaded rather than the very short period of disturbance as a train passes by. Also track availability for freight movement is likely to be limited during the day there will be activity at night that will inevitably create noise as well as lighting on the embankment.
  37. Viability – The installation and operation of a mineral siding must be economically viable. The Roeshot reserve is very modest and short-term reserve compared with rail connected hard rock quarries elsewhere in the country. The only way it might be viable would be to achieve high annual export levels. The potential for further extraction in the Dorset administrative area has also been considered as part of Dorset’s plan-making. However, this area is not part of this application or indeed any planning application to date. Even if the Dorset reserve were to be considered alongside the resource in Hampshire, the overall reserve of 6 million tonnes would not be sufficiently large enough when compared to 60-100 million hard rock reserves on which the business model is based.
  38. The proposed hours of operation are Monday to Friday 0700 – 1800 and Saturday 0700-1230 with no operations on a Sunday or recognised Public Holidays. Plant maintenance will take place on a Saturday afternoon until 1800.
  39. In recognition of the environmental designations in proximity to the site, the application has been accompanied by an [Ecological Assessment](#) and [Ecological Management Plan](#).
  40. The application is accompanied by an [Arboricultural Impact Assessment](#) which aims to minimise the impact on the most important trees and to enhance tree cover across the site once the site is restored post-extraction. Eighteen trees, groups and hedges have been identified for removal to facilitate the development. Sixty-six trees of a total of eighty-four will be retained. Retained tree protection measures are proposed and included within the assessment.
  41. The application is accompanied by a [Hydrological and Hydrogeological Assessment](#) and a [Flood Risk Assessment](#) which aim to locally lower groundwater levels to permit safe and efficient mineral extraction. The

proposed groundwater lowering will induce groundwater flow into the quarry void. Water will be conveyed to sumps excavated within the quarry floor, from where it will be pumped to a settlement lagoon prior to discharge to the adjacent River Mude. The volumes of water requiring discharge off-site have been calculated, based on conditions pertaining at the maximum extent of the open operational area. The conclusion reached is that the characteristics and magnitude of all the identified potential impacts are small and all can be mitigated using well-established methods. The residual impacts on the local water environment, after the completion of restoration, are anticipated to be negligible. Following observations and recommendations the Flood Risk Assessment concludes, the proposed development will satisfy the flood risk requirements of the [National Planning Policy Framework](#).

42. The application is accompanied by an [Agricultural Land Classification and Soil Resources](#) assessment. It is also accompanied by an [Archaeological Assessment](#).
43. The site is proposed to be progressively restored to original levels([Drawing no 0617/RS/1V6](#)) (Dated May 2017)). The environmental bunds will be removed at the end of the extraction as part of the site's restoration. Inert materials (waste that does not undergo any significant physical, chemical or biological changes) will be imported to fill the void created by the mineral's extraction. This imported material will be screened and treated on site before it is used to infill the void, to ensure that no unsuitable secondary aggregate is used. Large materials will be screened out for recycling. Inert materials will be delivered to the point of use by full axle tippers.
44. Once each phase of restoration is in its final stages, the subsoil will be placed on top in accordance with the MAFF [Good Practice Guide for Soil Handling](#)' (April 2000) which still remains the current Defra good practice guide.
45. The site will be restored to a variety of different uses including agriculture, heath rich grassland and a swale that will run adjacent to the Watery Lane public footpath. This is in compliance with the restoration specification set out as part of the site allocation for the adopted Plan. The nature conservation management period will be for a minimum of 50 years and will be the responsibility of the estate as laid out in the proposed Section 106 management plan. The agricultural aftercare will also be subject to a planning condition for a period of 5 years.
46. The proposal is an Environment Impact Assessment development under the [Town and Country Planning \(Environmental Impact Assessment Regulations \(2011\)\)](#). Therefore, an Environmental Statement has been submitted considering the following issues:
  - Landscape and Visual;
  - Ecology;
  - Water;
  - Flood Risk Assessment;

- Traffic;
- Archaeology;
- Noise;
- Agriculture;
- Dust;
- Rights of Way;
- Suitable Alternative Natural Greenspace;
- Cumulative impacts; and
- Contamination.

## **Development Plan and Guidance**

47. The following plans, associated policies and guidance are considered to be relevant to the proposal:

### **National Planning Policy Framework (NPPF)** (2019)

The following paragraphs are relevant to this proposal:

- Paragraph 11: Presumption in favour of sustainable development;
- Paragraph 80: Support of sustainable economic growth;
- Paragraph 98: Protect and enhance public rights of way and access,
- Paragraphs 108-111: Promoting sustainable transport;
- Paragraph 155: Planning and flood risk;
- Paragraphs 170 & 175: Conserving and enhancing the natural environment; and
- Paragraph 205 & 207: Facilitating the sustainable use of minerals and supply.

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

The following paragraphs are relevant to this proposal:

- Paragraph 021 Reference ID: [27-021-20140306](#): What are the appropriate noise standards from mineral operators for normal operations;
- Paragraph 022 Reference ID: [27-021-20140306](#): What type of operations may give rise to particularly noisy short-term activities and what noise limits may be appropriate; and
- Paragraph 050 Reference ID: [28-050-20141016](#): What is the relationship between planning and other regulatory regimes.

### **Hampshire Minerals and Waste Plan** (2013) (HMWP)

The following policies are relevant to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 3 (Protection of habitats and species);
- Policy 4 (Protection of the designated landscape);
- Policy 5 (Protection of the countryside);

- Policy 6 (South West Hampshire Green Belt);
- Policy 7 (Conserving the historic environment and heritage assets);
- Policy 8 (Protection of soils);
- Policy 9 (Restoration of quarries and waste developments);
- Policy 10 (Protecting public health, safety and amenity);
- Policy 11 (Flood risk and prevention);
- Policy 12 (Managing traffic);
- Policy 13 (High-quality design of minerals and waste development);
- Policy 14 (Community benefits);
- Policy 15 (Safeguarding - mineral resources);
- Policy 16 (Safeguarding - minerals infrastructure);
- Policy 17 (Aggregate supply – capacity and source); and
- Policy 20 (Local land-won aggregates).

#### [New Forest Core Strategy \(part 1\) \(NFCST1\)](#) (2009)

The following policies are relevant to the proposal:

- Policy CS1: Sustainable development principles;
- Policy CS3: Protecting and enhancing our special environment; and
- Policy CS5: Safe and healthy communities.

#### [New Forest Core Strategy \(part 2\) \(NFCST2\)](#) (2014)

- Policy NPPF1: National Planning Policy Framework -Presumption in favour of sustainable development;
- Policy DM2 Nature conservation, biodiversity & geodiversity; and
- DM3 Mitigation of impacts on European Nature Conservation Sites

### **Consultations**

48. **County Councillor Mans:** Was notified of the proposal.
49. **New Forest District Council:** No objection subject to a condition relating to the restoration of the site.
50. **New Forest National Park Authority:** Was notified of the proposal.
51. **New Forest District Council (Environmental Health Officer) (Noise):** Recommended conditions requiring restrictions on hours of operation and HGV activity; and specified noise level limits at certain residential locations, recreational areas and the cement batching plant. The cement batching plant will require an environmental permit from New Forest District Council.
52. **New Forest District Council: (Environmental Health Officer) (Pollution):** No objection subject to a condition requiring the submission and approval of a written Dust Management Plan prior to works commencing.

53. **Bransgore Parish Council:** Was notified of the proposal.
54. **Hurn Parish Council:** Objects due to increase in HGV movements which will have a major detrimental impact on residents. Roads through Christchurch are already heavily used and possibility of transport of minerals by rail should be re-examined.
55. **Christchurch Borough Council (Development Management):** No objection.
56. **Christchurch Borough Council (Planning Policy):** Objects to the dismissal of rail sidings and other information which needs to be clarified or investigated further.
57. **Dorset County Council:** No objection subject to a condition is imposed restricting HGV movements to or from the quarry that are likely to coincide with AM and PM peaks.
58. **Natural England:** No objection subject to conditions to secure prior to the commencement of development, the provision of a Southern Damselfly Enhancement and Management Plan and a Biodiversity Enhancement and Management Plan.
59. **Environment Agency (Southern):** No objection subject to conditions requiring an updated flood risk assessment, a flood management plan, flood plain compensation, flood risk restoration scheme, landscape management plan, requirement for a buffer zone, mineral workings – extraction and restoration method statement, measures for protection of fish, hydrological risk assessment, restriction on extraction if iron rich clay beds are exposed which would require a revised scheme, surface water drainage scheme and a pollution prevention plan.
60. **Local Highway Authority:** No objection, subject to conditions for detailed proposals for warning signs on A35 corridor and Hintonwood Lane and prior to commencement of development, a Construction Traffic Management Plan.
61. **Lead Local Flood Authority (LLFA):** No objection subject to conditions and Ordinary Watercourse Consent.
62. **Rights of Way (Hampshire County Council County (HCC):** No objection subject to a Repair and Maintenance Scheme, delivery of which will be subject to a Section 278 Agreement.
63. **Landscape Planning and Heritage (Landscape) (HCC):** No objection subject to conditions relating to a landscape master plan, protection of remaining vegetation, proposed screening landform and proposed restoration.

64. **County Ecologist (HCC):** No objection subject to the requirement for a final Ecological Management Plan under a Section 106 Agreement.
65. **Arboriculture (HCC):** No objection subject to the recommendations contained within the Arboriculture Impact Assessment (dated 13 September 2016) and conditions relating to landscaping and aftercare.
66. **Public Health (HCC):** Was notified of the proposal.
67. **Esso Refinery Fawley:** Was notified of the proposal.
68. **Civil Aviation-Bournemouth:** Was notified of the proposal.
69. **Perenco UK Limited (Purbeck Southampton Pipeline):** Has stated that a live 16-inch crude oil pipeline runs through the area and therefore extraction would not be allowed in line with their wayleave lease agreement.
70. **County Archaeologist (HCC):** No objection subject to conditions requiring a programme of archaeological assessment in accordance with a written scheme of investigation and a report of completion of the works.
71. **Hampshire and Isle of Wight Wildlife Trust:** Has concerns with the long-term viability of the population of the Southern Damselfly (*Coenagrion mercurial*) and suggests the following recommendations: -
- The proposed management, mitigation and enhancement strategy needs to take a holistic approach implementing measures along the River Mude and its tributaries.
  - The proposed measures in the Ecological Management Plan to maintain the favourable conservation status of the species shall be implemented. It is critical that enough funding is provided to ensure that future management and monitoring works can be delivered and must be continued for the duration of the works and beyond.
  - It is important that mitigation is in place and proven to be working; prior to the commencement of works on site and, that in the event of non-compliance, robust enforcement measures are available to ensure favourable conservation status of the species is maintained.
72. **Planning Policy (Hampshire County Council):** The site is allocated in the adopted Hampshire Minerals and Waste Plan (2013) for sand and gravel extraction, with an estimated contribution of 3 million tonnes of sand and gravel. This is the equivalent of more than 2 years of the apportionment for the whole of Hampshire, making this site highly significant to successfully delivering the provisions of the adopted Plan. The site was assessed throughout the preparation of the plan, including an examination process with a Planning Inspector and found to be one of the most suitable options for sand and gravel extraction. It comes with several development considerations.

## Representations

73. Hampshire County Council's [Statement of Community Involvement \(2014\)](#) (SCI) sets out the adopted procedure and publicity requirements associated with determining planning applications.  
In complying with the requirements of the SCI, Hampshire County Council:
- Published a notice of the application in the Hampshire Independent;
  - Posted 3 site notices around the site
  - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
  - Notified all residential properties (by letter) within 300 metres from the site boundary.
74. The applicant also held a [public exhibition](#) in November 2014, to inform local communities of the intention to submit an application at the site. This exhibition was separate to the consultation undertaken as part of the planning application.
75. As of 6 June 2019, a total of 69 representations to the proposal have been received, all objecting to the proposal. 9 of these were made following re-publicity in March 2019 on receipt of additional information.
76. The main areas of concern raised in the objections relate to:
- Impacts on Ecology – local wildlife and environmental designated sites e.g. SSSI;
  - Loss of countryside and greenspace;
  - Impacts on residential amenity because of noise, dust or vibration from large vehicles;
  - Traffic congestion and impact on A35 and other surrounding roads, especially those with weight limits;
  - Impact of increased traffic on local business and tourism;
  - Loss of amenity – public footpaths and bridleway due to noise;
  - Highway safety;
  - The accuracy of the traffic survey;
  - Road wear and tear from the size and weight of all the lorries;
  - Insufficient tree planting to mitigate noise pollution;
  - Potential impact on increased traffic on emergency service vehicles;
  - Impact on air quality;
  - A railway siding and considerations for road access via the North or West of the site, should be re-considered; and
  - Plant site should be re-located to the south east of the site.
77. In addition, two petitions have been received from Burton Parish Council and Alliance of Christchurch Residents Association and objections received to the detrimental impact of HGVs on local business and residents; and proposed movement of HGV traffic through Christchurch.

78. New information was submitted in March 2019 and additional consultation with the public and relevant consultees has taken place in accordance with the requirements for EIA applications. Additional information submitted included an Addendum Transport Statement, Arboricultural Impact Assessment, Air, Quality and Dust Assessment, Ecological Assessment, Ecological Management Plan, Water Environment Summary (Non-Technical Summary), Flood Risk Assessment and additional information on flood modelling in accordance with the SCI and [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011](#).

## Commentary

### Principle of the Development and demonstration of need

79. The site is allocated in the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) (HMWP) and safeguarded as a site for the extraction of 3 million tonnes of soft sand and sharp sand and gravel through Policies 20 (Local land-won aggregate) and 16 (Safeguarding – minerals infrastructure).
80. The application submitted meets the expectations of the site allocation in terms of extractable reserves in accordance with Para 80: Support of sustainable economic growth of the National Planning Policy Framework (NPPF) 2019.
81. Geological information submitted with the application identified the geological and hydrogeological regime at the application site, the quality of the mineral present and the volumetric of the mineral reserve. This calculated the following mineral reserves on site:

82. **Table 1: Volume of mineral on site**

Unit	Volume (m <sup>3</sup> )
Overburden	9.5
Terrace Gravel	9.5
Interburden	9.6
Becton Sands	9.7
<b>Total</b>	<b>9.8</b>
Total Mineral (minus wastage)	9.9

83. A landbank is the number of years of reserves remaining at an annual rate of aggregate supply. Hampshire has a requirement to ensure a 7 year landbank to meet Paragraphs 207 of the [National Planning Policy Framework \(2019\)](#) which support mineral extraction and recognises the importance of ensuring a long term supply through a 7 year landbank.
84. The [Hampshire Local Aggregate Assessment \(2018\)](#) (LAA) shows that there has been an increase in sales of land won aggregate in Hampshire, following a period of a predominantly downward reduction in sales since 1998. Sharp sand and gravel sales have steadily increased since 2012.

85. The LAA (2018) also sets out information on the current permitted reserves for sand and gravel in Hampshire (including sharp sand and gravel and soft sand) totalled 7.92 million tonnes (Mt) (as at December 2017), providing a land-bank of 5.08 years. The current permitted reserves for sharp sand and gravel totalled 7.35 million tonnes (Mt) (as at December 2017), providing a land-bank of 5.74 years. The site would therefore contribute to maintaining the sharp sand and gravel land-bank level above seven years in accordance with the requirements of the NPPF (2019), for the upcoming years of the plan period. It would also provide a sand gravel resource to meet the needs of the south Hampshire market and beyond in accordance with Policies 17 (Aggregate supply) and 20 (Local land-won aggregate) of HMWP (2013).
86. The location and the scale of this proposed quarry means that it will largely serve local markets. It is anticipated that the principal markets for this site will be to the south west Hampshire from Lymington to Christchurch as well as the south east of Dorset, particularly Bournemouth and Poole.
87. As the site is included as a site allocation in the HMWP (2013), several development considerations are relevant to this proposal which have been addressed alongside the other policies of the Plan. The Plan clearly states that site allocations should be designed with appropriate mitigation measures, where applicable, to avoid or mitigate its impact on the environment and local communities. Where the development considerations are relevant to this proposal, these are considered under the relevant sections of the commentary. These relate the majority of issues which are covered in detail in the remaining part of this commentary section on issues such as: the protection of nearby nature conservation designations and protected species; residential amenity; pipelines; safeguarding of nearby public rights of way; the South West Hampshire Green Belt; impact on landscape character of the adjacent New Forest National Park; the location of mineral processing within the site; the phasing programme and working; pedestrians safety; water quality and recharge of the underlying aquifer, groundwater and surface water; grading of the haul road and traffic issues.
88. Policy 1 (Sustainable minerals and waste development) of the adopted HMWP (2013) states that the Hampshire Authorities will take a positive approach to minerals and waste development that reflects the presumption in favour of sustainable development contained in the NPPF (2019). The development of the site will be supporting economic growth by maintaining a reliable source of minerals, required to build and repair homes and roads, and are important to the local economy. Planning conditions and the necessary Environment Permit from the Environment Agency will ensure that the communities and the environment are protected from the unacceptable negative effects of development. The restoration of the site to agriculture will also result in improved opportunities for recreation and biodiversity.

## Highway Safety and Capacity/Traffic

89. Concerns were received in representations to traffic congestion, impact on A35, surrounding roads, local business and tourism, highway safety concerns and accuracy of the traffic survey.
90. 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 using 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.
91. The HMWP (2013) includes development consideration relating to highway matters. These are as follows:
  - The haul road from the access with the A35 should be upgraded to an appropriate standard and should be designed so as not to compromise the objectives of the New Forest National Park;
  - Safety of pedestrians should be protected; and
  - Safe and satisfactory access onto the A35.
92. The development will generate traffic because of Heavy Goods Vehicles (HGV) movements associated with the export of sand and gravel and the import of restorations materials and staff journeys in private vehicles.
93. In transport terms, it is expected that the site will be worked in a phased manner with an annual throughput of around 160,000 tonnes per year. In addition to the extraction of material there will be an on-site batching plant which will produce circa 20,000 cubic metres of concrete per annum.
94. The second phase to generate traffic relates to restoration works. As re-cycling of material is also proposed, not all extracted material will be exported off site but re-used for reclamation works in accordance with Paragraph 108 Promoting sustainable transport of the National Planning Policy Framework 2012. The [Transport Statement](#) assumes that all HGV's engaged in the moving of extracted or infill material will carry a maximum of 20 tonnes.
95. To produce a robust assessment the Transport Statement assumes that movements, generated by any on site treatment of material, coincide with movement of the operation phase.
96. Some representations raised concerns that the traffic survey information was not up to date. The original Transport Statement has since been [amended](#) with 2016 rather than the original 2013 baseline data. The forecasted traffic generation has been compared to the 2016 traffic flows on the A35 during the AM and PM peaks and over a 12-hour period as follows:

**Table 2: Total Forecast Traffic Generation Comparison – Two Way Flows**

	<b>2016 Baseline (Westbound towards Christchurch)</b>	<b>Development traffics</b>	<b>Change above total</b>
<i>AM Peak</i>	816	13	+1.6%
<i>PM Peak</i>	844	23	+2.7%
<i>12 Hour</i>	8,093	150	+1.85%

*(Source: Addendum Transport Statement (6<sup>th</sup> October 2016))*

97. Staff trips associated with the development will amount to a maximum of 10 vehicles per day per employee vehicle and service vehicles. This will generate a maximum of 10 arrivals during the AM and 10 departures during the PM to the site.
98. Concerns were received in representations to the impacts of additional HGVs, potential congestion, highway safety, impact on response from the emergency services and road wear and tear.
99. The Local Highway Authority is satisfied that in overall terms the proposed increase in traffic on the A35 is small. However, it is recognised that the increase in HGV traffic would have a greater proportionate impact. It is noted that Dorset County Council requests there are no HGV movements to or from the quarry that are likely to coincide with AM and PM peaks and considers this should be controlled via a planning condition if planning permission is granted. However, the Local Highway Authority considers from evidence submitted that in overall terms the proposed increase in traffic on the A35 is small and it is not necessary to restrict HGV movements. The test set out in the NPPF in relation to traffic impact can only require mitigation where the cumulative impact is severe. It further follows that it would be wholly inappropriate to condition controls on site operations unless it is demonstrated that the lack of any such condition would result in a cumulative adverse/severe impact. [Drawing 15178-01](#) details the existing visibility splays at the junction of the quarry access with the A35 and vehicle tracking for the largest vehicle that will access the site. The Highway Authority is satisfied that adequate visibility splays and junction radii have been provided to allow for the size and type of vehicle proposed to access/egress the site without issue.
100. An updated analysis of Personal Injury Accidents between 1 April 2011 and 31 March 2016 for the A35 corridor 500 metres either side of the access track junction has been undertaken. Seven accidents were recorded during the five-year period, three of which are classified as 'Serious' and four of which were recorded as 'Slight'. None involved HGV's. All the accidents

were recorded as being due to driver error or unforeseen circumstances and no issues with the design or safety of the roads have been raised.

101. Concerns were received in representations that the potential to utilise the nearby rail have not been explored sufficiently. However, this issue has been explored through the planning application. This is documented in [Environmental Statement Volume 1 dated March 2016](#) . The conclusion reached was as follows:
- Mineral traffic will continue to use the local network to maintain an adequate supply to meet local needs whether supplied from Roeshot or elsewhere;
  - The environmental impacts of a siding are unacceptable;
  - The costs of installation combined with the limited reserve and annual output will not be economically viable; and
  - The need for rail exported sand and gravel by the receiving markets is questioned due to existing supply of similar materials.
102. The HMWP (2013) includes a specific development consideration relating to the upgrade of the haul road from the access with the A35 that should be upgraded to an appropriate standard and should be designed so as not to compromise the objectives of the New Forest National Park. The improvements proposed to the haul road and access has already been noted in section 4 of this report. Most of the haul road already has planning permission from the New Forest National Park Authority who would have considered this development consideration as part of the determination process.
103. The development consideration relating to the protection of the safety of pedestrians is considered under the section on public access which follows.
104. The Local Highway Authority do not object to the proposal subject to conditions relating to the installation of signage on Hinterwood Lane / A35 and the submission of a Construction Management Plan. These conditions are proposed and included in Appendix A.
105. In conclusion it is not considered that the application will represent a severe impact on the operation or safety of the local highway network and therefore is in accordance with Policy 12 (Managing traffic) and the relevant development considerations set out with the site allocation in the adopted HMWP (2013).

#### Impact on health, safety and amenity

106. Concerns were raised in representations about potential impacts on residential amenity from noise, dust and vibrations from large vehicles.
107. 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 or 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.

108. The HMWP (2013) also includes a development consideration on the protection of the amenity of nearby residential properties as noted in the following sections.

#### Air Quality (Dust)

109. Concerns were raised in representations relating to potential impacts on air quality and dust. Impacts on air quality can arise because of the release of dust from site operations and from exhaust emissions from traffic generated by the development. The [Air Quality Assessment](#) and associated [Addendum](#) assessed the potential for impacts from these sources.
110. The [Institute of Air Quality Management \(IAQM\) guidance on the Assessment of Mineral Dust Impacts for Planning \(2016\)](#) advises that for quarries, most dust will be in the coarse sub-fraction (PM 2.5-10). Impacts associated with dust are therefore related to the potential for nuisance effects from the visible fraction ('deposited dust') and impacts on human health from the suspended fraction (PM10 (Particulate Matter less than 10 µm (micrometres) in diameter).
111. The assessment identified the existing background concentration of PM10 in the locality and then calculated the estimated contribution as a result of the development. The combined concentration was then compared with the annual mean Air Quality Standards (AQS) objective for PM10 and the existing background concentration to determine the impact of the development on the environment.
112. Following the implementation of dust mitigation measures and the implementation of designed-in control measures (phased workings, perimeter bunding/barriers) the assessment concludes that the impacts from deposited dust will be negligible for all receptors within 400 metres of Roeshot excluding the solar installation at Waterditch Farm and the potential housing development south of the railway line. Impacts at these receptors can be mitigated by dust mitigation and management measures within a Dust Management Plan.
113. The assessment also concluded that in accordance with [Environmental Protection UK \(EPUK\)](#) and [IAQM 'Land-Use Planning and Development Control: Planning for Air Quality' \(2015\)](#) guidance, impacts on air quality as a result of vehicle exhaust emissions will be insignificant.
114. The assessment has been reviewed by the Environmental Health Officer who subsequently raises no objection in relation to air quality impacts, subject to conditions requiring the submission of a site-specific Dust Management Plan (DMP) and a restriction relating to the processing of

excavated mineral or infill materials on site. A restriction on the processing of waste or minerals is considered to meet the concerns of the Parish Council in preventing these types of activities from taking place on site. The Dust Management Plan will be required to be formulated in accordance with Appendix 6 of [The Institute of Air Quality Management \(IAQM\) guidance on the Assessment of Mineral Dust Impacts for Planning \(2016\)](#) and would incorporate appropriate mitigation measures as identified in section 7 of the guidance. These conditions are included within Appendix A of this report. Impacts to ecological receptors have also been considered in line with Policy 3 and considered to be acceptable.

115. The proposal is therefore considered to be in accordance with Policies 3 (Protection of habitats and species) & 10 (Protection of public health, safety and amenity) and the relevant development considerations set out in the site allocation in the adopted HMWP (2013) in relation to air quality.

#### Noise and vibration

116. Concerns were received in representations about potential noise impacts from the development. The [Noise Impact Statement](#) submitted with the application assessed the worst-case predicted noise levels that will be generated by the development.
117. NPPF (2019) sets out guidance for the determination of planning applications for mineral extraction and identifies noise limits for such developments. Paragraph 204 and 205 set out the quantitative guidance on acceptable noise levels in relation to mineral and landfill sites. It recognises that activities in the early stages of such developments may give rise to particularly noisy short-term operations. Paragraph 205 sets out noise limits for normal day to day operations following completion of such short-term works. Paragraphs 021 and 022 of the [NPPG \(2014\)](#) sets out the appropriate noise standards for mineral operators for normal operations; what type of operations may give rise to particularly noisy short-term activities and what noise limits may be appropriate. Activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance are specifically mentioned.
118. A [Noise Survey](#) was undertaken at five representative locations in the community local to the application site to establish the existing baseline ambient and background noise levels and hence to quantify the relevant NPPF noise criteria applicable for the proposed working of the site. In accordance with the NPPF guidance, the potential noise impact in the community has been minimised by proposed noise mitigation measures including strategic siting of the processing and concrete plant, access/haul roads and environmental bunding together with sequential phasing of the extraction/restoration areas. The cumulative noise level contributions associated with the mineral working have been predicted using standard methodology in accordance with BS 5228 and based on reliable source data.

It has been demonstrated that the cumulative noise levels in the community associated with the development would readily comply, with a margin to spare, with the appropriately derived NPPF noise criteria.

119. The Noise Impact Statement concludes that in subjective terms, on the basis of the predicted change in overall ambient noise levels due to the proposed development, the noise impact on the local community would, in the main be classed as a 'slight impact'. Only during infill activities closest to Burton Common (Phase 6), could the noise impact exceed the 'slight impact' range. However, it has been shown if necessary, this risk can be readily mitigated by siting the infill screening operations for Phase 6 at an increased buffer distance, e.g. in Phase 5.
120. Concerns have been received from both residents and Dorset County Council to the proposed operating hours of the development, specifically the start time of 07:00. In accordance with BS5228-Part 1:2009 +A1:2014 (Code of practice for noise and vibration control on construction and open sites – Part 1: Noise), 07:00 is classified as the start of the daytime period. The Environmental Health Officer advises that the operating hours will therefore be in accordance with accepted daytime working hours on open sites. The proposed hours of working are therefore acceptable in planning terms.
121. The Noise Impact Assessment has been reviewed by the Environmental Health Officer who has subsequently raised no objection in relation to noise, subject to conditions relating to hours of working and noise limits to ensure that the total noise from the site shall not exceed 10dB above the Background Noise Level (LA90) with an upper limit of 55dB LAeq 1 hour, at the noise sensitive receptors shown in the submitted acoustic report (Environmental Noise Impact Statement Barnhawk Acoustics Report No. 613/1 Rev 2 dated November 2014);
  - a. Location 1: Public Bridleway, adjacent to Roeshot Farm, in line with rear facade of house – 55dB LAeq 1 hour (free field)
  - b. Location 2: Burton Common, N-S track, closest to western perimeter – 47dB LAeq 1 hour (free field)
  - c. Location 3: Field boundary, adjacent to Pine Cottage – 42dB LAeq 1 hour (free field)
  - d. Location 4: Public Footpath, adjacent to SW corner of Waterditch Farm – 55dB LAeq 1 hour (free field); and
  - e. Location 5: Field, adjacent to north-east corner of Domestic Allotments – 55dB LAeq 1 hour (free field).
122. A further condition will be imposed enabling increased temporary daytime noise limits of up to 70dB LAeq 1 hour (free field) at the boundary of the nearest noise sensitive premises for a period of up to eight weeks a year to facilitate essential site preparations. These conditions are included within integral Appendix A to this report.

123. The proposal is in accordance with Policy 10 (Protection of public health, safety and amenity), the relevant development considerations set out in the site allocation in the adopted HMWP (2013) in relation to noise as well as paragraphs 21 and 22 of the NPPG (2014) and paragraph 205 of the NPPF 2019.

#### Light pollution

124. Concerns were received in representations to the potential light impacts of the development.

125. Floodlighting will only be used at limited periods at both ends of the working day. All the floodlighting will be directional and focused on specific areas within the site with no floodlighting escaping beyond the site boundaries. The flood lights will only be on when needed within the operating hours and will not be on after 1800 hours. There will be no fixed lighting outside the plant area. However, the excavator and dump trucks have fixed headlights which will be needed if working takes place in the dark, as will lorries using the internal road when working outside daylight hours.

126. Given the measures put in place to prevent off site light spillage, the proposal is in accordance with Policies 3 (Protection of habitats and species) & 10 (Protection of public health, safety and amenity) and the relevant development considerations set out in the site allocation in the adopted HMWP (2013) in relation to the potential for light pollution.

#### Cumulative impacts

127. Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013) states that a proposal should not cause an unacceptable cumulative impact arising from the interactions between minerals and waste developments, and between mineral, waste and other forms of development. It also states that the potential cumulative impacts of minerals and waste development and the way they relate to existing developments must be addressed to an acceptable standard. The measures put in place to offset the potential impacts of the proposed development, on nearby and proposed residential areas are noted. The relocation of the proposed plant area to the north of the site, away from the planned residential development to the south highlights that potential cumulative impacts have been considered when preparing the application. The potential cumulative impacts of the development on the highway were considered as noted earlier in this commentary. The proposal is in accordance with Policy 10 (Protection of public health, safety and amenity) in the adopted HMWP (2013) in relation to cumulative impacts.

#### Potential pollution and waste associated with the development

128. Paragraph 50 of the [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. Planning and permitting are two separate systems but are closely linked. The Environment Agency has a role to play in both. 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.

129. 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.
130. 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.
131. The waste disposal element of the development will require an Environmental Permit from the Environment Agency.
132. 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.
133. The proposed facility is acceptable in terms of planning. Should a permit be granted for the operation, it will be monitored and enforced in the same manner as any other regulated site by the Environment Agency. Several mechanisms are put in place to monitor to ensure compliance such as audits, site visits, data analysis and compliance checks are carried out by the regulator.

#### Water Environment and flooding

134. Policy 10 (Protection of public health, safety and amenity) of the adopted HMWP (2013) requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. This includes impacts on the water environment.
135. In addition, Policy 11 (Flood risk and prevention) relates to minerals and waste development in flood risk areas and sets criteria which developments should be consistent with relating to flood risk offsite, flood protection, flood

resilience and resistance measures, design of drainage, net surface water run-off and Sustainable Drainage Systems.

136. The HMWP (2013) also includes a development consideration on the protection of the water quality and recharge of the underlying aquifers and the surface water including Donkey Bottom and the River Mude. This consideration was included as a direct result of the findings of the HMWP's supporting [Habitats Regulation Assessment](#). The plan states that development cannot be permitted if it may negatively affect the integrity of European protected sites and where development considerations relate to the requirements for maintaining this integrity are identified these must be addressed.
137. The application was accompanied by a [Hydrological and Hydrogeological Assessment](#) identifying the impact of the development on the surface and sub-surface water environment.
138. Mineral extraction and landfill can present risks to groundwater and surface water bodies. This can be because of changes to groundwater flows and aquifer saturation caused by the physical disturbance of strata, increased vulnerability of groundwater to contamination and the management of storm water run-off to manage on and off-site flood risk and water quality.
139. The assessment concludes that the development will not have any significant effects on surface water, groundwater or flood risk. Excavation of sand and gravel will require dewatering measures to control the inflow of shallow groundwater. Dewatering will cause drawdown of shallow groundwater, which will reduce the groundwater level in adjacent areas while mineral extraction is on-going. It is expected that each phase of extraction will operate with gravity drainage of inflowing water to one or more sumps. Accumulated water will be pumped from the sumps to the River Mude, passing through a settlement lagoon if required. In areas within the flood plain of the River Mude, pumping will stop before any fluvial flooding of workings. Discharge to the River Mude will be licensed through an Environmental Permit.
140. Potential impacts during and post mineral extraction has been assessed and the overall catchment sensitivity is assessed as 'low'. Burton Common SSSI and the proposed site are not hydrologically connected.
141. The Environment Agency, who is the national regulator responsible for water quality and protection of water resources, initially raised concerns about the application on the following areas:
  - Adequacy of the Flood Risk Assessment for Main River fluvial flood risk;
  - Need for a technical hydraulic assessment for all phases of the development;
  - Requirement for more information on the means of disposal of surface water from the two drainage ditches that currently run across the site; and

- Requirement for more information on sources, nature, volumes and mechanism for the proposed importation of material for the restoration.

142. As a result, there has been detailed discussions between the Environment Agency and the developer on the issues of flood risk and modelling as part of the planning application. These discussions were the primary reason for the delay in determining the application. The applicant has provided further information, including additional modelling. As a result of this additional information being provided, all initial concerns have now been addressed and the Environment Agency is raising no objection to the proposal subject to conditions.
143. The Lead Local Flood Authority does not raise objection to the application but advises diversionary works and culverting of ordinary watercourses whether temporary or permanent will require consent from them. A condition is included in integral appendix A relating to the submission of additional information in relation to the Surface Water Drainage Strategy. The proposal is therefore in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) and the relevant development considerations set out in with the site allocation in the adopted HMWP (2013) in relation to the protection of the water environment.

#### Landscape and Visual Impact

144. Concerns were received in representations to the loss of countryside and greenspace as well as the location of the plant site.
145. The site is in the South West Hampshire Green Belt. The HMWP (2013) includes Policy 6 (South-West Hampshire Green Belt) as well as a specific development consideration relating to the protection of the impact on the openness of the South West Hampshire Green Belt and landscape character of the adjacent New Forest National Park.
146. In addition, Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste developments) of the HMWP (2013) require 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.
147. A [Landscape and Visual Assessment \(LVIA\)](#) was submitted with the application. As a flat area of agricultural landscape surrounded by public rights of way and a further public right of way through the centre of the site, it is a highly visible landscape. There are very few houses within the surrounding countryside with views into the site, which limits private views. Although Christchurch urban area lies to the south of the railway line, which sits on a high embankment, the height of the embankment very effectively screens this site from Christchurch.

148. In addition to the LVIA, a [Landscape Character Assessment](#) was also submitted with the application which shows that the application site lies within the Lower Avon Valley Landscape Character Area.
149. The key views into the site identified by the LVIA are from Watery Lane and Hill Lane.
150. The main impacts on the landscape are identified as follows:
- The plant and operations area as it will be on site throughout operations;
  - The silos will be visible above the 4 metre high surrounding screen bunds; and
  - The artificial lights used after dark during working hours in the winter months, which would be particularly noticeable in this dark tranquil area.
151. Policy 6 of the HMWP, in accordance with the NPPF, allows for development for the extraction of minerals inside the Green Belt, provided the development is not inappropriate. A development that is appropriate will preserve the openness of the Green Belt and not conflict with the purposes of the Green Belt as set out in paragraph 146 of the NPPF 2019. The consideration of openness in planning terms concerns the spatial impact of any built or formed features of the development as well as the visual impact of the development on the openness of the Green Belt. In terms of the spatial impact, the Plant and Operations area could be seen to have an impact on the Green Belt. However, as it is a temporary use which will be restored to agriculture at the end of the operation it will have no permanent impact on the Green Belt. The environmental bunds, also as temporary earth structures within the landscape, do not constitute built development and do not impinge on the openness of the Green Belt. Therefore, the proposal is considered to preserve the openness of the South West Hampshire Green Belt and is not in conflict with the purposes of the green belt is therefore considered to be compliant with Policy 6 (South West Hampshire Green Belt) of the HMWP (2013) and the NPPF (2019).
152. In the [LVIA](#) mitigation measures are referred to as follows:
- The erection of environmental bunds to screen views into the working site. Their visual appearance would be softened with proposed hedgerow planting, carried out at the outset to enable them to establish in time to provide screening later;
  - The haul road is proposed to be located within a 20-metre corridor with 2.0m high bunds to visually enclose the route to minimise disturbance to Burton Common and the proposed SANG area to the south. The route minimises tree disturbance on the wooded slope from the bridleway into the site. Within the site the route would be enclosed in a 10m wide corridor with 3.0m high bunds on either side;
  - The retention of vegetation where possible; and
  - Most of the site would be restored to agriculture, plus low-lying wetland areas, new woodland planting and heath rich acid grassland.

153. The [LVIA](#) concludes the scheme is in accordance with paragraph 98 of the [NPPF \(2019\)](#) as it provides new opportunities for access and recreation; it retains much land in agriculture whilst enhancing the landscape and visual amenity and biodiversity of the site. In addition, the development of SANG's on land adjacent to the site will help to alleviate pressure on the nearby SSSI at Burton Common.
154. The proposal would constitute minerals and waste development in the open countryside. However, the development would be time-limited and would therefore be in accordance with part A of Policy 5 (Protection of the countryside) of the HMWP (2013). The policy also states that where appropriate and applicable, development in the countryside will be expected to meet highest standards of design, operation and restoration. Whilst the working area of the quarry is not within the National Park, measures to ensure the development will not cause any impact to it are proposed using bunds and appropriate restoration proposals to accord with Policy 4 (Protection of the designated landscape). No objection has been received from the New Forest National Park Authority to the proposal.
155. 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. The applicant specifically states that the design and layout of the site has been considered and uses the example of the chosen location of the plant area which has been identified as it is the furthest point from proposed residential development planned to the south of the site, thereby reducing its visual and amenity impact. Various other mitigation measures are also proposed to protect visual amenity. Therefore, the proposal is considered not to impact the landscape character of the adjacent New Forest National Park.
156. The Landscape Officer has no objection to the proposal subject to conditions relating to a landscape master plan, protection of remaining vegetation, proposed screening landform and proposed restoration. These conditions are included in Appendix A.
157. Based on the provisions put in place, the proposal is in accordance with Policies 5 (Protection of the countryside), 6 (South West Hampshire Green Belt), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) and the relevant development considerations set out in the site allocation in the adopted HMWP (2013).

#### Public Access

158. There are no roads bordering the site, the nearest road is the A35 which passes very close to the south east corner of the site, from where a private access track enters the site after passing over the railway line. Although the vehicular route is private, it also acts as a public right of way by foot. From this access point the route reaches the end of Watery Lane, a farm track and bridleway, which passes through the southern section of the site almost parallel to the railway.
159. Concerns have been raised in representations about the potential loss of amenity through impacts on the rights of way and bridleways.
160. The area is well served by public rights of way [Plan no 0617/A/2](#), Hill Lane, Watery Lane, Burton Common Byway Open to All Traffic (BOAT). The HMWP (2013) includes a development consideration relating to the safeguarding of the footpaths.
161. The principal impacts will be along Watery Lane which passes through the area of workings. These will be mitigated using grassed earth bunds. The impacts on Burton Common BOAT and Hill Lane are considerably less due to the natural screening and distance from the operations. Burton Common BOAT and Watery Lane are both crossed by the internal road, Watery Lane twice. To minimise impacts at these crossings suitable fencing and signage will be erected as well as vehicle speeds being restricted to 5mph.
162. The proposed residential development south of the railway will require some additional areas of public open space and these are referred to as SANGS (Suitable Alternative Natural Green Space). These are required to offset the potential impacts from the housing development. The principal mitigation proposed by the mineral development is to ensure there is a grassed environmental bund between the operations and the areas that are open to public access.
163. To protect the users of the rights of way, signage will be put in place in accordance with Policy 10 (Protecting public health, safety and amenity).
164. HCC Rights of Way team has raised no objection to the proposal subject to an agreed Repair and Maintenance Scheme, which will be delivered by a Section 278 Agreement. The Section 278 Agreement will provide for the upkeep of the Bransgore BOAT 737(Watery Lane) and permissive path, throughout the site's operational period to ensure that the route be maintained to a high standard, to the benefit of public amenity.
165. Based on the provisions proposed, associated conditions and the obligation to provide a Repair and Maintenance Scheme and permissive path delivered through a Section 278 agreement, the proposal is 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 development) and the relevant development considerations set out in the site allocation in the adopted HMWP (2013).

## Ecology

166. Concerns have been received in representations relating to the potential negative impact on ecology.
167. The HMWP (2013) includes several development considerations which relate to ecology. These are as follows:
  - Protection of the Avon Valley Special Protection Area (SPA) and Ramsar site, the River Avon SAC; the New Forest Special Area of Conservation, SPA and Ramsar;
  - The impact on the offsite foraging and breeding areas of the qualifying bird species of nearby SPA/Ramsars;
  - Protection of Burton Common Site of Special Scientific Interest; and
  - Protection of the water quality and recharge of the underlying aquifers and the surface water including Donkey Bottom and the River Mude.
168. The HMWP (2013) clearly states that development cannot be permitted if it may negatively affect the integrity of European protected sites and where development considerations relate to the requirements for maintaining this integrity are identified these must be addressed. The first two of the development considerations noted above fall into this category.
169. The application was supported by an Ecological Assessment and a Preliminary Water Framework Directive Assessment. These covered the ecological issues set out in the development considerations for the site.
170. The assessment acknowledges that the site contains a range of protected species including breeding birds, dormouse, bats, common reptiles and southern damselfly. Subject to mitigation measures which are proposed adverse impacts will be avoided.
171. The proposal will result in loss of some areas of dormouse habitat where hedgerows will be lost. Dormice receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended and under EU law by the Conservation of Habitats and Species Regulations 2017) and will require a European Protected Species licence to allow the development to proceed. Various measures have been detailed within the ecological assessment to avoid harm to dormice during the works and to provide compensatory habitat within the site, ensuring that the favourable conservation status of dormice is not adversely affected.
172. Potential impacts to European designated sites have been addressed within the ecological documents. It has been concluded that the proposal will not result in likely significant effects to any European designated site. Natural England has not raised concerns regarding impacts to European Designated sites.

173. Any planning permission will be subject to a Section 106 agreement which will require a detailed [Ecological Management Plan](#) setting out mitigation, compensation and enhancement measures, prior to, during and after the extraction (during both aftercare and long term future management periods). The final restored site should be ecologically enhanced.
174. The management plan will aim to provide a flexible practical approach that sets out the overall aims of the site with a series of planned full revisions to account for the phasing of the extraction. This approach is supported by Natural England and the Hampshire and Isle of Wight Wildlife Trust. Significant weight will be placed on the need to secure the proposed enhancements for the Southern Damselfly already agreed. Natural England has also indicated that the area indicated to be flooded to the east of the River Mude and west of the processing plant is maintained as grassland to significantly reduce siltation.
175. In the light of the above the County Ecologist is satisfied subject to submission of a detailed restoration scheme and a woodland buffer to be provided adjacent to the southern boundary of Burton Common SSSI. These conditions are set out in appendix A.
176. Based on the provisions proposed, associated conditions and obligations to be included in the Section 106 agreement, the proposal is in accordance with Policy 3 (Protection of habitats and species) and the relevant development considerations set out in the site allocation in the adopted HMWP (2013).

#### Arboriculture

177. The application was accompanied by an [Arboricultural Impact Assessment](#) and Tree Protection Plan. Six semi mature trees are proposed to be removed together with the loss of a small number of immature trees. In addition, 400 metre of poor hedgerow will also be removed.
178. Concerns were raised in representations about the lack of tree planting and their potential to offset any noise impacts.
179. The Arboriculture team was consulted on the proposal and following the submission of further information, they do not object to the proposal based on the inclusion of a condition relating to the development being implemented in line with the Arboriculture Impact Assessment (dated 13 September 2016) and the inclusion of a conditions relating to landscaping and aftercare. These are included in integral appendix A of this report.
180. Based on the provisions proposed and the associated conditions, the proposal is 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) and the relevant development

considerations set out in with the site allocation in the adopted HMWP (2013).

### Soil Protection

181. Soil issues are particularly relevant for minerals developments as extraction usually involves disturbance to land and soils over large areas. Policy 8 (Protection of soils) of the HMWP (2013) states that minerals and waste development should protect and, wherever possible, enhance soils and should not result in the net loss of best and most versatile agricultural land. Its also indicates that development should ensure the protection of soils during construction and, when appropriate, recover and enhance soil resources.
182. A planning condition is recommended to require the submission of a Soil Resource Plan prior to the commencement of development in accordance with DEFRA's Code of Practice for the sustainable Use of soils on Construction Sites. This is included in integral Appendix B. This will ensure the protection of the soil resource on site and specify provisions relating to movement and storage on site. A further condition is recommended to prevent the export of any soil from the site. Both conditions are included in integral appendix A. The proposal is therefore considered to be in accordance with Policy 8 (Protection of soils) of the HMWP (2013).

### Cultural heritage

183. Policy 7 (Conserving the historic environment and heritage assets) of the HMWP (2013) states that minerals and waste development should protect and, wherever possible, enhance the historic environment and heritage assets, both designated and non-designated, including the settings of sites identified in the policy. It also states that minerals and waste development should preserve or enhance the character or appearance of historical assets unless it is demonstrated that the need for and benefits of the development decisively outweigh these interests. The application is accompanied by an Archaeological Desk Based Assessment. This concludes that the site contains several certain and probable heritage assets. The County Archaeologist concurs with the detailed conclusions. It is acknowledged that whilst there is no indication that archaeology presents an overriding concern, it is advised that an assessment, recording and reporting of any archaeological deposits affected by quarrying activity and associated development is required by way of conditions.
184. The County Archaeologist has no objection to the proposal subject to conditions requiring a programme of archaeological assessment in accordance with a written scheme of investigation and a report of completion of the works. These conditions have been proposed and are included in appendix A.

185. The proposal is in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the adopted HMWP (2013).

### Restoration

186. The restoration and aftercare of all minerals and waste sites should be appropriate to the local environment. Policy 9 (Restoration of quarries and waste developments) of the HMWP (2013) requires temporary minerals and waste development to be restored to beneficial after-uses consistent with the development plan. Furthermore, restoration should be in keeping with the character and setting of the local area and contribute to the delivery of local objectives for habitats, biodiversity or community use where these are consistent with the development plan. Policy 9 also requires restoration of mineral extraction and landfill sites to be phased throughout the life of the development.

187. The site allocation in the HMWP (2013) includes a requirement for restoration of the site to original levels, using inert fill and a combination of grazing and nature conservation interests and informal recreation. The site allocation also includes a specification for restoration to agriculture with access and biodiversity elements linking the site to the New Forest National Park.

188. As set out within this report, the restoration proposal for the site is to reinstate the land in a progressive manner to a mixture of agriculture, and nature conservation. This is set out in the accompanying [Restoration Scheme](#) (0617/RS/1v6) and Illustrative Cross Sections Plan no 0617/CS/1v1) and Restoration Scheme Plan no 0617/RS/1. The proposed restoration topography would include a gently domed plateau at approximately 37 metres AOD within the western and centre of the site which would slope away in all directions over gradients of between 1:30 to 1:50. This is in accordance with the development allocation within the HMWP (2013).

189. Several conditions are recommended to secure the restoration of the site in accordance with the details submitted and to ensure aftercare of the land is undertaken for a period of 5 years.

190. In addition, as covered in the section on ecology, there will be a requirement for a S106 relating to restoration and nature conservation aftercare management.

191. The proposal is therefore considered to be in accordance with Policy 9 (Restoration of quarries and waste developments) of the HMWP (2013) and the restoration specification set out in the sites site allocation.

### Community benefits and engagement

192. A frequent concern of communities that host or might host minerals and waste development is that there are no immediate benefits to 'compensate' for the inconvenience that occurs. In Hampshire there is already a precedent for minerals or waste operators to contribute to local communities' funds. However, this process lies outside of the planning system.
193. Policy 14 (Community Benefits) of the HMWP (2013) encourages negotiated agreements between relevant minerals and waste developers/operators and a community as a source of funding for local benefits. These benefit packages can comprise bilateral arrangements between the main parties. Agreements can be between operators and local bodies such as Parish Councils or resident's associations. Whilst the Minerals and Waste Planning Authority encourages these agreements, it cannot be party to such agreements and the agreements cannot be considered in decision making.
194. In addition to the above, 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. Appendix B includes an informative on the establishment of a liaison panel for the site if permission were to be granted. The Panel should be setup between the site operator, Minerals and Waste Planning Authority, other interested parties and community representatives to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community.

#### Other issues

195. Regulation 16 of the [Quarries Regulations 1999](#) requires a quarry operator to ensure that, where appropriate, properly maintained and suitable barriers are provided around the boundary of the quarry for the purpose of discouraging trespass. The [Health and Safety at Work Act 1974](#) further requires that the quarry operator makes sure that the conduct of his undertaking (operation of the quarry) does not expose those who are not his employees, but who might nevertheless be affected by the undertaking, to risks, so far as is reasonably practicable. In addition section 151(2)(c) of the Mines and Quarries Act 1954 (MQA) renders any quarry (whether in the course of being worked or not) which does not have an efficient and properly maintained barrier, designed and constructed to prevent people from accidentally falling into the quarry, and which by reason of its accessibility from a road or public place constitutes a danger to members of the public, a statutory nuisance enforceable by the Local Authority under the Environmental Protection Act. These provisions are met by the proposal with all active areas of the quarry to be securely fenced with wooden post and plain wire around the boundary of the site with appropriate signage. As the development is in phases it is not necessary to fence the entire site at commencement, only those areas that are operational. The fencing will be erected ahead of works starting in any phase. The haul road, plant and operations area and Phase 1A will be fenced throughout the period of

operations. As further phases are required, they will be fenced until they are fully restored and considered inherently safe.

196. In addition to fencing the location and size of the environmental bunds are designed to provide a physical barrier to deter unauthorised entry and will remain until taken down as part of the final restoration works.
197. Appropriate signage will be erected especially where there are public rights of way or close to public open space.
198. The operators of the Purbeck Southampton Pipeline (Perenco UK Limited) indicated in their response to the application that extraction in the area covered by the pipeline would not be permitted in line with their wayleave lease agreement. The route of the internal road is parallel to the oil pipeline as there will need to be a 'sterilised' corridor to provide protection. Where the road crosses over the pipeline it is expected that there will need to be a short section of concrete to ensure no risk of damage to the pipeline. The specification will be agreed with the pipeline operator.

### Summary

199. The development is in accordance with relevant policies and associated development considerations included in HMWP (2013) and would:
  - Be a time-limited mineral extraction subject to a requirement for restoration;
  - Contribute to maintaining an adequate and steady supply of soft sand, sharp sand and gravel for Hampshire through the development of a site allocated for new mineral extraction in the development plan;
  - Be acceptable in terms of highway capacity and safety;
  - Not cause adverse public health and safety impacts or unacceptable adverse amenity impacts;
  - Not cause an unacceptable adverse visual impact;
  - Not have a significant adverse effect on designated or important habitats and species;
  - Not cause an increase in flood risk off-site;
  - Protect Hampshire's historic environment and heritage assets, including the setting of those sites;
  - Protect soils and not result in the net loss of best and most versatile agricultural land;
  - Be restored in a progressive manner to an after-use consistent with the development plan and in keeping with the character and setting of the area; and
  - Include a long-term benefit in the form of a requirement for the dedication of a public right of way across the site following completion of restoration.

### **Recommendation**

200. It is recommended that:

- a. The Head of Law and Governance be authorised to draw up a Section 106 Agreement to secure the Ecological Protection and Restoration, the revised Repair and Maintenance Scheme for Watery Lane (Byway Open to All Traffic (BOAT number 737) and permissive path.
- b. Provided that by 31 December 2019 all parties enter into the Section 106 Agreement with the County Council, authority be delegated to the Director of Economy, Transport and Environment to GRANT permission subject to the conditions listed in Appendix A.
- c. In event that the Section 106 Agreement is not completed by 31 December 2019 then the Director of Economy, Transport and Environment be authorised to refuse planning permission for that reason.

Appendices:

Appendix A – Conditions

Appendix B - Location Plan

Appendix C – Composite Operations Plan

Appendix D – Restoration Plan

[Other documents relating to this application:](#)

**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>	

**Other Significant Links**

<b>Section 100 D - Local Government Act 1972 - background documents</b>	
<p><b>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.)</b></p>	
<u>Document</u>	<u>Location</u>
16/10618 NF269 Extraction and processing of minerals, importation and treatment of inert materials, the erection of a concrete batching plant, workshop, offices, weighbridge and internal access to the A35 with progressive restoration using residual inert materials to agriculture, woodland and grassland <a href="https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=17204">https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=17204</a>	Hampshire County Council

## **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

### Time Limits

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

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

### Duration of Permission

2. Mineral extraction and waste disposal shall cease, and the site be restored in accordance with the scheme approved under condition by no later than 20 years from the date of implementation of the permission, as notified under condition of this permission.

Reason: To secure the satisfactory restoration of the site in accordance with Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

### Archaeology

3. No individual phase of development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Minerals and Waste Planning Authority. The assessment should initially take the form of a geophysical survey of the entire site, followed by the excavation of trial trenches focused on any features identified by the geophysics. Further trenching should also take place within any 'blank' areas identified by the initial survey to ensure that any archaeological remains encountered within the site are recognised, characterised and recorded.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets and in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the Hampshire Minerals and Waste Plan (2013). This is a pre-commencement condition as such details need to be considered to protect archaeological remains prior to construction of the development and thus go to the heart of the planning permission.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Minerals and Waste Planning Authority.

Reason: In the interests of archaeology in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the Hampshire Minerals and Waste Plan (2013). This is a pre-commencement condition as such details need to be considered to protect archaeological remains prior to construction of the development and thus go to the heart of the planning permission.

5. Following completion of archaeological fieldwork, a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the Hampshire Minerals and Waste Plan (2013).

### **Soils**

6. Prior to the commencement of development, a Soil Resource Plan shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. The scheme shall be produced in accordance with the Department for Environment Food and Rural Affairs (DEFRA) Code of Practice for the Sustainable Use of Soils on Construction Sites (March 2011) and the Guidance for Successful Reclamation of Mineral and Waste Sites (2004) and shall be implemented as approved for the duration of the development. There shall be no export of topsoil or subsoil from the site. The scheme shall be implemented as approved for the duration of the permission.

Reason: To ensure the protection of the soil resource in accordance with Policy 8 (Protection of soils) and Policy 9 (Restoration of quarries and waste developments) of the Hampshire Minerals and Waste Plan (2013). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

### **Landscape**

7. Prior to the commencement of development, a Landscape Mitigation Strategy shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. The Mitigation Strategy shall include a Landscape Masterplan showing measures to enhance the landscape and visual amenity of the site from pre-commencement to restoration phase. Detailed proposals shall cover: -
  - i) Existing site - with vegetation for removal and retention clearly identified, including protection measures to be maintained during operations (refer to condition 10; and

- ii) Landscape proposals including but not exclusively, screening landform and how it relates to existing contours; measures to mitigate the impact of the works on public viewpoints and rights of way;
- iii) Details, extent, type and long-term management of new planting (NB planting to be of native species of local provenance); and
- iv) Details of treatment of site boundaries.

Reason: In the interests of the landscape setting of the site and in accordance with Policy 4 (Protection of the designated landscape) and Policy 5 (Protection of the countryside) of the Hampshire Minerals and Waste Plan (2013). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

### **Ecology**

- 8. Prior to the commencement of every new phase of extraction, results of habitat and species surveys and any additional mitigation required must be submitted and agreed in advance with the Minerals and Waste Planning Authority.

Reason: To ensure the protection of habitats and species in accordance with Policies 3 (Protection of habitats and species) of the Hampshire Minerals and Waste Local Plan (2013). This is a pre-commencement condition as such details need to be considered to protect ecological habitats and species and thus go to the heart of the planning permission.

- 9. The development shall be implemented in accordance with the Ecological Assessment (19 October 2016 Final Document Revision 1) and Ecological Management Plan (19 October 2016 Final Document Revision1) submitted with the planning application, and the obligations in the Section106 Agreement. This shall include full implementation of all measures to avoid, mitigate, and compensate for identified ecological impacts and prior to commencement of the development.

Reason: To ensure the protection of habitats and species in accordance with Policy 3 (Protection of habitats and species) of the Hampshire Minerals and Waste Local Plan (2013) and The Conservation of Habitats and Species Regulations 2017.

### **Arboriculture**

- 10. The development shall be implemented in accordance with the Arboriculture Impact Assessment (dated 13 September 2016) and Tree Protection Plan (dated September 2016) submitted with the application. All necessary tree protection for each phase and the subsequent mitigation tree planting shall be carried out in accordance with the Composite Operations Plan, plan no 0617/COv8 (dated 9 May 2017). All planting & landscaping shall take place within the first planting season after each phase is complete.

Reason: In the interests of the landscape setting of the site and in accordance with Policy 4 (Protection of the designated landscape) and Policy 5 (Protection of the countryside) of the Hampshire Minerals and Waste Plan (2013).

11. Any new 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 Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013).

### **Flood Risk**

12. The development permitted shall be carried out in accordance with the approved modelling work completed as per technical note reference 3748/TN/Final/v1.0/2019-02-07. Prior to commencement of development, a Flood Risk Assessment (FRA) shall be updated to reflect the changes in management of the site and submitted to the Minerals and Waste Planning Authority for approval. The FRA shall contain details of the following:
  - i) A scheme for flood plain compensation;
  - ii) Methodology for works within 8 metres of the river including any bunding;
  - iii) Overall management plan specifying each phase of the development and associated flood risk mitigation measures; and
  - iv) The site office and security compound will be located outside of the 1 in 100 plus appropriate allowance for Climate Change flood extent.

Reason: To ensure that the development and surrounding area is safe from the highest risk of flooding for its lifetime and to reduce the risk of flooding to the development and future users. This is sought in accordance with paragraph 163 of the National Planning Policy Framework (2018) and Policy 11 (Flood risk and prevention) of the Hampshire Minerals and Waste Plan (2013). This is a pre-commencement condition as such details need to be considered to protect and prevent flood risk and thus go to the heart of the planning permission.

13. No development approved by this planning permission shall commence until a management plan setting out management responsibilities and methodology of over pumping of water to the river has been submitted to and agreed by the Minerals and Waste Planning Authority.

Reason: To ensure that the development and surrounding area is safe from the highest risk of flooding for its lifetime and to reduce the risk of flooding to the development and future users in accordance with paragraph 163 of the National Planning Policy Framework (2018) and Policy 11 of the Hampshire Minerals and Waste Plan (2013). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

14. No development approved by this planning permission shall commence until details of the implementation, management and maintenance of the flood plain compensation as stated within technical note reference: 3748/TN/Final/v1.0/2019-02-07 have been submitted to and approved in writing by the Minerals and Waste Planning Authority. This compensation scheme shall compensate for any development located within the 1% annual exceedance probability plus an appropriate allowance for climate change flood extent.

These details shall include but not be limited to the following:

- i) Only direct flood plain compensation will be provided on site to mitigate flood risk on and off the site, unless agreed in writing with the Minerals and Waste Planning Authority;
- ii) Phasing programme at each phase of the development for the flood plain compensation; and
- iii) Where possible flood risk betterment is provided at each stage. Justification should be provided if no betterment is offered. Any scheme agreed will be implemented in full.

Reason: To ensure that the development and surrounding area is safe from the highest risk of flooding for its lifetime and to reduce the risk of flooding to the development and future users. This is sought in accordance with paragraph 163 of the National Planning Policy Framework (2018) and Policy 11 (Flood risk and prevention) in accordance with Policy 11 (Flood risk and prevention) of the Hampshire Minerals and Waste Plan (2013). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

15. No development shall take place until a scheme for detailed restoration plan has been submitted to and approved in writing by the Minerals and Waste Planning Authority. The restoration plans shall be carried out in accordance with an approved timetable for implementation. The plan should include but not limited to the following:
- i) Long-term design objectives, management responsibilities and maintenance schedules;
  - ii) Up to date details of site levels and longitudinal and latitudinal sections through the site, including existing and proposed ground levels (based on Ordnance Survey Datum), to show how the restoration works shall be set into the ground relative to the volumes of extracted sand and imported material required;
  - iii) The method of mineral extraction and restoration operations; and
  - iv) The method of controlling & discharging groundwater during mineral extraction and restoration operations.
- Thereafter, the approved detailed restoration plan shall be implemented in full throughout the operation of the development hereby permitted within the agreed timetable.

Reason: To protect, conserve and/or enhance the natural features and character of the site in accordance with paragraphs 163, 170 and 178 of the National Planning Policy Framework (2018) to ensure the protection of water quality and water resources and prevent flood risk and Policy 3 (Protection of habitats and species) of the Hampshire Minerals and Waste Plan (2013). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

16. The development hereby permitted shall not take place until a Hydrogeological Risk Assessment (HRA) has been submitted to and approved in advance and in writing by the Minerals and Waste Planning Authority. Thereafter, the development shall be implemented in accordance with the recommendations and mitigation measures identified in the approved HRA throughout the operation of the development hereby permitted.

Reason: To ensure the protection of water quality, water resources and prevent flood risk in accordance with paragraphs 163, 170 and 178 of the National Planning Policy Framework (2018). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

17. No continued extraction of sand or gravel shall take place if any iron rich clay beds are exposed (within the Branksome Sand Formation) until a revised scheme is submitted to and approved in writing by the Minerals and Waste Planning Authority.

Reason: To avoid pollution of surface water through contamination of the soil and controlled waters and to secure a satisfactory development in accordance with paragraphs 163, 170 and 178 of the National Planning Policy Framework (2018).

Note: It has been identified that iron rich clay beds can lead to acidification of local streams from a nearby site. If this is encountered on site, then minerals working should cease and a revised working plan should be submitted and agreed to prevent any pollution.

18. The development hereby permitted shall not commence, including site clearance works, until a Pollution Prevention Plan has been submitted to and approved in advance and in writing by the Minerals and Waste Planning Authority. This scheme should detail the measures that will be put in place during and after construction to ensure the protection of the environment. The scheme should include but not be limited to:
- i) Vehicle Cleaning / Wheel washing facilities (measures to clean vehicles leaving the site to prevent earth, mud and debris arising from the development being present on the highway etc.);
  - ii) Machinery (Location and storage of plant, materials and fuels, access routes, access to banks etc.); and
  - iii) Measures to control the emission of dust and dirt during construction.

Any changes to these components require the express written consent of the Minerals Planning Authority in consultation with the Environment Agency. The scheme shall be implemented as approved.

Reason: To ensure that impacts through flooding and pollution are not caused in accordance with paragraphs 163 and 178 of the National Planning Policy Framework (2018) and Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Local Plan (2013). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

### **Protection of the water environment**

19. Prior to the commencement of development, a Surface Water Management Scheme shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. The scheme shall include plans identifying where oil and sediment interceptors will be located on site, the direction and fall of hard surfaces and how drainage will be managed from areas of the site during progressive working. The scheme shall be implemented as approved.

Reason: To ensure adequate measures for the management of surface water from the site and to ensure the development is in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals and Waste Plan (2013). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

20. During the construction period all surface water run-off shall be passed through a settlement facility or settlement facilities prior to being discharged into any watercourse, soakaway or surface water sewer. The facility shall be retained and maintained until such a time that construction works are complete.

Reason: To prevent silty water from entering the water environment and to protect water quality and biodiversity in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

21. Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to implementation or extraction and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle washdowns and detergents shall not be passed through the interceptor.

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

22. No development shall take place until a detailed Surface Water Drainage Strategy has been submitted to and approved in writing by the Minerals and Waste Planning Authority. The Strategy shall contain the following elements:
- Surface run-off calculations for rate and volume for pre and post development. The calculation for post development is to include operation and restoration phases;
  - Drainage plans for each operation phase clearly indicating how surface water will be drained;
  - The calculations for each phase demonstrating enough attenuation on site is provided for a 1 in 100 year plus climate change event; and
  - Sufficient information demonstrating surface water quality assessment has been undertaken as per the guidance within the Ciria SuDS Manual.

Reason: To ensure adequate measures for the management of surface water from the site and to ensure the development is in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals and Waste Plan (2013). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

23. The development hereby permitted shall not commence, including site clearance works, until a scheme detailing how surface water drainage will be dealt with has been submitted to and approved in advance and in writing by the Minerals and Waste Planning Authority. The scheme shall include:
- i) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details; and
  - ii) Surface water drainage management for implementation during the phased sand extraction and phased restoration operations (to ensure that suitable drainage infrastructure is present to maintain flow conveyance for the upstream catchment, including suitable on-site storage and attenuation measures, to ensure downstream impacts through flooding are not increased).

Thereafter, the surface water drainage details shall be implemented in full as approved throughout the operation of the development hereby permitted.

Reason: To ensure that groundwater dewatering and surface water drainage from the proposed development does not result in a deterioration of groundwater quality. Quarrying clay within this sensitive location can result in risks to potable supplies from, for example, pollution / turbidity. This condition is in line with paragraphs 163 and 178 of the National Planning Policy Framework to ensure that impacts through flooding and pollution are

not caused. This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

24. All aggregate cleaning and washing operations should be carried out in areas isolated from any surface water system and only draining to the silt management area.

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

25. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata or sewer. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

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

26. Unless otherwise agreed with the Environment Agency, no works permitted by this permission that have the potential to result in elevated levels of suspended solids or disturb the bed of the River Mude, must take place between 01 November and 30 April.

Reason: To avoid impacts to migrating and spawning salmonids in accordance with the Salmon and Freshwater Fisheries Act 1975, paragraph 170 of the National Planning Policy Framework (2018) and Policy 3 (Protection of habitats and species) of the Hampshire Minerals and Waste Local Plan (2013).

### **Buildings and structures**

27. Prior to the erection/construction/placement of the buildings and structures on site as shown on plan no 0617/PS/1 (dated 9th May 2017), drawings and details of the dimensions, elevations and RAL colours/materials of the buildings and structures shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. The details shall be implemented as approved.

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

### **External Lighting**

28. Prior to the commencement of development, details of any external lighting on site, as located in Composite Operations Plan, plan no 0617/CO/1 v8 shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. The scheme shall:
- i) Set out details of all proposed construction and operational external lighting;
  - ii) Include timings of lighting operation;
  - iii) Include a lighting plan showing locations and specifications of all proposed lighting; and
  - iv) Demonstrate that light spill into adjacent habitats has been minimised and avoided, particularly in the north west corner of the site.

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

Reason: In the interests of visual and landscape impact in accordance with Policies 3 (Protection of habitats and species), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

### **Operational Conditions**

29. Written notification of the intention to commence development on the site shall be given/sent to the Minerals & Waste Planning Authority 7 days prior to commencement of development.

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

30. The site shall not operate other than between the hours of 07:00 to 18:00 hours on Monday to Friday and between the hours of 07:00 to 13:00 on Saturdays with no working allowed on Sundays or recognised Public Holidays except for maintenance purposes only when the site may remain open on a Saturday until 1800 hours.

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

31. Should De-watering be necessary outside the permitted hours of operation as set out in condition 30, it shall be done so in accordance with the acoustic mitigation measures outlined within condition 45. The operation of de-watering

equipment outside of the permitted working hours shall take place no more than 60 days per calendar year. A written record of such use shall be kept on site and made available for inspection by the Mineral Planning Authority on request.

Reason: As the 24 hour operation of de-watering equipment is required only in exceptional circumstances, in accordance with Policy 10 of the Hampshire Minerals and Waste Plan (2013).

32. The hereby approved concrete batching plant shall not operate other than between the hours of 07:00 to 18:00 hours on Monday to Friday and between the hours of 07:00 to 13:00 on Saturdays with no working allowed on Sundays or recognised Public Holidays.

Reason: To prevent noise disturbance to the residents of the nearest houses in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

33. The working of the site shall be carried out in a progressive manner in accordance with paragraphs 7.13.1 - 7.13.3 inclusive of the Environmental Statement Volume 1 (except where modified by condition herein) and the following programme and drawing numbers:

Illustrative Proposed Operations Plan Years 1-9 Plan no 0617/PO/1

Illustrative Proposed Operations Plan Years 10-20 Plan no 0617/PO/2

Topsoil shall not be stripped from Phase 4 unless and until the restoration of Phase 1 has been completed in accordance with the scheme approved herein.

Phase 1A, following extraction is to be used for silt/water management for the remainder of the working.

Reason: To enable the Mineral and Waste Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area, in accordance with Policies 5 (Protection of the countryside), 9 (Restoration of minerals and waste developments) and 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

34. Contact information for the operator of the site in relation to operational impacts and in the event of an emergency, shall be displayed at the entrance to the site from commencement for the duration of the permission.

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

35. The perimeter bunds shown on plan 0617/CO/1v8 dated 9 May 2017, shall measure no more than 3.0 metres in height from base to top except for the

bunds around the plant area where they shall measure up to 4.0 metres in height.

Reason: To ensure the development is implemented in accordance with the details assessed within the Environmental Statement and that the development is in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

36. Excavation of mineral shall be by 360 excavators only.

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

37. The maximum depth of excavation shall be no lower/deeper than 4metres above the inferred groundwater level of xxxxx as shown on drawings xxxx and in any event no lower than x metres AOD. *(The principle of this condition is accepted by the applicant. Final details to be agreed.)*

Reason: To protect the water environment in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013) and for the avoidance of doubt to ensure the development is implemented in accordance with the approved details.

### **Highways**

38. No development hereby permitted shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Mineral and Waste Planning Authority. This should include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles and lorry routeing as well as provisions for removing mud from vehicles and a construction programme. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interests of highway safety and to ensure the development is in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the Hampshire Minerals and Waste Plan (2013). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

39. Prior to the commencement of the development, details of the surfacing materials to be used for the haul road for 100 metres where it crosses either side of the Byway open to all traffic (BOAT) Bransgore.737 (Watery Lane) shall be submitted to and approved by the Hampshire Mineral and Waste Planning Authority.

Reason: To limit the potential for the generation of dust and to mitigate against mud and debris from being tracked onto the public highway and to protect the BOAT in accordance with Policies 10 (Protecting public health, safety and amenity) and Policy 12 (Managing traffic) of the Hampshire Minerals and Waste Plan (2013). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

40. Prior to the commencement of development, plans and particulars for advance warning signs to be erected on the A35 corridor and Hintonwood Lane shall be submitted to and approved by the Minerals and Waste Planning Authority in writing. The approved details shall be fully implemented before the use hereby approved is commenced.

Reason: In the interest of highway safety and to ensure the development is in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the Hampshire Minerals and Waste Plan (2013). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

41. Heavy Goods Vehicle movements to and from the site shall be restricted to no more than 120 two-way movements per day. A daily record of HGVs entering and leaving the site shall be kept at the site and made available to the Minerals and Waste Planning Authority on request.

Reason: To limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals and Waste Plan (2013).

42. All Heavy Goods Vehicles entering or leaving the site loaded with waste or materials shall be securely sheeted.

Reason: In the interests of highway safety to prevent the deposition of material on the public highway or the generation of windblown dust in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the Hampshire Minerals and Waste Plan (2013).

43. No vehicle shall leave the site unless it has been cleaned sufficiently to prevent mud and spoil being carried on to the public highway. If mud and spoil from vehicles leaving the site is deposited on the public highway, measures shall be taken to clean the highway. In any event at the end of each working day the highway shall be cleaned to the satisfaction of the Minerals and Waste Planning Authority.

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

**Noise, dust and odour**

44. Prior to the commencement of development, a site-specific Dust Management Scheme shall be submitted to and approved in writing by the Mineral and Waste Planning Authority. The scheme shall be produced in accordance with the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Mineral Dust Impacts for Planning' (2016). The scheme shall include management of all haul roads and establishment and management of bunds and be in line with measures set out in the draft Ecological Management Plan (EMP) and detailed EMMP to be provided through the Section 106. The scheme shall be implemented as approved for the duration of the permission.

Reason: To ensure that the development does not have an unacceptable impact on human health and safety and is in accordance with Policy 3 (Protection of habitats and species) & Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

45. The total noise from the site shall not exceed 10dB above the Background Noise Level (LA90) with an upper limit of 55dB LAeq 1 hour, at the noise sensitive receptors shown in the submitted acoustic report (Environmental Noise Impact Statement Barnhawk Acoustics Report No. 613/1 Rev 2 dated November 2014). The total noise from the site shall not exceed the following levels at locations 1 to 5 relating to Plan BA1 of Environmental Noise Impact Statement Barnhawk Acoustics Report No. 613/1 Rev 2 dated November 2014:
- a. Location 1: Public Bridleway, adjacent to Roeshot Farm, in line with rear facade of house – 55dB LAeq 1 hour (free field)
  - b. Location 2: Burton Common, N-S track, closest to western perimeter – 47dB LAeq 1 hour (free field)
  - c. Location 3: Field boundary, adjacent to Pine Cottage – 42dB LAeq 1 hour (free field)
  - d. Location 4: Public Footpath, adjacent to SW corner of Waterditch Farm – 55dB LAeq 1 hour (free field); and
  - e. Location 5: Field, adjacent to north-east corner of Domestic Allotments – 55dB LAeq 1 hour (free field).

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

46. Increased temporary daytime noise limits of up to 70dB LAeq 1 hour (free field) at the boundary of the nearest noise sensitive premises may occur for periods of up to eight weeks in a year to facilitate essential site preparations activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps etc. All such works shall be logged in a log book and be made available for inspection on request.

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

47. The Noise rating level associated with the hereby approved concrete batching plant shall not exceed the Background Noise Level (LA90) at the boundary of the nearest noise sensitive premises in accordance with BS4142:2014. The representative Background Noise Levels (LA90) is specified at paragraph 3.3 (page 5) Environmental Noise Impact Statement Barnhawk Acoustics Report No. 613/1 Rev 2 which is:
- Location 1. Roeshot Farmhouse 52dB LA90;
  - Location 2. Burton Common 37dB LA90;
  - Location 3. Pine Cottage 32dB LA90;
  - Location 4. Waterditch Dairy Farm 47dB LA90 and
  - Location 5. Field boundary with allotments 49dB LA90.

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

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

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 and Waste Plan (2013).

### **Rights of Way**

49. Prior to development commencing, details of crossing points with public rights of way shall be submitted to the Minerals and Waste Planning Authority for approval in writing and implemented. The details shall also include signs warning lorry drivers of the presence of public rights of way.

Reason: To safeguard public rights of way in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013). This is a pre-commencement condition as such details need to be considered prior to construction of the development and thus go to the heart of the planning permission.

### **Amenity**

50. Only inert material shall be imported to the site for the purposes of the reclamation/restoration.

Reason: To ensure the development is implemented in accordance with the details assessed within the Environmental Statement and that the

development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

51. Stockpiles of imported materials stored or deposited on site shall not exceed 3 metres above existing ground level at the highest point within the main body of excavation and reclamation. Stockpiles of processed materials in the plant site area shall not exceed 6 metres in height above ground level at its highest point.

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

52. There shall be no burning of waste or materials on site.

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

### **Restoration**

53. The site shall be progressively restored to agriculture and nature conservation in accordance with Restoration Scheme drawing no. 0617RS/1v6 dated 09/05/2017 and Illustrative Cross Sections Plan no 0617/CS/1 v1 dated 18/03/2016 and in line with the detailed EMMP to be provided through the s106

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

54. The site shall be restored to agriculture and nature conservation in accordance with a scheme to be agreed by the Minerals and Waste Planning Authority in writing. The scheme shall be submitted within six months of the date of this permission and shall include details of:
- (i) the thickness and quality of subsoil and topsoil to be used and the method of soil handling and spreading, including the machinery to be used;
  - (ii) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping to take place before placing of topsoil;
  - (iii) measures to be taken to drain the restored land; and
  - (iv) details of proposed seeding.

Reason: To ensure satisfactory restoration in accordance with Policies 4 (Protection of the designated landscape) and 5 (Protection of the countryside) of the Hampshire Minerals & Waste Plan (2013).

### **After-Care**

55. An aftercare scheme requiring such steps as may be necessary to bring each phase of the land restored to the required standard for use for agriculture and nature conservation shall be submitted to the Minerals and Waste Planning Authority for approval in writing no later than two years from the date of implementation. The scheme shall be implemented as approved.

Reason: To ensure that the land is satisfactorily restored in accordance with Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

56. After-care of the site shall take place in accordance with the scheme approved under condition 54 for a period of five years, beginning when restoration is completed to the satisfaction of the Minerals and Waste Planning Authority in accordance with condition 52.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

### **Restriction of Permitted Development Rights**

57. 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 shall not be erected, extended, installed or replaced at the site without the prior agreement of the Minerals and Waste Planning Authority in writing; and
  - (ii) no telecommunications antenna shall be installed or erected without the prior agreement of the Minerals and Waste Planning Authority in writing.

Reason: To protect the amenities of the area in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

### **Plans and Particulars**

58. The development hereby permitted shall be carried out in accordance with the following approved plans: **0617/Lv3, 0617/SC/1v5, 0617A/2v3, 0617/PB1v2, Gen.02v2, Gen.03v2, Gen.04v1, Gen.06v2, 0617/CS/1v1, 15178-01, 0617/A/1v5, 0617CO/1v8, 0617PS/1v5, 0617/PO/1v6, 0617/PO/2v6, 0617/RS/1v6**

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

**Note to Applicants**

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 (2012), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 3.5 tonne un-laden).
3. A Liaison Panel should be set up between the site operator, Minerals and Waste Planning Authority, interested parties and community representatives at a suitable frequency to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community. The County Council's guidance on the establishment of panels is available to the applicant.
4. There must be no surface alterations to the right of way, nor any works carried out, which affect its surface, without first obtaining the permission of Hampshire County Council, as Local Highway Authority via a section 278 agreement. For the purposes of this proposal, that permission would be required from Hampshire County Council Countryside Services. To carry out any such works without this permission would constitute an offence under S131 Highways Act 1980, and we would therefore encourage the applicant to contact us as soon as possible to discuss any works of this nature.
5. Nothing connected with the development or its future use should have an adverse effect on the right of way, which must always remain available for public use.
6. In respect to condition 16 the Environment Agency advise that a Water Framework Preliminary Assessment has been undertaken and identified potential impacts to the surrounding water environment. Preliminary mitigation measures have been identified to prevent pollution via management of intercepted water during excavation. It is recommended that this preliminary assessment is refined, and a detailed pollution mitigation plan is submitted for approval in order to ensure the protection of water quality, water resources and prevent flood risk in accordance with paragraphs 163, 170 and 178 of the National Planning Policy Framework (2018).
7. 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.