

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	29 July 2020
Title:	<p>1) Variation of conditions 1, 3 and 4 of planning permission 07/90183 to extend the time to complete the importation of waste to the landfill until 2029, revise the landfill phasing and phasing of restoration, and the completion of landfill restoration by 2031 (Application No. 19/10066)</p> <p>2) Variation of condition 2 of planning permission 11/97613 to extend the time for the use of the Waste Transfer Station until 2030 (Application No. 19/10064)</p> <p>3) Variation of condition 2 of planning permission 08/92516 to extend the time for the use of the landfill gas utilisation plant until March 2040 (Application No. 19/10063)</p> <p>at Blue Haze Landfill Site, Verwood Road, Somerley, BH24 3QE (Site Ref: NF105)</p>
Report From:	Head of Strategic Planning

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Recommendation

1. That an extension of time until 31 December 2020 is agreed for the satisfactory completion of the Deed of Variation to the Section 106 agreement for permission 19/10066 to transfer the Section 106 [S106] legal obligations relating to planning permission 07/90183, to secure:
 - lorry routing agreement restricting the use of Harbridge Drove and the B3081 northwards, except for local deliveries;
 - Management Agreement for Nature Conservation and the provision of footpaths/access for public recreation (including amendments to enhance the scheme of environmental compensation); and
 - off-site heathland works within Plumley Wood.
2. This also requires extensions of time until the same date for the determination of planning applications 19/10064 and 19/10063, as these are both dependant on the prior granting of 19/10066.
3. Upon completion of the Deed of Variation authority be delegated to the Director of Economy, Transport and Environment to grant permission in all

other respects in accordance with the resolution for planning applications 19/10066, 19/10064 and 19/10063 made at the meeting held on 17 April 2019.

Background

4. This report relates to planning applications 19/10066, 19/10064 and 19/10063 at Blue Haze Landfill Site, Verwood Road, Somerley.
5. Planning application 19/10066 seeks to vary Conditions 1 (Phasing), 3 (Completion date) and 4 (Working programme) of planning permission 07/90183 at Blue Haze Landfill Site, Verwood Road, Somerley to extend the time to complete the importation of waste to the landfill by 10 years until 2029, revise the landfill phasing and phasing of restoration, and the completion of landfill restoration by 2031.
6. The applicant also submitted further planning applications (19/10064 and 19/10063), seeking to regularise ancillary developments on the Blue Haze Landfill Site by extending their temporary planning permissions in line with that sought for the overall landfill site. As the determination of the two remaining ancillary applications are dependent on the determination of the overarching planning application 19/10066, all three were considered at the Regulatory Committee meeting held on 17 April 2019 for determination.
7. At the Regulatory Committee meeting it was resolved that planning permission be granted for the three applications, subject to the completion of a Deed of Variation to link the obligations in the original Section 106 agreement applying to planning permission 07/90183 to 19/10066.
8. The Regulatory Committee gave officers delegated authority to grant planning permission, subject to conditions, on completion of the Section 106 agreement or, if necessary, to refuse planning permission if the agreement was not completed by 30 September 2019.
9. At the 16 October 2019 Regulatory Committee meeting, it was agreed that a further four-month period from 30 September 2019, until 31 January 2020, was given for the satisfactory completion of the Section 106 agreement.
10. At the 12 February 2020 Regulatory Committee meeting, it was agreed that a further three-month period from 31 January, until 30 April 2020, was given for the satisfactory completion of the Section 106 agreement.
11. Since the Regulatory Committee gave officers delegated authority to grant planning permission delegated authority at the 17 April 2019, the following issues have prevented the Deed of Variation from being completed, despite County Council officers and the applicant working together proactively:

- i. There are seven parties, including the County Council, who all need to agree to and complete this agreement. At the beginning of September 2019, the document was agreed in principle between the Council and the Applicant who has been liaising with all other parties with proprietary interests in the site to obtain their agreement;
 - ii. The other interested authority, Dorset County Council (who have an interest in the original section 106 agreement as a highway authority) had been notified of the deed of variation and invited to comment on drafts of the agreement since the 10 May 2019;
 - iii. On 12 December 2019, Dorset County Council made contact to inform that they would require amendments to the agreed document. These have been in negotiation since that time, and whilst progress has been made some of Dorset's required amendments are still outstanding and need to be agreed by all parties to the agreement. This will require the agreement to be further amended and circulated to all parties for their agreement; and
 - iv. The Covid-19 pandemic and the subsequent UK lock-down process has exasperated this process and has also prevented this case coming forward to Regulatory Committee to request a further extension period for the satisfactory completion of the Section 106 agreement until this time.
12. The operator has been progressing other requirements for the planning permissions during this time. Forestry England has signed off the scheme for the proposed wildlife corridor, to be implemented as soon as permission is granted to compensate for the delay of the restoration of the site caused by this extension to the landfilling operation.
 13. The Agreement is at an advanced stage, but the Covid-19 pandemic in particular has had an impact on the ability of all parties to progress at the pace anticipated when this last came before Committee.
 14. Therefore, it is requested that a further eight-month period from 30 April, until 31 December 2020, is provided for the satisfactory completion of the Section 106 agreement.

Recommendation

15. That an extension of time until 31 December 2020 is agreed for the satisfactory completion of the Deed of Variation to the Section 106 agreement from planning permission 07/90183 to transfer it to 19/10066 and that authority is delegated to the Director of Economy, Transport and Environment to grant permission in all other respects in accordance with the

resolution for planning applications 19/10066, 19/10064 and 19/10063 made at the meeting held on 17 April 2019.

Link to application 19/10066, 19/10064 and 19/10063 Committee Report 17 April 2019

<http://democracy.hants.gov.uk/ieListDocuments.aspx?CId=191&MId=3537&Ver=4>

Link to the application

<https://planning.hants.gov.uk/SearchResults.aspx?Criteria=nf105>