

HAMPSHIRE COUNTY COUNCIL
Decision Report

Decision Maker:	Regulatory Committee
Date:	16 September 2020
Title:	Variation of conditions 16 of planning permission 18/11586 to allow additional mobile kit (Excavator, Dumper truck, and cell engineering equipment) on site to improve operation efficiency at Forest Lodge Home Farm, Fawley Road, Hythe SO45 3NJ (No. 20/10282) (Site Ref: NF271)
Report From:	Head of Strategic Planning

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Recommendation

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

Executive Summary

2. The planning application is for variation of condition 16 of planning permission 18/11586 to allow additional mobile kit (Excavator, Dumper truck, and cell engineering equipment) on site to improve operation efficiency at Forest Lodge Home Farm, Fawley Road, Hythe.
3. This application is being considered by the Regulatory Committee as Hythe and Dibden Parish Council have objected to the proposal.
4. Key issues raised are:
 - Air Quality;
 - Noise levels; and
 - The retrospective nature of the application.
5. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
6. The site is an existing mineral extraction quarry which is safeguarded by Policy 16 (Safeguarding – minerals infrastructure) and contributes towards an adequate and steady supply of aggregates for Hampshire and surrounding areas. It is considered that the proposal would be in accordance with the relevant policies of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) and that the proposal would:

- Contribute in providing a steady and adequate supply of sand and gravel for Hampshire by allowing the screening of minerals at an existing quarry; .
 - Maintain its position as a temporary mineral's extraction site with a requirement for restoration after extraction to an agricultural use;
 - Not cause unacceptable adverse visual impact; and
 - Not cause unacceptable adverse public health and safety or unacceptable adverse amenity impacts.
7. Therefore, it is recommended that planning permission be granted subject to the conditions listed in Appendix A.

The Site

8. The site is an active sand and gravel quarry and extends over 5.6 hectares (ha) of land. The site lies approximately two kilometres to the south of the town centre of Hythe and to the west of Southampton Water.
9. Access to the site is from Fawley Road, south of which lies a roundabout junction with the A326. Access to the wider highway network is achieved via the A35 at Totton before continuing north to the M27.
10. The site lies within the countryside and is bounded by hedgerows and trees, with woodland to the north-east.
11. To the north of the site lies agricultural land, Forest Lodge Home Farm and associated buildings and residential properties. Further agricultural land is situated to the south of the site.
12. With the exception of the middle section of the western boundary, all boundaries surrounding the site include mature hedgerows and trees. The middle section of the western boundary includes the current site access which connects to the local road network, namely Fawley Road.
13. The site is situated 35 metres to the north-east of Gringo's Copse and Crampool Copse Site of Importance for Nature Conservation (SINC) and 115 metres to the south-east of Fawley North SINC. Further ecological designations in the vicinity include the Hythe to Calcot Marshes Site of Special Scientific Interest (SSSI) and Southampton and Solent Water Special Protection Area (SPA)/RAMSAR/Special Area of Conservation (SAC) sites which are located 1000 metres to the north-east of the site. The New Forest SSSI is situated 340 metres to the south-east and 570 metres to the south-west of the site. The New Forest National Park lies approximately 550 metres to the south-west of the site.
14. The Netley View residential estate and settlement of Buttsash lies immediately adjacent to the west of the site beyond Fawley Road. The nearest residential properties are found at Beech Crescent, which is located approximately 35 metres south west, 150 metres to the west and

north-west and continuing to 480 metres north of the site beyond Frost Lane.

15. The Solent Way Public Right of way (PROW) runs outside the site boundary approximately 10 metres to the east. The majority of Fawley Road has a shared footway and cycleway and uncontrolled crossings are provided close to Butts Ash Lane to the north of the site and close to Cedar Road to the south of the site.
16. Mineral extraction was initially granted permission in March 2017 (planning permission 16/10450). This gave permission for the phased (3 phases - from west to east) extraction of 468,000 tonnes of mineral and the importation of 540,000 tonnes of clean, inert waste/soil and phased backfilling to restore the site to agriculture over a period of 10 years. The phasing is set out in Appendix D of this report.
17. The development commenced on 11 July 2017. Mineral extraction extends over 4.2 ha of land within the site. The remaining area of the application site is occupied by soil storage bunds, mitigation/enhancement planting and the site management area/access. The site is dry worked, with no de-watering required with the excavation of mineral by a 360 excavator and loading shovel. Mineral is dug, screened and loaded into tipper lorry before leaving the site. The site will be progressively restored to original levels and use using inert fill and land uses of an agricultural nature.

Planning History

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

Table One: Planning History

Application No	Proposal	Decision	Date Issued
18/11586	Variation of Conditions 19 and 20 of planning permission 16/10450 to allow screening operations to take place at Forest Lodge Home Farm, Fawley Road, Hythe, SO45 3NJ.	Granted	20/09/2019
16/10450	Extraction of soft sand and sharp sand and gravel, the construction of an improved access onto Fawley Road, the importation of inert materials and restoration of the site to agriculture.	Granted	23/03/2017

The Proposal

19. The proposal is for the variation of Condition 16 of planning permission 18/11586 (the current permission) to allow for additional mobile equipment needed for the operation of the site and the submission and approval of an updated Noise Management Plan to support this.
20. Condition 16 of planning permission 18/11586 is as follows:
Notwithstanding the provisions of Schedule 2, Part 4. Class B and Part 17 Classes A and B, of the Town & Country Planning (General Permitted Development) Order 2015 (or any subsequent amendment to the order) on-site plant and machinery shall comprise only 1 x Screener (to screen the quarry's extracted clay-rich sand only), 1 x Excavator, 1 x Loading shovel and 1 x Tractor and bowser.
21. It is proposed to amend condition 16 as follows:
Notwithstanding the provisions of Schedule 2, Part 4. Class B and Part 17 Classes A and B, of the Town & Country Planning (General Permitted Development) Order 2015 (or any subsequent amendment to the order) on-site plant and machinery shall comprise only 1x 25 tonne Excavator, 1 x13 tonne excavator, 1x Dump Truck, 1x Screener, 1x Loader, 1 x Tractor and Bowser and for cell engineering work 1x 25 tonne Dozer, 1 x26 tonne Excavator and 1x 5.5 tonne Roller.
22. The existing screener that is currently in place is not proposed to change.
23. The applicant has submitted an updated Noise Management Plan to reflect this change in mobile equipment. The application does not propose there to be an increase in noise impact from site activities. The allowable noise levels at nearby sensitive receptors, as set in Condition 28 of permission 18/11586 is not impacted by this proposal.
24. The proposal does not result in any changes to the approved hours of operation (Monday to Friday 0700 - 1800 and Saturday 0700 - 1300 with no operations on a Sunday or recognised Public Holidays) nor any changes to the approved maximum number of HGV two-way movements generated by the site on any one day (96 (48 HGVs)).
25. The site management area (located in the north-western area of the site) will also remain unchanged, retaining the following components:
 - One temporary cabin/office - single storey;
 - One temporary weighbridge;
 - One temporary wheel wash;
 - Internal access road; and
 - Designated parking area for six cars.
26. Finally, there will be no changes to the approved duration, the volume of mineral extraction, planned restoration works using imported waste/

materials are proposed or to the approved aftercare (to agriculture) as a result of the proposal.

27. The proposed development is not an EIA development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). Although listed under Schedule 2 of the regulations, it is considered by the minerals and waste planning authority that the proposed development would not have adverse amenity impacts nor, by nature of the type, scale and location of the proposal, to cause any significant environmental effects that would benefit from the proposal being considered an EIA development.

Development Plan and Guidance

National Planning Policy Framework (2019)

28. The following paragraphs are relevant to this proposal:
- Paragraphs 11 & 12: Presumption in favour of sustainable development;
 - Paragraph 47: Determination in accordance with the development plan unless material considerations indicate otherwise;
 - Paragraphs 54 - 55 & 58: Use of planning conditions and obligations and enforcement action;
 - Paragraph 170: Conserve and enhance the natural environment;
 - Paragraphs 180: Prevent pollution of local area;
 - Paragraphs 181 - 183: Ensure development is appropriately located and effectively integrated into its setting, ensuring impacts on the local environment are mitigated; and
 - Paragraphs 203 - 208: Facilitating the sustainable use and supply of minerals.

National Planning Practice Guidance

29. The following paragraphs are relevant to this proposal:
- Paragraph 021 Reference ID: 27-021-20140306 (What are the appropriate noise standards for mineral operators for normal operations?); and
 - Paragraph 022 Reference ID: 27-022-20140306 (What type of operations may give rise to particularly noisy short-term activities and what noise limits may be appropriate?).

Hampshire Minerals & Waste Plan (HMWP) 2013

30. The following policies are relevant to the proposal:
- Policy 1 (Sustainable minerals and waste development);
 - Policy 2 (Climate change - mitigation and adaptation)
 - Policy 5 (Protection of the countryside);
 - Policy 10 (Protecting public health, safety and amenity);
 - Policy 12 (Managing traffic);

- Policy 13 (High-quality design of minerals and waste development);
- Policy 16 (Safeguarding – minerals infrastructure);
- Policy 17 (Aggregate supply - capacity and source); and
- Policy 20 (Local land-won aggregates).

NFDC Local Plan 2016-2036 Part One: Planning Strategy

31. The following policy is relevant to this proposal:
- Policy ENV3 (Design quality and local distinctiveness).

Consultations

32. **County Councillor Wade:** Objected to the proposal on the grounds that further plant machinery on the site will lead to a greater impact on its neighbours and the continued planning creep of the site.
33. **County Councillor McEvoy:** Was notified.
34. **New Forest District Council:** Was notified.
35. **New Forest District Council - Environmental Health Officer (EHO):** Requested conditions for the noise assessment of the cell engineering equipment and the provision of proactive noise monitoring of the site.
36. **Hythe & Dibden Parish Council:** Objected to the proposal due to unacceptable impact of dust and noise on neighbouring residents, The Parish Council does not feel the noise mitigation plan is acceptable.
37. **Natural England:** Has no objection.
38. **County Ecologist (HCC):** Was notified.
39. **Planning Policy (HCC):** Requests that the application is considered against policies 5, 10, 16, 17, and 20 of the Hampshire Minerals and Waste Plan (2013).
40. **Southampton Airport Safeguarding:** Has no objection.

Representations

41. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
- In complying with the requirements of the SCI, HCC:
 - Published a notice of the application in the [Hampshire Independent](#);
 - Placed notices of the application at the application site;

- Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
 - Notified by letter all residential properties within 100 metres of the boundary of the site.
42. As of 7 September 2020, a total of five representations to the proposal have been received. All five representations objected to the proposal. The main areas of concern raised in the objections related to the following areas:
- Dust;
 - Noise; and
 - Retrospective nature of the application.
 - Potential increase in HGV movements
43. The above issues will be addressed within the following commentary, (except where identified as not being relevant to the decision).

Climate Change

44. Hampshire County Council declared a climate change emergency on 17 June 2019. This proposed development has been subject to consideration of Policy 2 (Climate change – mitigation and adoption) of the HMWP (2013) when planning permissions originally granted in 2017. The current proposal has also been considered under Policy 10 (Protection of public health, safety and amenity) as documented in the commentary.

Commentary

Principle of the development and need

45. The site was identified as a site allocation in Policy 20 (Local land-won aggregates) of the Hampshire Minerals and Waste Plan (2013) (HMWP). The principle of the use of the site for sand and gravel extraction and restoration, through infill with inert waste, within 10 years (by 11 July August 2027) has already been established through the granting of planning permission 16/10450 in March 2017. This means the location of the site as a suitable location for mineral extraction, inert filling and restoration to agriculture has already been agreed. Therefore, the proposal has already been considered to be in accordance with the provisions of Policies 17 (Aggregate Supply – capacity and source) and 20 (Local land-won aggregate) of the HMWP (2013).
46. The applicant is not proposing any changes to the levels of sand and gravel to be extracted or for the importation of clean, inert waste for backfilling for the phased restoration of the site to agriculture. The site is

also safeguarded as an existing minerals quarry under Policy 16 (Safeguarding – minerals infrastructure) as it is required to meet current and future demands.

47. The potential impact of quarrying in this location on ecology (the countryside and on the highway (in accordance with Policies 3 (Protection of wildlife and habitats), 5 (Protection of the countryside) and 12 (Highways safety)) have also been previously examined. The proposal does not involve any other changes to operations, or the highway movements associated with the development. As the principle of the site is already in agreed, the focus here is on whether the additional equipment is appropriate in terms of amenity and other associated issues.
48. Paragraph 207 of the [National Planning Policy Framework \(NPPF\)](#) (2019) and Policy 17 (Aggregate Supply – capacity and source) of the [HMWP \(2013\)](#) require Minerals Planning Authorities to provide a steady and adequate supply of local sand and gravel. The supply of land-won aggregate is very important in order to ensure an adequate and steady supply of indigenous minerals for Hampshire and surrounding areas. Hampshire's most recent [Local Aggregates Assessment \(LAA\) 2019](#) indicates that the supply of local sand and gravel is currently at a rate of 1.18 million tonnes per annum (mtpa). This is substantially below the requirement of Policy 17 of 1.56 mtpa. Therefore, the addition of further plant machinery to enable more efficient extraction is in accordance with Policy 17 (Aggregate Supply – capacity and source) of the HMWP (2013) and the provisions of paragraph 207 of the NPPF (2019).

Visual impact and landscape

49. The concerns raised by Councillor Wade and Hythe & Dibden Parish Council in relation to impact on the surrounding area are noted.
50. Policy 13 (High-quality design of minerals and waste development) of the HMWP (2013) requires that development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape. In addition, Policy 10 (Protecting public health, safety and amenity) also protects residents from significant adverse visual impact.
51. A Landscape Visual Impact Assessment (LVIA) was submitted with planning permission 16/10450 in 2017, its findings were accepted when the application was granted. It concluded that there would be no significant landscape or visual effects both locally or on the setting of the nearby New Forest National Park.
52. The site benefits from existing screening by both natural features such as the hedgerows and tree line running across western side of the site as well as the man-made features such as screening bunds installed as part of

planning permission 16/10450. These help to disrupt the view from the nearby Netley View estate.

53. The screening detailed above reduces the visual impact of the proposed machinery and it is considered that the visual impact and effect on the locality would not be significantly different what is currently in place. The proposal is therefore considered to be in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the HMWP (2013).

Noise

54. The concerns raised about noise impacts from Councillor Wade, Hythe & Dibden Parish Council as well in representations received are noted.
55. Policy 10 (Protection of public health, safety and amenity) of the HMWP (2013) requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between minerals developments and other forms of development.
56. It is possible that the proposed introduction of new plant machinery, could create impacts on the locality through additional noise sources in excess of that being generated by the current permitted development. An [Updated Noise Assessment and Noise Management Plan](#) has been submitted as part of the application to address this issue. This Assessment assessed the predicted noise contribution of additional plant and equipment from the 'normal' use of the quarry and confirms compliance with the condition 28 of the planning permission 18/11586.
57. The existing noise conditions requires that the total noise from operations at the hereby approved site shall not exceed 55dB LAeq 1 hour (free field) at the boundary of the nearest noise sensitive properties. The conditions are unchanged by the proposal.
58. It is noted that the updated Assessment only takes into consideration the following proposed equipment: one 25 tonne excavator, one 13 tonne excavator, one dump truck, one screener, one loading shovel, and one tractor and bowser. It does not consider the potentially significant noise contributions from the following proposed cell engineering equipment: one 25 tonne dozer, one 26 tonne excavator, and one 5.5 tonne roller. This contribution should have been assessed to ensure compliance with the current noise limits and the [National Planning Practice Guidance \(NPPG\)](#) which sets out guidance for the determination of planning applications for mineral extraction and identifies noise limits for such developments [Paragraph 021](#) sets out noise limits for normal day to day operations. Although [Paragraph 022](#) establishes higher temporary noise limits for up to

8 weeks in a year for short term operations this should only be taken into account for essential site preparation, restoration and construction.

59. New Forest District Council Environmental Health were consulted on the application and concluded the updated Noise Assessment has considered the noise contribution of plant and equipment from the 'normal' use of the quarry and confirms compliance with condition 28. However, significant noise contributions from equipment used on a temporary basis e.g. for cell engineering have not been considered.
60. Comments received from both Hythe and Dibden Parish Council and the Environmental Health officer show that a reactive approach to noise monitoring adopted through submitted Noise Management Plan to be unacceptable when considering the history of noise complaints that the EHO has received. It is therefore proposed that a condition be included to ensure that a noise assessment is conducted for the cell engineering equipment. This is included in Appendix A.
61. The Environmental Health Officer advised that provision be made for proactive measurements to be taken (at least annually) in accordance with the Noise Monitoring Scheme proposed through a planning condition. This is included in Appendix A. On the basis of this condition as well an additional condition for the submission of a noise assessment of the cell engineering equipment and the provisions of the submitted Updated [Noise Assessment and Noise Management Plan](#), the proposal is considered to be in accordance with Policy 10 (Protection of public health, safety and amenity) as well as the relevant development considerations set out in the site allocation in the adopted HMWP (2013) in relation to noise.

Air quality

62. The concerns raised about the impacts of the changes to the plant equipment in relation to air quality as a result of dust are noted.
63. Policy 10 (Protection of public health, safety and amenity) of the HMWP (2013) requires minerals development should not cause unacceptable dust.
64. The method of mineral extraction and storage is not proposed to change as part of this proposal. It is therefore considered that the Air Quality Assessment (originally submitted under planning permission 16/10450), which demonstrated that there would be no significant impacts or effects on local air quality subject to conditional controls over the use of on-site plant and machinery and goods vehicles entering and departing the site continues to be valid.
65. The Air Quality Assessment was reviewed by the Environmental Health Officer at the time of the granting of planning permission 16/10450 who raised no objection on the grounds of air quality impacts, provided that

conditions on a site-specific Dust Management Plan were imposed on the site.

66. Following recent discussions, the operator has offered to install a quantitative Dust Management Scheme at the site. The operator, officers and Environmental Health Officer are currently in discussions on the provisions of the scheme and its installation
67. The Environmental Health Officer was consulted on this proposal and raised no concerns. The proposal is therefore considered to be in accordance with Policy 10 (Protection of public health, safety and amenity) of the HMWP (2013).

Highways impact

68. Policy 12 (Managing traffic) of the HMWP (2013) requires minerals and waste development to have a safe and suitable access to the highway network and where possible minimise the impact of its generated traffic through the use of alternative methods of transportation. It also requires highway improvements to mitigate any significant adverse effects on highway safety, pedestrian safety, highway capacity and environment and amenity.
69. Concerns raised about the proposal and its impact on the highway are noted. However, there are no highways changes proposed in this application. Therefore, the proposal is in accordance with Policy 12 (Managing traffic) of the HMWP (2013).

Liaison Panel

70. A Liaison Panel was set up following the grant of planning permission 16/10450. At the time of writing, the next panel was due to sit on the 9th September 2020.

Retrospective nature of the application

71. The retrospective nature of the application has been raised as a reason for refusing the application in representations received. However, being retrospective is not a ground for refusal, unless it can be shown that there was deliberate attempt to conceal the unauthorised development.
72. In this particular case, there was no attempt to deny or conceal the activity when it was discovered by the Monitoring Officer, who found the presence of an additional 360 excavator and a dumper truck in operation at the site. decision was taken by the Minerals Planning Authority to request that an application for this additional equipment to be submitted on the 23

December 2019. This application was received by the Minerals Planning Authority on the 5 March 2020.

Conclusions

73. It is considered that the proposal would be in accordance with the relevant policies of the HMWP (2013) and would therefore:
- Contribute in providing a steady and adequate supply of sand and gravel for Hampshire as a result of the further development of an allocated sand and gravel extraction site;
 - Maintain its position as a temporary mineral's extraction site with a requirement for restoration after extraction to an agricultural use;
 - Not cause unacceptable adverse visual impact; and
 - Not cause unacceptable adverse public health and safety or unacceptable adverse amenity impacts.

Recommendation

- 70 That planning permission be granted subject to the conditions listed in Appendix A.

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Phasing Plan (planning permission 16/10450)

Other documents relating to this application:

<https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=21056>

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

Section 100 D - Local Government Act 1972 - background documents

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

Document

Location

20/10282
NF271

Strategic Planning
Hampshire County Council
Elizabeth II Court West
Sussex Street
Winchester
SO23 8UD

Forest Lodge Home Farm, Fawley Road,
Hythe SO45 3NJ
(Variation of conditions 16 of planning
permission 18/11586 to allow additional
mobile kit (Excavator, Dumper truck, and
cell engineering equipment) on site to
improve operation efficiency)

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

Duration of Permission

1. Approved mineral extraction and restoration works shall cease by 11 July 2027.

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).

Schemes approved under 16/10450

2. The offsite highways works approved in writing by the Mineral & Waste Planning Authority on 30 October 2017 shall be retained as constructed throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

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

3. The site-specific Dust Management Scheme approved writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

Reason: To ensure that the development does not have an unacceptable impact on human health and safety and is in accordance with Policy 10 (Protecting public health, safety and amenity).

4. The Soil Management Scheme approved writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above. There shall be no export of topsoil or subsoil from the site.

Reason: To ensure the protection of the soil resource in accordance with Policy 8 (Protection of soils) of the HMWP (2013).

5. The Surface Water Management Scheme approved writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

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 & Waste Plan (2013).

6. The Lighting Scheme approved in writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

Reason: In the interests of visual and landscape impact 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).

7. The Arboricultural Method Statement (AMS) approved writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

Reason: To prevent damage to T3 both structurally and physiologically and to ensure the development is in accordance with Policies 3 (Protection of habitats and species) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013).

8. Details of enhancement landscaping works approved in writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The scheme shall be implemented as approved for the duration of the development, unless otherwise approved in writing by the Mineral & Waste Planning Authority.

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 & Waste Plan (2013).

9. The Ecological Mitigation Strategy approved in writing by the Mineral & Waste Planning Authority on 19 June 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration and aftercare works in accordance with Conditions 1, 13 and 36 of this permission.

Reason: In order to avoid ecological impacts and to ensure the development is in accordance with Policy 3 (Protection of habitats and species) of the Hampshire Minerals and Waste Plan (2013).

10. The conclusions of the Written Scheme of Investigation for Watching Archaeological Brief approved in writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

Reason: In the interests of archaeology in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the Hampshire Minerals & Waste Plan (2013).

11. The buildings and structures on site as shown on plan 003 REV D approved in writing by the Mineral & Waste Planning Authority on 31 May 2017 shall be implemented in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

Not later than six months following the completion of the approved restoration works (under Condition 1 above) any buildings and structures not required for the purposes of the five year aftercare period shall be removed from the site and the land restored and integrated into the wider restoration scheme as approved in writing by the Mineral & Waste Planning Authority.

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 & Waste Plan (2013).

Ongoing Operational Conditions

12. No Heavy Goods Vehicles (HGV) shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0700-1800 Monday to Friday and 0700-1300 Saturday. There shall be no working on Sundays or recognised Public Holidays.

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

13. The working of the site shall be carried out in a progressive manner in accordance with paragraphs 3.6-3.8 inclusive of the Environmental Statement approved under planning permission 16/10450 (except where modified by condition herein) and the following programme and drawing numbers:

- Development Timescales and Programme Chart;
- 003 REV D;
- 004 REV D;
- 005 REV D; and
- 006 REV D.

Topsoil shall not be stripped from Phase 3 until the restoration of Phase 1 has been completed in accordance with the scheme approved herein.

Reason: To enable the Mineral & 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 & Waste Plan (2013).

14. Throughout the duration of the permission, contact information for the operator of the site in relation to operational impacts and in the event of an emergency at the site, shall be displayed at the entrance to the site.

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 & Waste Plan (2013).

15. The eastern and western perimeter bunds shown on plan 003 REV D shall measure 2.0 metres in height from base to top except for the southern part of the western boundary where they shall taper up from north to south to 3.0 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 & Waste Plan (2013).

16. On-site plant and machinery shall comprise only:

- One 25 tonne excavator;
- One 13 tonne excavator;
- One dump truck;
- One screener (to screen the quarry's extracted clay-rich sand only);
- One loading shovel; and
- One tractor and bowser.

The following Cell Engineering equipment is only to be permitted on site following the approval of the Revised Noise Assessment and Noise Management Plan detailed in Condition 31:

- One 25 tonne bulldozer;
- One 26 tonne excavator; and
- One 5.5 tonne roller.

Reason: To ensure that the development is implemented in accordance with the details assessed as part of the application and to ensure the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

17. No crushing or washing of mineral, waste or materials shall take place on site.

Reason: To ensure that the development is implemented in accordance with the details assessed as part of the application and to ensure the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

18. Excavation of mineral shall be by 360 excavator 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 & Waste Plan (2013).

19. Prior to the tipping of waste in each phase (1, 2 and 3), a Topographical Survey of the most recently excavated phase shall be submitted to the Mineral & Waste Planning Authority for review. Tipping shall commence

following notification in writing from the Mineral & Waste Planning Authority.

Reason: For the purposes of monitoring to ensure that development is implemented in accordance with the approved plans.

20. The maximum depth of excavation shall be no lower/deeper than 1.5 metres above the inferred groundwater level of 24th February 2016 as shown on drawings 009 Rev A and 010 Rev, and in any event no lower than 26 metres AOD.

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

21. In the event groundwater is encountered within the mineral extraction void, no further excavation of mineral shall take place. An assessment of the impact on the water environment as a result of continued working, and any recommended mitigation measures associated with this shall be submitted to and approved in writing by the Mineral & Waste Planning Authority. Once approved, the mitigation shall be implemented in full throughout the duration of mineral extraction operations.

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

22. The development shall be implemented in accordance with the Arboricultural Impact Assessment (dated 13 June 2016) and Tree Protection Plan (dated July 2016) approved under planning permission 16/10450. The tree protection barriers shall be retained as approved throughout the duration of development.

Reason: In the interests of biodiversity, landscape character and visual amenity 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 & Waste Plan (2013).

23. Heavy Goods Vehicle (HGV) movements to and from the site shall be restricted to no more than 96 per day. A daily record of HGVs entering

and leaving the site shall be kept at the site and made available to the Mineral & 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 & Waste Plan (2013).

24. Access to the site shall only be from the access shown on plan HT/001 Rev 2 from Fawley Road. Heavy Goods Vehicles (HGVs) shall turn right into the site and left out of the site only. A sign stating that all HGVs shall turn left out of the site shall be displayed throughout the duration of the development in a location visible to drivers within the site and near to the highway access.

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

25. The Site Management Area and access haul road specifications approved in writing by the Mineral & Waste Planning Authority on 14 November 2017 shall be retained and maintained free of potholes in full throughout the duration of the mineral extraction and restoration works approved under Condition 1 above.

Reason: To limit the potential for the generation of dust and to mitigate against mud and debris from being tracked onto the public highway in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

26. 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 wind-blown dust in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

27. No vehicle shall leave the site unless it has been cleaned sufficiently to prevent mud and spoil being carried on to the public highway. In the

event that mud and spoil from vehicles leaving the site 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 Mineral & 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 & Waste Plan (2013).

Noise

28. The total noise from operations at the hereby approved site shall not exceed 55dB LAeq 1 hour (free field) at the boundary of the nearest noise sensitive properties (as identified within chapter 8 of the Environmental Statement approved under planning permission 16/10450).

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 & Waste Plan (2013).

29. The noise level from work to facilitate essential site preparation, restoration and construction of baffle mounds shall not exceed 70 dB LAeq 1 hour (free field) at the boundary of noise sensitive premises for a period of up to eight weeks in one calendar year. Written records of the duration of such works shall be kept on site and made available for inspection by the Mineral & Waste Planning Authority upon request.

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 & Waste Plan (2013).

30. 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 & Waste Plan (2013).

31. Prior to the commencement of the infilling of Phase 1, as shown on Working Plan Phases 003 REV D, or within 6 months of the granting of this permission, a revised Noise Assessment and Noise Management

Plan will be submitted to the Minerals Planning Authority for approval in writing. The revised Noise Assessment and Noise Management Plan will contain assessment of the following cell engineering equipment listed in Condition 16:

- One 25 tonne bulldozer;
- One 26 tonne excavator; and
- One 5.5 tonne roller.

The Revised Noise Assessment and Noise Management Plan will contain provision for an annual noise survey of the site at sensitive receptors to be made available to the Minerals Planning Authority at their request. The approved Noise Assessment and Noise Management Plan shall be implemented as approved.

Reason: In the interest of public amenity in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013). This is a prior commencement condition to ensure public health and amenity.

Protection of Water Environment

32. 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 the occupation of the development 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 & Waste Plan (2013).

33. All cleaning and washing of vehicles, plant, equipment and machinery should be carried out in areas isolated from any surface water system and only draining to the foul drainage system or sealed system. The area should be clearly marked and a kerb surround provided.

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

34. 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 & Waste Plan (2013).

Permitted Waste Type and Storage

35. Only inert waste/materials for the purposes of the approved restoration operations (approved under planning permission 16/10450) shall be imported to the site.

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 & Waste Plan (2013).

36. Stockpiles of waste or materials stored or deposited on site shall not exceed 39 metres AOD (2 metres above existing ground level as shown on drawing 008 Rev 1) at the 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 & waste development) of the Hampshire Minerals & Waste Plan (2013).

Restoration

37. The site shall be progressively restored to agriculture in accordance with drawing no. 007 REV C and Technical Appendices 10.6 Landscape of the Environmental Statement both approved under planning permission 16/10450.

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 & Waste Plan (2013)).

Aftercare

38. The Aftercare scheme approved in writing by the Mineral & Waste Planning Authority on 19 December 2018 (under planning permission 16/10450) shall be implemented in full following written confirmation that the approved restoration has been completed to the satisfaction of the Mineral & Waste Planning Authority in accordance with Condition 37 above.

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

Plans & Particulars

39. The development hereby permitted shall be carried out in accordance with the following approved plans: 001Rev1, 002Rev1, 008Rev1, 009RevA, 010RevA, 007RevC, 011RevC, 003RevD, 004RevD, 005RevD, 006RevD and the Updated Noise Assessment & Noise Management Plan.

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

Note to Applicants

1. In determining this planning application, the Mineral & Waste Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, 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. The existing Liaison Panel should continue between the site operator, Waste Planning Authority 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.

4. 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