

HAMPSHIRE COUNTY COUNCIL
Decision Report

Decision Maker:	Regulatory Committee
Date:	17 February 2021
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

Contact name: Tom Uglow

Tel: 07596 242547

Email: Thomas.uglow@hants.gov.uk

Executive Summary

1. Planning Permission is sought for the 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.
2. A report (and associated Update Report) was taken to the Regulatory Committee meeting on the 16 September 2020 ([Item no. 6](#)). The report recommended that planning permission should be granted subject to conditions and the variation of the existing Section 106 legal agreement (to secure and dedicate a public right of way from west to east across the site within the approved restoration scheme) attached to planning permission 18/11856.
3. The key issue that Regulatory Committee raised concerns over was the impact of noise originating from the site. The Committee was concerned at the number of complaints being received from local residents concerning noise this year and the risk of this being exacerbated through additional plant being added via this application.
4. The Committee recommended that the application be deferred for the following reason:

"To defer the application to a future Regulatory Committee meeting, for additional noise monitoring/modelling and exploration of potential for additional noise conditions & consideration of real time monitoring".

adding:

"Committee were concerned at the number of complaints being received from local residents concerning noise this year and the risk of this being exacerbated through additional plant being added via this application".

5. The item was deferred to allow for officers to investigate the merit of further noise monitoring at the site.
6. Noise Monitoring Surveys have now taken place and the results have been received by the Mineral Planning Authority. This information was subject to further public consultation.
7. This report provides an update to the September 2020 reports, focusing only on the reasons for deferment. It should be read in conjunction with the original report.
8. Taking into account the September 2020 report, its subsequent Update Report (16 September 2020), as well as the additional Noise Monitoring information received, the proposal is considered to be in accordance with the policies of the adopted Hampshire Minerals and Waste Plan (2013). It is therefore recommended that planning permission should be granted subject to the conditions listed in Appendix A of this report.

Noise Assessment

9. Following the deferral of the application at Regulatory Committee on the 16 September 2020, the Committee requested that investigations involving noise monitoring be undertaken at the site prior to reconsidering the application. A scheme of real time monitoring was agreed between the applicant's acoustic advisor and the applicant and was undertaken by the applicant throughout November and December 2020.
10. The results were submitted to the Minerals Planning Authority on the 7th and 22nd December 2020. They were subject to further public consultation and were discussed at the site's Liaison Panel Meeting on 12 January 2021 where the Acoustician who undertook the noise monitoring surveys, as appointed by the applicant, explained how the surveys were undertaken and the results in terms of impacts from site operations upon the locality.
11. The results of this noise monitoring are two reports attached in Appendix C of this report. These results have been assessed by the New Forest District Council Environmental Health Officer who following this assessment still raises no objection to the proposal.
12. It is therefore considered that the proposal is 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.

Consultations

13. **County Councillor Wade:** Has objected to the proposal due to concerns regarding the validity of the noise assessment.

14. **New Forest District Council Environmental Health Officer (EHO):** Has no objection subject to the Noise Management Plan including proactive noise monitoring being undertaken at least annually.

Representations

15. At the time of writing the original committee report, a total of five representations had been received. Details are set out in paragraph 42 of the original report. At the time of writing this report no further representations have been received.

Amendments to conditions

16. There are three further amendments to the conditions as contained within the 16 September 2020 report and associated Update Report. These relate to the proposed Condition 16, as well as to Conditions 31 and 9 and are all discussed below.

Condition 16

17. Condition 16 continues to seek to permit the inclusion and use of an additional Excavator, Dumper truck, and cell engineering equipment at the site.
18. The restriction of Permitted Development rights previously controlled under Condition 16 on planning permission 18/11586 has been inserted below as it was omitted in error on the 16 September 2020 report and the associated Update Report.
19. Condition 16 is proposed to be varied 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:

- One 25 tonne excavator;
- One 13 tonne excavator;
- One dump truck;
- One screener as approved under Condition 38 of permission 18/11586 (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).

20. Whilst concerns remain over the potential for the creation of additional, and possibly unacceptable, sources of noise through the additional plant and machinery, the noise monitoring surveys undertaken have provided a degree of reassurance to the members of the site's Liaison Panel and the local Environmental Health Officer, with the latter still raising no objection to the additional plant and machinery that are required to help undertake the site's approved restoration works.

Condition 31

21. Condition 31 (Noise Management Plan) was previously imposed under Condition 39 of planning permission 18/11856. Its insertion here as Condition 31 seeks to ensure that noise levels at the nearest noise sensitive receptors (i.e. properties and premises) remain within the approved levels imposed under Conditions 28 and 29 imposed under permission 18/11856 despite the inclusion and use of an additional Excavator, Dumper truck, and cell engineering equipment at the site.
22. Condition 31 as proposed in the September 2020 reports has been updated to include Noise Monitoring requirements for the rest of the approved development's life, principally the ongoing and future mineral extraction and restoration phasing and the associated and ancillary plant and machinery required to undertake it.
23. Condition 31 is proposed to be varied as follows:

Prior to the commencement of infilling operations and ancillary activities within Phases 1, 2 and 3, and the commencement of mineral extraction operations and ancillary activities in Phase 3 as shown on Working Plan Phases (003 REV D) and Working Phases 2 (005 REV D) and 3 (006 REV D), a programme of continuous (i.e. 'real-time') noise monitoring will be submitted to the Mineral Planning Authority for approval in writing. It will contain;

- Defined receptor locations and detailed methodologies to assess noise associated with the use of all the approved plant and machinery listed in Condition 16 of this permission including mineral extraction operations and ancillary activities currently being undertaken within Phase 2.

Once approved, the programme will be implemented in full to determine whether the above-mentioned operations continue to be undertaken within the noise limits specified within Conditions 28 and 29 of this permission. The monitoring would be undertaken for a pre-determined initial period of six weeks whilst infilling and extraction activities are being undertaken in accordance with that approved by the Mineral Planning Authority.

Within 2 weeks following the completion of this monitoring period, the results of the monitoring will be reviewed to determine the effectiveness and frequency of further monitoring throughout the life of the development and necessary mitigation measures.

Within 4 weeks of the completion of this review, a Revised Noise Management Plan shall be submitted to the Mineral Planning Authority for approval in writing which will contain;

- The agreed frequency of further monitoring; and
- Mitigatory measures to investigate and attenuate any recorded noise level exceedances at the defined receptors and/or following the receipt of any substantiated noise-related complaints caused by on-site operations (against levels specified within Conditions 28 and 29 of this permission and the Noise Management Plan previously required under Condition 39 of pp 18/11586).

Once approved the Revised Noise Management Plan will be implemented in full throughout the life of the development.

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.

24. As proposed above, the imposition of Condition 31 would satisfy the requirements of the Local Environmental Health Officer, in ensuring that noise generated on site would be regularly monitored, and in the event that any noise level exceedances at the defined receptors and/or following the receipt of substantiated complaints caused by on-site operations, mitigation measures would be imposed.

Condition 9

25. Condition 9 concerns and controls the site's approved Ecological Mitigation Strategy (approved 19 June 2017), and its continuing and full implementation.
26. As proposed in the associated September 2020 Update report, a clerical error that required the removal of reference to 'Condition 36' (Stockpile heights) on permission 18/11856 and its replacement with 'Condition 37' (Restoration to agriculture) was proposed.
27. There is no material change to the approved Strategy and with the Regulatory Committee not opposing this proposed amendment within their deferral, it is proposed again.
28. Condition 9 is proposed to be varied as follows:

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 **37** 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).

29. As proposed above, Condition 9 would continue to satisfy the requirements of the unchanged and approved restoration scheme approved originally under planning permission 16/10450 and again through permission 18/11856.

Update to Section 106 legal agreement attached to planning permission 18/11586

30. In granting planning permission 18/11586 for the variation of conditions 19 and 20 of planning permission 16/10450 (to allow screening operations to take place), the Section 106 agreement accompanying the original planning permission 16/10450 was also varied through a 'Deed of Variation'.
31. This Deed of Variation to the original Section 106 agreement (signed 14 March 2017) sought to secure and dedicate a public right of way from west to east across the application site connecting with Footpath no. 3a (Solent Way) across the restored site.
32. The Deed of Variation was completed by all 4 parties (the County Council, the two landowners and the site operator) on 20 September 2019.
33. This legal agreement contains a clause for all future 'Variation of Condition/s', requiring all existing signatories, including the County Council,

to agree in writing that the obligations still apply, and planning permission should be granted. It negates the need for a fresh legal agreement.

34. Should Regulatory Committee resolve to grant planning permission, officers will ensure that all four parties agree to the terms of the extant Deed of Variation (20 September 2019) in writing.

Summary

35. Following the deferment of this application by the Regulatory Committee, the applicant has worked proactively with the Mineral Planning Authority and local Environmental Health Officer to investigate the concerns raised by local residents and the Regulatory Committee over noise impacts and the risk of additional noise impacts being created through the addition and use of additional plant and machinery being sought.
36. Following the completion of noise monitoring surveys, the Environmental Health Officer at New Forest District Council remains satisfied that noise emitted by the plant and machinery required to complete approved operation at the site through Condition 16 would not cause unacceptable impacts by virtue of noise at the nearest sensitive properties and premises.
37. The imposition of Condition 31 in requiring a Revised Noise Management Plan (as required by the Environmental Health Officer) to manage noise generated on site, to ensure ongoing compliance with approved noise levels (Conditions 28 and 29) and mitigation in the event of noise level exceedances and mitigation to address substantiated complaints received will ensure that the approved mineral extraction and restoration operations would continue to be acceptable in terms of its impacts on the locality and the local community.
38. It is considered that the proposal would continue to 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

39. That planning permission be granted subject to the conditions listed in Appendix A of this report and the agreement by all signatories on the 20 September 2019 Deed of Variation agreeing that its terms still apply.

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Real Time Noise Monitoring Results

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.	

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents	
<p>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.)</p>	
<u>Document</u>	<u>Location</u>

20/10282

Hampshire County Council

NF271

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.

OR Delete below if not applicable

2. Equalities Impact Assessment:

See guidance at <https://hants.sharepoint.com/sites/ID/SitePages/Equality-Impact-Assessments.aspx?web=1>

*Inset in full your **Equality Statement** which will either state*

- why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or*
- will give details of the identified impacts and potential mitigating actions*

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 37 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. 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:

- One 25 tonne excavator;
- One 13 tonne excavator;
- One dump truck;
- One screener as approved under Condition 38 of permission 18/11586 (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 infilling operations and ancillary activities within Phases 1, 2 and 3, and the commencement of mineral extraction operations and ancillary activities in Phase 3 as shown on Working Plan Phases (003 REV D) and Working Phases 2 (005 REV D) and 3 (006 REV D), a programme of continuous (i.e. 'real-time') noise monitoring will be submitted to the Mineral Planning Authority for approval in writing. It will contain;

- Defined receptor locations and detailed methodologies to assess noise associated with the use of all the approved plant and machinery listed in Condition 16 of this permission including mineral extraction operations and ancillary activities currently being undertaken within Phase 2.

Once approved, the programme will be implemented in full to determine whether the above-mentioned operations continue to be undertaken within the noise limits specified within Conditions 28 and 29 of this permission. The monitoring would be undertaken for a pre-determined initial period of six weeks whilst infilling and extraction activities are being undertaken in accordance with that approved by the Mineral Planning Authority.

Within 2 weeks following the completion of this monitoring period, the results of the monitoring will be reviewed to determine the effectiveness and frequency of further monitoring throughout the life of the development and necessary mitigation measures.

Within 4 weeks of the completion of this review, a Revised Noise Management Plan shall be submitted to the Mineral Planning Authority for approval in writing which will contain;

- The agreed frequency of further monitoring; and
- Mitigatory measures to investigate and attenuate any recorded noise level exceedances at the defined receptors and/or following the receipt of any substantiated noise-related complaints caused by on-site operations (against levels specified within Conditions 28 and 29 of this permission and the Noise Management Plan previously required under Condition 39 of pp 18/11586).

Once approved the Revised Noise Management Plan will be implemented in full throughout the life of the development.

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 Assessments & Noise Management Plan (dated November and December 2020).

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

Note to Applicants

1. In determining this planning application, the Mineral 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, Mineral 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