

HAMPSHIRE COUNTY COUNCIL
Decision Report

Decision Maker:	Regulatory Committee
Date:	27 July 2022
Title:	Variation of condition 23 (vehicle movements) of Planning Permission 20/10282 at Forest Lodge Home Farm, Fawley Road, Hythe SO45 3NJ (No. 22/10075) Site Ref: NF271
Report From:	Assistant Director of Waste, Planning and Environment

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Recommendation

1. That planning permission be GRANTED subject to the conditions listed in **Appendix A** and the completion of a legal agreement to ensure that a right of way across the site is still delivered within the approved restoration and that a road survey of the section between the site's access - Fawley Road junction down to Fawley Road's junction with the Hardley Roundabout (at the Fawley Road - A326 junction).

Executive Summary

2. The planning application is for variation of condition 23 of planning permission 20/10282 to allow additional heavy goods vehicle (HGV) movements to and from site to improve operational efficiency at Forest Lodge Home Farm, Fawley Road, Hythe.
3. This application is being considered by the Regulatory Committee as it has been called in by County Councillor Wade and has received objections from both the local District and Parish Councils, and local residents. Two representations have been received from local residents and interested third parties, objecting to / or raising concerns about the proposal.
4. With the exception of the local County Councillor, New Forest District Council's Planning Team and Hythe and Dibden Parish Council who are objecting to the proposal all other consultees raise no objection to the proposal.
5. A site visit was undertaken on 06 June 2022 in advance of the proposal being considered by the Regulatory Committee.
6. Key issues raised are:

- whether the proposed increase in HGV movements to and from the site would create unacceptable impacts on road safety and on highway capacity; and
 - whether the proposed increase in HGV movements to and from the site would create unacceptable levels of noise and disturbance and impacts through air quality to nearby sensitive receptors.
7. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
8. On balance, 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
- Continue to contribute in providing a steady and adequate supply of sand and gravel for Hampshire at an existing quarry; .
 - Maintain its position as a temporary minerals' extraction site with a requirement for restoration after extraction to an agricultural use;
 - Not cause unacceptable adverse impacts on road safety and on highway capacity; and
 - Not cause unacceptable adverse public health and safety or unacceptable adverse amenity impacts.
9. Therefore, it is recommended that planning permission be granted subject to the conditions listed in **Appendix A** and the completion of a legal agreement to ensure that a right of way across the site is still delivered within the approved restoration and that a road survey of the section between the site's access - Fawley Road junction down to Fawley Road's junction with the Hardley Roundabout (at the Fawley Road - A326 junction).

The Site

10. 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 (**see Appendix B - Location Plan**).
11. Vehicular access to the site is via a purpose built junction with Fawley Road, near to its south-western corner (**see Appendix C - Site Plan**), south of which lies a roundabout junction with the A326. HGVs turn right to enter the site and turn left to exit the site only. Access to the wider highway network is achieved via the A35 at Totton before continuing north to the M27.
12. The site lies within the countryside and is bounded by hedgerows and trees, with woodland to the north-east.

13. 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.
14. 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.
15. 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.
16. The Netley View residential estate and settlement of Buttsash lies immediately adjacent to the west of the site beyond Fawley Road (see **Appendix C - Site Plan**). 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.
17. 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.
18. 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 - Site Layout Plan** of this report.
19. 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.
20. 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.

21. Vehicular access to the Site is via a priority junction with Fawley Road near to its south-western corner (see **Appendix D - Site Layout Plan**). It comprises a 7.3m wide site access road, kerb radii of 15m with a taper of 1 in 10 over 25m to accommodate the turning of HGVs. Visibility splays of 160m can be achieved in each direction, providing the required visibility suitable for the recorded 85th percentile speed of 45mph.
22. All HGV trips travel north along Fawley Road from the roundabout junction with the A326 Hythe Bypass, with export vehicles and import vehicles following the same route. At the roundabout junction approximately 20% of the HGV traffic heads south-east along Long Lane to travel towards Blackfield, Langley in the south and Beaulieu and Brockenhurst in the west. The remaining 80% of the HGV traffic heads north along the A326 Hythe Bypass to the junction with the A35. From here approximately 20% of the HGVs route west along the A35 towards Lyndhurst, 40% route east along the A35 into Southampton and the remaining 40% continue north on the A326 towards the M27.
23. Approximately 50% of the light vehicle traffic routes south from the site along the A326 to the roundabout junction; at the roundabout junction 25% (of the total) route north along the A326 and 25% route south along Long Lane. The remaining 50% of all light vehicles route north towards Hythe
24. The site has an existing Liaison Panel, which meets on a quarterly basis.

Planning History

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

Application No	Proposal	Decision	Date Issued
20/10282	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	Granted	20/04/2021
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

26. The proposal is for the variation of condition 23 of planning permission [20/10282](#) to allow additional heavy goods vehicles (HGV) to enter and exit the site to improve operation efficiency at Forest Lodge Home Farm, Fawley Road, Hythe.
27. The planning application seeks to increase the number of permitted two-way HGV movements to and from the site from 96 per day to 192 HGV per day.
28. The applicant advises that they are seeking these increased HGVs / HGV movements to ensure that the approved cessation date for completing the approved restoration (11 July 2027) is met.
29. As a result of the impact of Covid-19, delays to the approved mineral extraction and restoration operations have occurred. The site is not yet 50% worked and / or restored despite being five years into the permitted ten year operational period.
30. Vehicular access to the site is via a priority junction comprising a 7.3m wide site access road, kerb radii of 15 metres (m) with a taper of 1 in 10 over 25m to accommodate the turning of HGVs (see **Appendix D - Site Layout Plan**). Visibility splays of 160m can be achieved in each direction, providing the required visibility suitable for the recorded 85th percentile speed of 45mph.
31. All HGVs travel north and south along Fawley Road between the site's access point and the Hardley Roundabout junction with the A326 Hythe Bypass (see **Appendix E - HGV route**).
32. At the roundabout junction, approximately 20% of the HGV traffic heads south-east along Long Lane to travel towards Blackfield, Langley in the south and Beaulieu and Brockenhurst in the west. The remaining 80% of the HGV traffic heads north along the A326 Hythe Bypass to the junction with the A35. From here approximately 20% of the HGVs route west along the A35 towards Lyndhurst, 40% route east along the A35 into Southampton and the remaining 40% continue north on the A326 towards the M27. Approximately 50% of the light vehicle traffic routes south from the site along the A326 to the roundabout junction; at the roundabout junction 25% (of the total) route north along the A326 and 25% route south along Long Lane. The remaining 50% of all light vehicles route north towards Hythe.
33. The variation has been requested to allow more flexibility for the site regarding vehicle movements exporting material and delivering restoration materials in accordance with the approved phasing plans. The applicant has indicated that the variation seeking an increased daily maximum number of HGV trips is needed due to extraction and restoration works

being severely delayed and the limited time available left to restore the site (by 11 July 2027) as triggered by Condition 1 of the planning permission [18/11586](#).

34. The **Transport Statement** submitted in connection with the planning application provides an overview of the site in terms of the local and wider infrastructure, traffic volumes and trends and road safety.

35. Condition 23 of planning permission 20/10282 is as follows:

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.

36. It is proposed to amend condition 23 as follows:

Heavy Goods Vehicle (HGV) movements to and from the site shall be restricted to no more than ~~96 per day~~ 192 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.

37. The proposal does not result in any changes to on-site working practices nor 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).
38. The site management area (located in the north-western area of the site) will also remain unchanged, retaining its main component parts, including temporary cabin/office, temporary weighbridge, temporary wheel wash; Internal access road; and designated parking area for six cars.
39. 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.
40. 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

41. Paragraph 47 of the [National Planning Policy Framework \(2021\)](#) (NPPF) requires ‘applications for planning permission (to) be determined in accordance with the development plan, unless material considerations indicate otherwise’. Therefore, consideration of the relevant plans, guidance and policies and whether the proposal is in accordance with these is of relevance to decision making.
42. The following plans and associated policies and guidance are considered to be relevant to the proposal:

National Planning Policy Framework (2021) (NPPF)

43. 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 55 - 59 (Use of planning conditions and obligations, and effective enforcement);
 - Paragraphs 104 - 105 & 109 - 113: Assessing traffic impact and sustainable transport;
 - Paragraphs 119 - 120: Effective use of land;
 - Paragraphs 126 & 130, 133 - 135: Achieving well-designed places;
 - Paragraphs 152, 154, 159, 167 & 169: Planning and flood risk;
 - Paragraphs 174, 180 - 188: Conserving and enhancing the natural environment; and
 - Paragraphs 209, 211 - 213: Facilitating the sustainable use of minerals.

National Planning Policy for Waste (2014)

44. The NPPW sets out the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management. Paragraph 7 sets out what Waste Planning Authorities [WPA] should consider when determining planning applications including:
 - Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B (below) and the locational implications of any advice on health from the relevant health bodies; and;
 - Ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;

National Planning Practice Guidance

45. Elements of (NPPG) (Live) are also relevant to the potential proposal, those being:

- Air quality (1 November 2019);
 - Effective use of land (22 July 2019);
 - Flood risk and coastal change (20 March 2021);
 - Healthy and safe communities (1 November 2019);
 - Minerals (17 October 2014);
 - Natural environment (21 July 2019);
 - Noise (22 July 2019);
 - Open space, sports and recreation facilities, public rights of way and local green space (6 March 2014);
 - Planning obligations (1 September 2019);
 - Travel plans, transport assessments and statements (6 March 2014);
 - Use of planning conditions (23 July 2019);
 - Waste (15 October 2015); and
 - Water supply, wastewater and water quality (22 July 2019).
46. Elements of [**National Planning Practice Guidance**](#) (NPPG) are also relevant to the potential proposal. In particular the section on Minerals. The following paragraphs are relevant to the proposal:
- What are mineral resources and why is planning permission required? (Paragraph: 001 Reference ID: 27-001-20140306 - Revision date: 06 03 2014);
 - Under what circumstances would it be preferable to focus on extensions to existing sites rather than plan for new sites? (Paragraph: 010 Reference ID: 27-010-20140306 - Revision date: 06 03 2014);
 - How and when are the details of any significant environmental impacts best addressed? (Paragraph: 011 Reference ID: 27-011-20140306 - Revision date: 06 03 2014);
 - What is the relationship between planning and other regulatory regimes? (Paragraph: 012 Reference ID: 27-012-20140306 - Revision date: 06 03 2014);
 - What are the environmental issues of minerals working that should be addressed by mineral planning authorities? (Paragraph: 013 Reference ID: 27-012-20140306 - Revision date: 06 03 2014);
 - What issues are for other regulatory regimes to address? (Paragraph: 014 Reference ID: 27-012-20140306 - Revision date: 06 03 2014);
 - What issues are for other regulatory regimes to address? (Paragraph: 014 Reference ID: 27-012-20140306 - Revision date: 06 03 2014);
 - How should mineral planning authorities assess the cumulative impact of minerals development? (Paragraph: 017 Reference ID: 27-012-20140306 - Revision date: 06 03 2014);
 - Are separation distances/buffer zones appropriate? (Paragraph: 018 Reference ID: 27-012-20140306 - Revision date: 06 03 2014);
 - Noise emissions (Paragraphs: 019 - 022 Reference ID: 27-019-20140306 - Revision date: 06 03 2014);
 - Dust emissions (Paragraphs: 023 - 032 Reference ID: 27-015-20140306 - Revision date: 06 03 2014);

- Restoration and aftercare of minerals sites (Paragraphs: 036 - 49 Reference ID: 27-015-20140306 - Revision date: 06 03 2014);
- Aftercare conditions (Paragraphs: 050 - 058 Reference ID: 27-040-20140306 - Revision date: 06 03 2014);
- Local Aggregate Assessments (Paragraphs: 061 - 071 Reference ID: 27-040-20140306 - Revision date: 06 03 2014); and
- Aggregate landbanks (Paragraphs: 080 - 085 Reference ID: 27-040-20140306 - Revision date: 06 03 2014).

Hampshire Minerals & Waste Plan (HMWP) 2013

47. 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 8 (Protection of soils);
- Policy 9 (Restoration of minerals and waste developments);
- Policy 10 (Protecting public health, safety and amenity);
- Policy 11 (Flood risk and prevention);
- Policy 12 (Managing traffic);
- Policy 13 (High-quality design of minerals and waste development);
- Policy 14 (Community benefits);
- Policy 16 (Safeguarding - minerals infrastructure);
- Policy 17 (Aggregate supply - capacity and source); and
- Policy 20 (Local land-won aggregates).

NFLP 2016-2036 Part One: Planning Strategy (2020)

48. The New Forest Local Plan 2016-2036 Part One: Planning Strategy (2020) is the relevant Local Plan for this proposal. The Plan's most relevant policies are:

- Policy STR1: Achieving sustainable development;
- Policy STR2: Protection of the countryside;
- Policy STR6: Sustainable economic growth;
- Policy STR7: Strategic transport policies;
- Policy ENV3: Design quality and local distinctiveness;
- Policy ENV4: Landscape character and quality; and
- Policy CCC1: Safe and healthy communities.

49. It replaced the [New Forest Core Strategy \(Part 1\) \(2009\)](#) & [New Forest Core Strategy \(Part 2\) \(2014\)](#) and some policies were saved.

New Forest Core Strategy (Part 1) (2009) (Saved Policies)

50. The most relevant saved policies are:

- Policy CS7: Open spaces, sport and recreation; and
- Policy CS21: Rural economy

New Forest Core Strategy (Part 2) (2014)

51. The most relevant saved policies are:
 - Policy DM2: Nature conservation, biodiversity and geodiversity.
 - Policy DM26: Development generating significant freight movements
52. New Forest Core Strategy (Part 1) (2009) and New Forest Core Strategy (Part 2) (2014) replaced the New Forest District Local Plan First Alteration (2005) (Saved Policies). The most relevant saved policy is:
 - Policy DW-E12: Protection of the landscape features.

Hythe and Dibden Neighbourhood Plan (2019)

53. The Plan aims to conserve and enhance the existing qualities of the local environment for the benefit of and to protect the quality of life of the local population of the parish, both inside and outside the National Park. It also seeks to minimise the environmental impact of development, including housebuilding, which is acknowledged will happen.
54. The most relevant policy is:
 - Policy WEL2: New developments should be designed so as not to exacerbate, and where possible improve, air pollution, traffic congestion, road safety and parking.

Consultations

55. The below consultation responses have been summarised. The full versions of the responses can be viewed on the County Council's website via <https://planning.hants.gov.uk/Planning/Display/HCC/2021/0788>.
56. **County Councillor Wade:** Objected to the proposal on the grounds that further HGVs visiting the site will lead to a greater impact on its neighbours through dust and noise, road safety levels would be worsened as would climatic impacts, and is another example of continued planning creep at the site.
57. **County Councillor McEvoy:** Was notified.
58. **New Forest District Council:** Objection with regard to noise and disturbance on neighbours and on air quality grounds.

59. **New Forest District Council - Environmental Health Officer (EHO):** No objection subject to increased HGV movements being conditioned. The retention of all conditioned schemes controlling emissions to air and through noise on permission 20/10282 must also be re-imposed.
60. **Hythe & Dibden Parish Council:** Aware of local residents' ongoing concerns and request that condition 23 remain unchanged to limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site.
61. **Local Highway Authority:** No objection subject to a road survey being undertaken to assess the current condition of the Fawley Road from the site to its junction with the Hardley Roundabout (A326).
62. **County Ecologist:** Was notified.

Representations

63. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
64. In complying with the requirements of the SCI, Hampshire County Council:
 - 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 (52 properties due west of the site within the Netley View residential estate).
65. When further information was submitted by the applicant in response to comments received, all consultees and the local population originally notified of the proposal, plus those who submitted comments independently, were all informed and invited to comment further.
66. As of 15 July 2022, a total of five representations (from two representors) to the proposal have been received. All representations objected to the proposal. The main areas of concern raised in the objections related to the following areas:
 - Increased HGV movements adversely affecting local road safety;
 - Increased dust / emissions from increased HGV movements adversely affecting local air quality and local residents;
 - Lack of sheeting of existing vehicles; and
 - Increased noise emissions from increased HGV movements adversely affecting local residents.

67. The above issues will be addressed within the following commentary, (except where identified as not being relevant to the decision).

Habitats Regulation Assessment (HRA)

68. Planning permission [16/10450](#) included a **HRA Table**. These included mitigation measures relating to dust suppression, impacts to nearby statutory designated sites (the closest being the New Forest SSSI) and SINCs (the closest being the Gringo's Copse and Crampool Copse SINC, designated for its habitats and species including ancient woodland, within 50 metres to the north-west of the proposal site). The HRA concluded that mitigation measures would ensure any harm would be avoided. No adverse impacts to designated sites were therefore anticipated. The initial proposal did therefore not result in any adverse likely significant effects to any European designated sites. The current proposal, which adheres to the extant working practices and operations, would continue to not conflict with these outcomes.

Climate Change

69. Hampshire County Council declared a [climate change emergency](#) on 17 June 2019. A [Strategy](#) and [Action Plan](#) have also been prepared. The Strategy and Action Plan do not form part of the Development Plan so are not material to decision making. However, it is true to say that many of their principles may be of relevance to the proposal due to the nature of the development in seeking to increase the amount of miles travelled by HGVs transporting extracted minerals from and inert waste / materials to the site for use in the approved restoration.
70. This proposed development has been subject to consideration of Policy 2 (Climate change - mitigation and adoption) of the [HMWP \(2013\)](#) when the main planning permission [16/10450](#) was originally granted in 2017 for the quarry. The current proposal has also been considered under Policy 10 (Protection of public health, safety and amenity) as documented in the **Commentary** section below.
71. Whilst the application does not contain a bespoke Climate Change Assessment, in considering the existing activities on site and the nature of the proposed changes, the submitted Air Quality Assessment attempts to address impacts resulting from emissions from increased usage of HGVs, which have the potential to adversely affect the local environment, and as a consequence local climatic conditions.
72. Existing environmental standards installed and imposed on site operations, including to all plant, equipment, machinery, by Government (and via the Environmental Permitting Regime regulated by the Environment Agency), help to achieve environmental best practice, specifically in terms of regulating any effects from their emissions on the local environment. This also applies to HGVs, with the majority of those used being under the control

of the applicant, and relatively modern and as result fitted with the most up to date manufacturers' technology, including to exhaust and emissions' systems. Whilst these requirements are outside of the remit and control of the planning regime, it is expected that all plant, equipment, machinery and HGVs employed are fully maintained and operated in full accordance with manufacturers' specifications and that the best environmental practices are adhered to.

73. It is worth reiterating that the increase in HGVs / HGV movements being sought is to ensure that the approved cessation date for completing the approved restoration (11 July 2027) is met. They might not actually be needed on a daily basis, and with no other means of transporting extracted minerals and /or restoration materials from and to this site, HGV movements remain the only means of achieving this, and the completion of the 2017 approved mineral development at this allocated site.
74. The applicant would continue to use HGVs under their control to transport both extracted mineral off-site and imported restoration materials on to site. For example, an HGV that has deposited its load of restoration materials at the site would, when practicable, then be loaded with extracted minerals to ensure empty HGVs were not exiting the site. This would contribute to using only fossil fuels and derivatives on a limited as basis as they can at this time.
75. Therefore, on balance, the impact of the proposal on climate change is considered to be in accordance with Policy 2 (Climate change - mitigation and adaptation) and 25 (Sustainable waste development) of the [HMWP \(2013\)](#).

Commentary

Principle of the development and need

76. 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 imported inert waste, within 10 years (by 11 July 2027), therefore, has already been established through the granting of planning permission [16/10450](#) in March 2017. The site is also safeguarded as an existing minerals quarry under Policy 16 (Safeguarding – minerals infrastructure) of the [HMWP \(2013\)](#) as it is required to meet current and future demands.
77. The applicant is not proposing any changes to the levels of sand and gravel to be extracted or the volumes of imported clean, inert waste for backfilling at the site. There are also no changes proposed to the phased restoration of the site to agriculture by 11 July 2027.

78. Through the determination of the planning permission [16/10450](#), the potential impacts of mineral extraction and restoration using imported fill materials in this location in terms of sustainable development, on climate change, on ecology, on the countryside, cultural heritage, protection of soils and restoration, on local amenity and to minimise pollution, the water environment, on the local highway network and in terms of appearance and visual impact (in accordance with Policies 3 (Protection of habitats and species), 5 (Protection of the countryside), 7 (Conserving the historic environment and heritage assets), 8 (Protection of soils), 9 (Restoration of minerals and waste developments), 9 (Protection of public health, safety and amenity), 11 (Flooding and flood risk), 12 (Managing traffic), 13 (High-quality design of minerals and waste developments) and 14 (Community benefits) of the [HMWP \(2013\)](#) were previously examined, and deemed acceptable.
79. The granting of planning permission [16/10450](#) in 2017 means the location of the site as a suitable location for mineral extraction, inert filling and restoration to agriculture has already been found to be in accordance with policy. In terms of assessing need, paragraph 213 of the [NPPF \(2021\)](#) requires Minerals Planning Authorities to provide a steady and adequate supply of local sand and gravel, and which comprises a minimum landbank of seven years for 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. 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.
80. Policy 17 (Aggregate supply – capacity and source) of the [HMWP \(2013\)](#) sets out the need for a supply of land-won primary aggregate supply in Hampshire alongside marine-won aggregates, recycled and secondary aggregates and importation of minerals (particularly limestone) from outside of Hampshire. It states that "*an adequate and steady supply of aggregates will be provided from local sand and gravel sites at a rate of 1.56 million tonnes per annum (mtpa) for the period ending 2030.*"
81. On the basis this current proposal supports the delivery of land won aggregate, the proposal is 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 \(2013\)](#). Hampshire's most recent [Hampshire County Council's Local Aggregate Assessment 2021](#) indicates that the supply of local sand and gravel is currently at a rate of 1.15 million tonnes per annum (mtpa). This is substantially below the requirement of Policy 17 of 1.56 mtpa.
82. As the principle of the site is already agreed, the focus here is on whether the additional Heavy Goods Vehicle (HGV) movements are appropriate in terms of impact/s on road safety and capacity and on local amenity and to the local environment and whether it meets Policy 12 (Managing traffic). The continuation and completion of mineral extraction and phased restoration remains in accordance with Policy 17 (Aggregate Supply – capacity and

source) of the [HMWP \(2013\)](#) and the provisions of paragraph 213 of the [NPPF \(2021\)](#).

83. Whether this new proposal meets other policies in the development and can be considered to be a sustainable minerals development, meeting the requirements of Policy 1 (Sustainable minerals and waste development) as well as Policy STR1: Achieving sustainable development) of the [NFLP 2016-2036 Part One: Planning Strategy \(2020\)](#) will be considered in the remaining sections of this commentary.

Visual impact and landscape

84. The site benefits from an approved **Restoration and Aftercare Scheme** - to a mixture of agriculture, nature conservation and informal recreational use (including a right of way) with a five-year period of aftercare - controlled by conditions and legal agreement imposed and retained on the initial planning permission [16/10450](#) and all subsequent variations. There is no plan to alter this or its completion date following the completion of mineral extraction and restoration using imported fill by 11 July 2027 by way of this proposal.
85. Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) also protects residents from significant adverse visual impact. In addition, 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.
86. A **Landscape Visual Impact Assessment (LVIA)** was submitted with planning permission [16/10450](#), its findings were accepted when the application was granted. There is also an approved **Landscaping Scheme**. 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.
87. 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 and fencing installed as part of planning permission [16/10450](#), and have been retained on all subsequent variations, including on [20/10282](#) (see conditions 7 - 8, 13, 15, 22 and 37 - 38). These help to disrupt the view from the nearby Netley View estate both during day to day operations and with the eventual phased and overall restoration of the site, once completed.
88. The screening detailed above reduces the visual impact of the site itself and the proposed changes to HGV movements accessing the site. It is considered that the visual impact and effect on the locality would continue to be acceptable for this time-limited development, and not be significantly different to current impacts and effects.

89. The recommendation includes a requirement for the completion of a legal agreement to ensure that the proposed right of way across the site is still delivered within the approved restoration. This secures the right of way route proposed as part of planning permission [16/10450](#).
90. On the basis of the existing mitigation measures and the proposed legal agreement, 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 \(2013\)](#).

Ecology

91. As with the visual impact and landscape section above, the site benefits from an approved **Ecological Mitigation Strategy, Landscaping Scheme and Lighting Scheme** that all seek to prevent adverse ecological impacts. These are controlled by conditions on the initial planning permission [16/10450](#) and have been retained on all subsequent variations, including on [20/10282](#) (see conditions 6 - 9 and 22). There is no plan to alter these or to conflict with the site's completion date of 11 July 2027.
92. As already set out, the HRA work undertaken did not result in any adverse likely significant effects to any European designated sites. The current proposal, which adheres to the extant working practices and operations, would continue to not conflict with these outcomes.
93. In light of the above the retention of the approved Ecological Mitigation Strategy, Landscaping Scheme and Lighting Scheme, the proposal will not result in adverse ecological impacts and would be in accordance with Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#).

Water environment

94. As with the Ecology section above, the site benefits from approved surface water and groundwater protection measures, with further protections given through the Environmental Permitting regime - that controls the safe use of waste materials within restoration schemes like here - that is regulated and enforced by the Environment Agency (EA) through the Permit issued here to the applicant
95. Water-related mitigation measures, including a site-wide **Surface Water Management Scheme**, avoiding groundwater during extraction and protecting it from operations, if encountered, HGV cleaning, and careful storage and use of oils/chemical etc, are all controlled by conditions on the initial planning permission [16/10450](#) and have been retained on all subsequent variations, including on [20/10282](#) (see conditions 5, 20 - 21, 27 and 32 - 35). There is no plan to alter these or to conflict with the site's completion date of 11 July 2027.

96. The Planning and Permitting regimes are designed to work together and complement one another not to conflict. Controls in relation to protecting air, land and water quality from and within a proposed operational development should be discussed and agreed between the two regulators, the Waste Planning Authority and the Environment Agency, to ensure any controls imposed are correct and appropriate, and work with other regimes.
97. The proposal would not generate significantly different impacts to currently managed impacts and effects, and is therefore, considered to be in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the [HMWP \(2013\)](#).

Highways

98. Vehicular 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. HGVs entering the site turn right in and HGVs exiting the site turn left only. This would remain unchanged (see **Appendix E - Vehicular Access**).
99. Vehicular access to the site is via a purpose built junction comprising a 7.3m wide site access road, kerb radii of 15m with a taper of 1 in 10 over 25m to accommodate the turning of HGVs. Visibility splays of 160m can be achieved in each direction, providing the required visibility suitable for the recorded 85th percentile speed of 45mph.
100. All HGV trips travel north along Fawley Road from the roundabout junction with the A326 Hythe Bypass, with export vehicles and import vehicles following the same route. At the roundabout junction approximately 20% of the HGV traffic heads south-east along Long Lane to travel towards Blackfield, Langley in the south and Beaulieu and Brockenhurst in the west. The remaining 80% of the HGV traffic heads north along the A326 Hythe Bypass to the junction with the A35. From here approximately 20% of the HGVs route west along the A35 towards Lyndhurst, 40% route east along the A35 into Southampton and the remaining 40% continue north on the A326 towards the M27. Approximately 50% of the light vehicle traffic routes south from the site along the A326 to the roundabout junction; at the roundabout junction 25% (of the total) route north along the A326 and 25% route south along Long Lane. The remaining 50% of all light vehicles route north towards Hythe.
101. 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.

102. The proposed increase to HGV movements to and from the site from 96 two-way movements (48 HGVs) each working day to 192 two-way movements (96 HGVs) is a fundamental change to all three previously approved permissions at this site.
103. Under Condition 12 of planning permission 20/10282, the movement of HGVs to and from the site are restricted to: 07:00 - 18:00 hours on Monday to Friday and 07:00 - 13:00 hours on Saturday.
104. At current permitted levels, 96 two-way HGV movements equates to 8/9 two-way movements (4 HGVs) per hour on Monday to Friday and 16 two-way movements (8 HGVs) per hour on Saturdays.
105. The proposed 192 two-way movements (96 HGVs) represent a doubling of permitted movements, equating to equating to 17 two-way movements (8-9 HGVs) per hour on Monday to Friday and 32 two-way movements (16 HGVs) per hour on Saturdays.
106. The applicant has advised that the doubling of HGV two-way movements (HGVs) and the variation to condition 23 on [20/10282](#) is required to allow more flexibility for the site regarding vehicle movements exporting material and delivering restoration materials in accordance with the approved phasing plans. Furthermore, the applicant has indicated that the increased daily maximum number of HGV trips being sought is mainly needed due to restoration works being severely delayed by Covid-19 and the limited time available left to restore the site (by 11 July 2027) as triggered by Condition 1 of the planning permission [18/11586](#).
107. The applicant has also indicated that the increased daily maximum sought would not be always be used fully everyday but that it is needed to ensure enough commercial flexibility is achieved.
108. The local County Councillor, Hythe and Dibden Parish Council and two representees have all objected to the proposed increase in HGV movements / numbers and these concerns are noted. They cite that existing road safety levels and that of other users would be adversely affected through the proposed doubling of HGV movements on this section of Fawley Road. They add that material lost from some HGVs on to the Fawley Road also create safety hazards.
109. The applicant submitted a **Transport Statement** with the planning application, which looked at traffic and accident data (slight and serious collision records) on the local road network, and specifically the Fawley Road and its junction with the A326 south of the site. Impacts on other modes of transport within the locality, including non-motorised users and pedestrians, close to the site and its vehicular access point with Fawley Road, were also assessed.

110. In response, the Local Highway Authority requested that the speed and accident data be updated to reflect the current status of the local highway situation used by HGVs travelling to and from the site.
111. In response, a further **Transport Statement** was submitted using more up to date highway traffic and accident data. All accident data studied (up until 2021) was evaluated with no proven link to or causation attributed to the current development rather from deficiencies within the local highway, and its infrastructure, being cited and / or proven. Overall, the updated Statement concluded that the proposed increase in HGV trips/numbers would not create adverse impacts to existing road safety or capacity levels. The retention of existing mitigation measures at the site including the sheeting and cleaning of HGVs before they exit the site, ensuring visibility at the site access was maintained and HGV routeing to and from the south and the A326 continued, remained sufficient in terms of mitigation.
112. In response, the Local Highway Authority concurred with the updated Transport Statement that the proposed increase in HGV trips / numbers would not create 'significant' adverse impact on the operation of Fawley Road and the Hardley Roundabout (the Fawley Road - A326 junction).
113. A road survey of the section between the site's access - Fawley Road junction down to Fawley Road's junction with the Hardley Roundabout (at the Fawley Road - A326 junction) was requested and this would be secured through the proposed legal agreement. This would need to be undertaken prior to the additional HGVs travelling to and from the site along the section of Fawley Road to its junction with the Hardley Roundabout (on the A326).
114. The Highway Authority also agreed with the updated Statement's conclusions that the retention of existing mitigation measures conditioned under planning permission 20/10282 at the site including the sheeting and cleaning of HGVs before they exit the site, ensuring visibility at the site access was maintained and HGV routeing to and from the south and the A326 continued, remained sufficient in terms of mitigation.
115. Changes to onsite wheel wash facilities are being implemented. More information on this is set out in [**Complaints about site operations**](#).
116. Concerns raised about the proposal by the local County Councillor and two representees and its impact on the highway are noted. However, in light of the updated Transport Statement, and its revised safety and capacity analyses, the additional HGV traffic proposed is not deemed to be unacceptable in terms of road capacity or safety. Therefore, the proposal is in accordance with Policy 12 (Managing traffic) of the [HMWP \(2013\)](#).

Noise

117. The applicant included a [**Noise Assessment and Noise Management Plan \(June 2021\)**](#) (under conditions 28 and 31 of planning permission 20/10282)

with this application to address the impact of noise associated with the proposed additional HGV movements to and from the site.

118. No other changes to permitted on-site operations, permitted plant and machinery to undertake extraction and restoration works and permitted hours of use are proposed here. These activities, and the control of emissions of noise on the local area and specifically chosen 'nearest sensitive receptors' or 'nsrs', are controlled by conditions 12 (approved plant and machinery), 17 (no crushing), 28 (noise level at nearest nsr), 29 (restoration work noise levels), 30 (silencers and white noise alarms) and 31 (noise management plan) on planning permission 20/10282. These would be retained.
119. Previously, the Committee recommended that the applicant investigate the feasibility of the installation of a live display of noise levels provided by on site noise monitoring equipment within the quarry and whether this can be located outside of the site. This system is now in place on site.
120. Policy 10 (Protection of public health, safety and amenity) of [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.
121. The local County Councillor, Hythe and Dibden Parish Council and representees have all objected to the proposed increase in HGV movements / numbers. These are noted. They cite that additional noise and general disturbance would be created, and which would exceed approved levels controlled by condition. As a result, the nearby residents would be adversely affected through the proposed doubling of HGV movements on this section of Fawley Road.
122. It is possible that the proposed introduction of additional HGV traffic, could create impacts on the locality through additional noise sources in excess of that being generated by the current permitted development. The approved [Noise Assessment and Noise Management Plan \(June 2021\)](#) (under conditions 28 and 31 of planning permission 20/10282) has been submitted as part of the application to address this issue. This has been used by the applicant to assess the predicted noise contribution of additional HGVs - beyond the existing permitted HGVs of the quarry and operational noise levels and confirms compliance with the conditions 28 and 31 of the planning permission 20/10282.
123. It states that the existing noise conditions require 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 condition's limit is unchanged by the proposal.

124. The Local Environmental Health Officer (EHO) required that the approved [Noise Assessment and Noise Management Plan \(June 2021\)](#) be reviewed through a further Noise Impact Assessment that specifically assesses and analyses the impact of noise arising from the additional HGVs, to confirm condition 28 remains compliant. In response, the applicant undertook and submitted a [Noise Assessment \(May 2022\)](#) to address the EHO's concerns. The Assessment confirmed that the additional HGVs being sought would only create a +1dB 'predicted' noise increase at two of the nearest sensitive receptors (nsr) to the site, the first being on Beech Crescent opposite the site and at Forest Lodge Farm, located north of the site. An increase of +1dB would not be discernible to the human ear. Additionally, the Assessment also confirmed that the predicted noise levels from the site, including the proposed level of HGV movements being sought, are below the limits contained within condition 28 on planning permission 20/10282 at all nsrs considered.
125. It is noted that the updated Assessment takes into consideration all plant, machinery and equipment used within the site and additional HGV traffic being sought through this proposal. This contribution ensures 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.
126. New Forest District Council's Environmental Health Officer (EHO) was reconsulted and concluded the updated [Noise Assessment \(May 2022\)](#) has considered the noise contribution of the additional HGVs with the 'normal' use of the quarry, commenting:

"Having reviewed the submitted information it is apparent that the noise assessment has appropriately considered the noise impact of additional HGV movements to the site (an increase from 10 to 20 movements per hour) upon nearby sensitive receptors. The report has further considered the impact upon the total site noise level (55dB LAeq1hour) which is required to be met in accordance with condition 28 (planning reference 20/10282).

The predicted increase in noise level associated with the doubling of HGV movements appears to result in only a small increase in the noise emitted from the site (an increase of 1dB) at two of the receptor locations (Forest Lodge Farm and Beech Crescent), at all other locations no difference was calculated. A change of 1dB is unlikely to be perceptible to the human ear.

In terms of the impact upon the total noise limit for the site, it is apparent that this will continue to be met at all receptor locations. It is understood that a further period of continuous noise monitoring will be undertaken upon the commencement of extraction in phase 3 or infilling activities within phase 2 (whichever is sooner) to confirm that the total

sound emitted from the site activities continues to be compliant with the overall site noise level.

Overall, it has been demonstrated that noise would not adversely affect those living in the vicinity of the site and therefore Environmental Health do not raise any objection to the application on the basis of noise.”

127. Noting the EHO's position, the noise-related conditions that include noise monitoring and methods of investigating any complaints received at different phases of site operations between now and 2027, it is considered that there would be no adverse impacts caused to local sensitive receptors and on local amenity through the additional proposed HGVs being sought. Therefore, the proposal is considered to be in accordance with Policies 10 (Protection of public health, safety and amenity) and 12 (Managing traffic) as well as the relevant development considerations set out in the site allocation in the adopted [HMWP \(2013\)](#) in relation to noise.

Air quality

128. The applicant submitted **Air Quality Assessments** to address the impact on local air quality associated with the proposed additional HGV movements to and from the site. This was in response to objections and concerns initially raised New Forest District Council, including from their Environmental Health Officer (EHO), and from the local County Councillor, Parish Council and two representees.
129. The local County Councillor, Hythe and Dibden Parish Council and two representees have all objected to the proposed increase in HGV movements / numbers. These are noted. They cite that additional impacts to local air quality through emissions would cause unacceptable impacts on the local environment and to the local population. As a result, the nearby residents would be adversely affected through the proposed doubling of HGV movements on this section of Fawley Road.
130. No other changes to permitted on-site operations, permitted plant and machinery to undertake extraction and restoration works and permitted hours of use are proposed here. These activities, and the control of emissions to air the local area are controlled by conditions 3 (approved dust management plan), 16 (approved plant and machinery) 17 (no crushing), 26 (sheeting of loaded HGVs) and 27 (HGV cleaning) on planning permission 20/10282. These would be retained.
131. 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.

Extant on-site operations:

132. With the method of mineral extraction, restoration operations and storage of minerals and materials 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, machinery, equipment and permitted HGVs (48) entering and departing the site continues to be valid. The Air Quality Assessment was reviewed by the Environmental Health Officer at the time of the granting of both subsequent planning permissions after [16/10450](#) in 2017.
133. No objection on the grounds of air quality impacts was raised then, provided that conditions including the site-specific **Dust Management Plan** were retained and re-imposed on the site. These are again appropriate and should be retained on any subsequent planning permission granted to ensure the continuing protection of impacts to local air quality, and to ensure the objections cited by objectors are mitigated and controlled. These conditions are included in **Appendix A**.

Additional HGVs / two-way HGV movements:

134. In assessing the impact and effect of the proposed additional daily 48 HGVs - and the doubling of permitted HGV numbers and two-way movements under condition 23 on [20/10282](#) - the Environmental Health Officer (EHO) was consulted on this proposal. The EHO initially raised concerns that the assessment of additional HGVs on local air quality had not been properly assessed, and as result it had not been demonstrated that air quality within the locality, and specifically as a result of the routeing of current and proposed HGVs, would not be harmed.
135. In response to this, the applicant undertook a detailed Air Quality Assessment, which specifically assessed and analysed the additional HGVs and their two way movements cumulatively within the locality and on the local road network and against the local air quality regulations too.
136. Following re-consultation, the EHO advised as follows:

'The submitted Air Quality Assessment appropriately considers the impact of current and additional HGV movements from the site on local air quality within the New Forest and Southampton districts. The Assessment follows national guidance and utilises current methodologies and local monitoring data. As such the conclusions reached of a negligible (not significant) impact from pollutants associated with vehicle emissions (nitrogen dioxide and particulate matter including PM2.5) at all noted sensitive receptors along the transport routes are accepted.'

As such Environmental Health (pollution) has no objection to the variation of condition 23 with regards to application 20/10282 subject to a suitable condition being applied limiting the increase in HGV movements from the site to 96 HGV per working day'.

137. The EHO's findings, in accepting that the detailed Air Quality Assessment concludes that the additional HGVs / HGV two-way movements would not adversely affect local air quality (and local residents) and air quality within the applicant's existing and predicted HGV routes and destinations. No further mitigation is required. The proposal is therefore considered to be in accordance with Policy 10 (Protection of public health, safety and amenity) of the [HMWP \(2013\)](#).

Environmental Permitting

138. The site benefits from an Environmental Permit, issued and regulated by the Environment Agency, controlling the restoration operations and the use of imported, inert waste / materials.
139. The Permitting regime and Planning regime should work together and complement each other not duplicate or conflict. Permitting controls the operational impacts and effects of a development whereas the planning concerns the acceptable use of the land, which has already been established here as a quarry through the granting of planning permission [16/10450](#).
140. The Permit contains controls on waste / materials' type/s allowed on site, pollution control measures and the protection of air, land and water from emissions. Any changes to the Permit would be provided to the Mineral Planning Authority, who would assess the materiality of any changes to the relevant extant planning permission.

Complaints about site operations

141. Concerns about alleged breach of planning conditions on the extant planning permission 20/10282 were raised in representations (and by third party outside of this planning application) in 2021 and 2022 and these are noted.
142. Monitoring Officers have investigated all complaints received by the Mineral Planning Authority in order to ascertain the source of any issues, even if the source is not the application site. The Mineral and Waste Planning Authority acknowledges that twelve complaints have been received about the application site since the summer 2021 (the grant of planning permission 20/10282 was in April 2021). Several were substantiated following investigation. They concerned stockpile heights, unsheeted HGVs, concern mud on the highway / road condition and noise generated by the road sweeper.

143. The single complaint concerning stockpile heights was received in March 2022. This concerned Condition 36 that requires 'stockpiles and waste stored or deposited on the site shall not exceed 39 metres AOD (2 metres above existing ground level).' The operator was contacted advised to lower their heights. This was undertaken and no further action was taken.
144. The three complaints relating to unsheeted HGVs were received in February, March and May 2022. Condition 26 requires that 'all loaded HGVs entering or leaving the site must be sheeted'. Again, the operator was contacted and dates and timings were provided. The operator advised that they would speak to all drivers, including those identified here, to remind them of the need for full compliance with the condition. No further action was taken over this breach of condition.
145. Recurring complaints (seven received between summer 2021 and July 2022) of mud / material on the road (Fawley Road) cannot all be attributed to the site itself, and any allegation made must be evidenced. In many cases, material could be seen 'tracking' out of the site. The issue then is, is there any road safety concerns being caused that are no longer being mitigated by Condition 27, which requires 'all HGVs being clean before leaving site'.
146. Again, the site was contacted (visited mostly) to observe the allegations and observe site operations. The applicant advised that their road sweeper had been deployed to clean the highway (Fawley Road) in light of these complaints, some of which were not solely the site's cause. The Sweeper cleans the highway twice a day when the site is operational anyway but during wetter and / or busier periods of activity on site, the sweeper is used more frequently. On all of these occasions, the highway was cleaned and HGVs leaving the site were checked more thoroughly to comply with the condition.
147. In light of these recurring complaints, the operator has decided to replace the 'dry' wheel cleaner with a water-based one. At the time this report was written, it is not known if this system has been installed yet. The operator had advised that it was due to be installed in July 2022. This should ensure that HGVs are cleaned better than is currently undertaken before exiting the site. If this does not work, and complaints continue, the Mineral Planning Authority will have to consider further steps to ensure compliance.
148. The fourth substantiated complaint from early 2022 concerned noise emanating from site operations, once in 2021 and three time in 2022 (February, March and May). Following investigation, it transpired that the site operator had deployed their road sweeper to clean sections of Fawley Road close to the site. The operator of the road sweeper had decided to stay out on Fawley Road for a considerable period of time. The continuing noise from the vehicle travelling up and down Fawley Road repeatedly had been heard by the complainant over a period of hours during daytime hours. The site operator spoke with the driver of the sweeper and this

prolonged activity has not been repeated. No further action has been taken to date.

149. Following investigations by the Monitoring Officers and discussions with the site operator, the operator has instigated changes to ensure compliance with the extant planning permission. No further substantiated complaints have been received since May 2022.
153. The Mineral Planning Authority cannot comment on any complaints received directly by the Environment Agency or Environmental Health other than to say that officers have been in regular discussions with the agencies as they do with all permitted minerals (and waste management) sites. We are reliant on those regulators telling us about any complaints received relative to the planning permission in force.

Site Liaison Panel

154. Paragraph 5.59 of the [HMWP \(2013\)](#) states that there is an expectation that all 'major' minerals and waste development will be accompanied by a site Liaison Panel. A Liaison Panel was set up following the grant of planning permission 18/11586 in 2019. Meetings commenced in 2019. It is chaired by County Councillor McEvoy and County Councillor Wade is also a member. At the time of writing, the last Panel sat on 15 June 2022. These meetings continued throughout the Covid-19 pandemic.
155. At the last meeting, the above reported complaints were discussed as were day to day operations, and the proposed installation of the new wheel wash system. No exact date has been agreed for the next meeting but they tend to occur every three months.
156. The Mineral Planning Authority supports the continuation and development of this panel, to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community. Furthermore, all members of the panel generally agree that it is useful and allows discussions to take place about all issues associated with the site between all interested parties, including the Parish Council and local residents. An informative is included in **Appendix A** on this matter.

Planning conditions and legal agreement

157. The proposed amendment to Condition 23 (HGV movements) of planning permission 20/10282 is the sole amendment being sought by the applicant. All other conditions are being retained from previous consents and are included in **Appendix A**.
158. The wording of Condition 31 has been slightly tweaked as condition has only been partially discharged to date.

159. A legal agreement providing obligations for the operator and landowners to deliver a public right of way across the site within its final restoration was attached to the original planning permission [16/10450](#) and renewed under variations 18/11856 and 20/10282 is required. In addition, a further legal agreement will need to be agreed between all interested parties to ensure that the required road survey is undertaken and completed to a standard acceptable to the Local Highway Authority.

Conclusions

158. On balance, 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:
- Allow an existing quarry to continue contributing to a steady and adequate supply of sand and gravel for Hampshire at an existing quarry; .
 - Maintain its position as a temporary minerals' extraction site which would be completed within agreed timescales and with a requirement for restoration after extraction to an agricultural use;
 - Not cause unacceptable adverse impacts on road safety and on highway capacity; and
 - Not cause unacceptable adverse public health and safety or unacceptable adverse amenity impacts.

Recommendation

159. That planning permission be granted subject to the conditions listed in **Appendix A** and the completion of a legal agreement to ensure that a right of way across the site is still delivered within the approved restoration and that a road survey of the section of Fawley Road down to its junction with the Hardley Roundabout (at the Fawley Road - A326 junction).

Appendices:

Appendix A – Conditions

Appendix B – Location Plan

Appendix C – Site Plan

Appendix D – Site Layout Plan

Appendix E – Vehicular Access

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.)

<u>Document</u>	<u>Location</u>
20/10282	Strategic Planning
NF271	Hampshire County Council
Forest Lodge Home Farm, Fawley Road, Hythe SO45 3NJ	Elizabeth II Court West
(Variation of condition 23 (HGV movements) of planning permission)	Sussex Street Winchester SO23 8UD

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

Reason

On balance, it is considered that the proposal would be in accordance with the relevant policies of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#), helping to facilitate a steady and adequate supply of sand and gravel for Hampshire at an existing quarry (Policies 16, 17 and 20), for the agreed temporary period, with a requirement for restoration (Policy 9). The proposal would not cause unacceptable adverse impacts on road safety and on highway capacity (Policy 12) or an unacceptable adverse impacts public health and safety and amenity. The proposal is therefore considered to be a sustainable minerals development (Policy 1).

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 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 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) of the Hampshire Minerals & Waste Plan (2013).

4. The Soil Management Scheme approved writing by the Mineral 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.

Appendix A

Reason: To ensure the protection of the soil resource in accordance with Policy 8 (Protection of soils) of the Hampshire Minerals & Waste Plan (2013).

5. The Surface Water Management Scheme approved writing by the Mineral 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 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 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 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 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 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 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 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 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

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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 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 of this permission and any subsequent updates:

- 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 Planning Authority for review. Tipping shall commence following notification in writing from the Mineral Planning Authority.

Reason: For the purposes of monitoring to ensure that development and restoration is implemented in accordance with the approved plans and in accordance with Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

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 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 192 per day. A daily record of HGVs entering and leaving the site shall be kept at the site and made available to the Mineral 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 Planning Authority on 14 November 2017 shall be

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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 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. Not later than two months following the grant of planning permission, the partially approved (on 20 April 2021) Noise Assessment and Noise Management Plan (ref: 0492 version 1, dated June 2021) and the Long-Term Real-Time Noise Monitoring Report (ref: 0492, dated May 2021) shall be updated and submitted to the Mineral Planning Authority for approval. Once approved, they shall be implemented in full at all times throughout the duration of the development hereby permitted.

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

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

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.

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

Notes to Applicant

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 National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts
3. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 3.5 tonne un-laden.
4. 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.
5. There is a legal agreement attached to this permission to secure the dedication of a public right of way from west to east across the site connecting with Footpath no. 3a (Solent Way) following completion of restoration of the site and to secure a road survey of Fawley Road's condition between the application site's vehicular access point with Fawley Road and Fawley Road's junction with the A326 at the Hardley Roundabout.