

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	13 January 2016
Title:	Application for the Installation and operation of an asphalt plant for a period of 5 years at Marchwood Wharf, Oceanic Way, Marchwood SO40 4BD. (Application No. 15/11254) (Site Ref: NF222)
Reference:	7206
Report From:	Head of Strategic Planning

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1. Executive Summary

- 1.1 The proposal is for the installation and operation of an asphalt plant for a temporary period of five years at Marchwood Industrial Park, Marchwood.
- 1.2 The proposal would represent a use consistent with surrounding development, would minimise the generation of traffic through the delivery of materials by sea and would be acceptable in terms of highway safety and capacity and as such would constitute sustainable development. The proposal would however result in an increase in overnight HCV movements on highway routes proposed to be used in association with the development which may at times have an adverse impact on residential amenity. However given the context of existing permitted uses it is considered that it would be deemed unreasonable to disproportionately restrict overnight HCV movements associated with this proposal.
- 1.3 It is considered that the proposal would be in accordance with relevant policies of the Hampshire Minerals & Waste Plan (2013) (HMWP) and New Forest District Council Local Plan Part 2: Sites and Development Management (2014) (NFDCLPP2) and therefore it is recommended that planning permission for the Installation and operation of an asphalt plant for a period of 5 years at Marchwood Wharf, Oceanic Way, Marchwood SO40 4BD (Application No. 15/11254) (Site Ref: NF222) be approved subject to a Section 106 Legal Agreement concerning off-site lorry routing and the conditions listed in integral Appendix B.

2. Site and proposal

- 2.1 The proposal is for the installation and operation of an asphalt plant for a temporary period of five years at Marchwood Wharf, Oceanic Way, Marchwood Industrial Park, Marchwood.
- 2.2 The application site occupies an area of 0.8 hectares of land within Marchwood Industrial Park. The site lies to the north-east of the village of Marchwood and to the north, north-west of Marchwood Military Port. The land is located adjacent to the River Test at the head of Southampton Water and opposite Southampton Docks.
- 2.3 The Marchwood Industrial Park comprises the area of the former Marchwood Power Station site for which outline planning permission for re-development as an Industrial Park was granted by New Forest District Council in 2001.
- 2.4 The site is currently vacant and comprises a compacted hardcore surface enclosed by a steel palisade perimeter fence. The applicant asserts that the land has previously been used for the operation of a bagging plant for the processing and exportation of aggregate. This use entailed a throughput of approximately 100,000 tonnes per annum.
- 2.5 The wider wharf site occupies an area of 3.5 hectares in total and is used for the importation of marine aggregates together with an aggregate washing plant and concrete batching plant. Access to the plot is available both from Oceanic Way and internally from within the wider wharf facility.
- 2.6 The applicant proposes the installation and operation of an asphalt plant for the production of 100,000-150,000 tonnes of asphalt per annum.
- 2.7 The applicant asserts that approximately 86% of the material used in the manufacture of the asphalt will be brought to the site by ship and unloaded through the existing wharf (aggregate). The remaining 14% of required material, comprising bitumen, sand and filler, would be imported by road. The location of the site will allow for the delivery of aggregates from the wharf to the asphalt plant storage bays by dump truck using a short section of Oceanic Way.
- 2.8 Stone aggregate transported from the wharf will be stored in the asphalt plant storage bays (shown as item **8** on the Layout Plan) together with imported sand. Filler dust would be imported in road tanker and stored in sealed silos (**10**). The single sized aggregates or sand will be loaded from the storage bays (**8**) into eight cold feed aggregate hoppers (**7**) by a rubber tyred loading shovel. Aggregates will be discharged from each hopper through a variable speed feeder onto conveyors feeding into the combined dryer-drum mixer (**11**) which will dry and heat the aggregates before adding weighed proportions of bitumen, filler and other additives to complete the asphalt product mix. The dryer will be fired by an efficient gas burner.
- 2.9 The exhaust and collection plant comprises a multi cyclone bag filter (**12**) preceded by a pre-cleaner that collects and separately returns coarse dusts

into the product stream. Cleaned hot air is passed through the stack **(13)** and vented to the atmosphere. Bitumen will be stored in three vertical storage tanks **(1)** having high level indication, low level safety cut-out and temperature protection. The stack would measure 17 metres in height and would be the tallest part of the plant. A five metre high acoustic barrier would be erected along parts of the northern and western boundary of the site.

- 2.10 Mixed asphalt products once produced, will be stored in a Material Storage Unit in heated and insulated silo compartments prior to being dispatched to highway maintenance works.
- 2.11 A weighbridge **(2)**, control cabin **(4)** and materials testing laboratory **(5)** are proposed as part of the asphalt plant development together with the provision of new paved/surfaced areas in parts of the site to be accessed by HCVs. Staff car parking would be provided alongside the existing welfare facilities, including a disabled parking bay and motorcycle/cycle parking area. HCV parking would be undertaken within the plant site area.
- 2.12 The applicant is seeking permission to operate the facility at any time of day on any day of the week in order to be able to respond to requirements to produce and supply material to highway maintenance contracts which often take place at night. The on-site hot-storage will consist of 1 x 70 tonne and 1 x 90 tonne stores. These stores will be filled with asphalt during daytime hours and only replenished at night if the required tonnage of material to be despatched exceeds the stored capacity. As such the applicant asserts that the plant may not be operational for 100% of the time proposed.
- 2.13 The level and timing of asphalt production and therefore HCV activity is dependent on the road works being carried out at any time and subsequently will vary on a day to day basis, as a result the applicant states that the development will generate between 40-100 HCV movements per day. Asphalt would not be stored on site for long periods as it has a limited window for application effectiveness. The majority of HCV movements will occur during the daytime but the applicant anticipates that on some days up to 30 HCVs could leave the site outside of normal daytime hours. This would involve up to 60 HCV movements between the hours of 1900 and 0700.
- 2.14 The applicant states that the plant will provide four additional directly employed full time posts at the site and a further five HCV drivers.
- 2.15 The applicant states that measures to reduce the likelihood of odour emissions are included in the proposed development and are all standard for such proposals and include:
- Bitumen transport and delivery would use sealed tanker vehicles with a sealed pipeline system to fill the on-site silos;
 - Bitumen storage in sealed silos;

- Use of a sealed pipe system for transport of bitumen from the silos to the plant; and
 - Immediate dispatch of manufactured asphalt or storage of it in sealed insulated units on site.
- 2.16 The nearest residential properties to the site lie approximately 600 metres to the south-west on Gardiner Close.
- 2.17 Cracknore Hard & Marchwood Mud Flats Site of Importance for Nature Conservation (SINC) lies approximately 160 metres to the east and 240 metres to the north-west of the site. Dibden Bay Site of Special Scientific Interest (SSSI), Hythe to Calshot Marshes SSSI, Solent & Southampton Water Special Protection Area (SPA) and Solent & Southampton Water RAMSAR lie approximately one kilometre to the south-east of the site.
- 2.18 The Flood Risk Assessment accompanying the application identifies the site as not lying within any designated Flood Risk Zones.
- 2.19 The application is also accompanied by a Transport Statement and Noise Impact Assessment.
- 2.20 A committee site visit took place on 30 November 2015 in advance of the proposals consideration by the Regulatory Committee.

3. Planning History

- 3.1 Outline planning permission (reference 99/65908) for permanent permission for mixed development of business (B1), Industrial (B2) and storage and distribution (B8), Community Centre and non-residential licensed premises & access alterations granted by New Forest District Council on 9 April 2001.
- 3.2 The adjacent wharf benefits from permanent planning permission (76840) and permission for the erection of a marine aggregate processing plant and ready mixed concrete plant (00061999M). It should be noted that the permitted wharf site area does not include the site area subject to this planning application.

4. Development plan

4.1 Hampshire Minerals and Waste Plan (2013):

- Policy 1 (Sustainable minerals and waste development);
- Policy 3 (Protection of habitats and species);
- 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 16 (Safeguarding - minerals infrastructure); and
- Policy 19 (Aggregate wharves and rail depots).

4.2 New Forest District Council Local Plan Part 2: Sites and Development Management (2014):

- Policy MAR5 (Marchwood Industrial Park).

4.3 National Planning Policy Framework (NPPF):

- Paragraph 14 (Presumption in favour of sustainable development);
- Paragraph 34 (Sustainable transport); and
- Paragraph 121 (Contaminated land).

5. Consultations

5.1 **Councillor Harrison:** Is very concerned about the cumulative impact of lorry movements on the local highway network.

5.2 **Marchwood Parish Council:** Object for the following reasons:

- Increase in traffic levels and the noise and emissions associated with the development;
- Cumulative effects of the emissions being released into the atmosphere from the power station, incinerator, other business and now the proposed asphalt plant;
- The effect these emissions are having on the health of the residents of Marchwood;
- Potential contamination problems with water run off from the site and the water quality in the culverts; and
- Lorry movements at night will affect the residents of Marchwood but any additional movements during the day are also unacceptable due to the current traffic volumes.

5.3 **Environmental Health New Forest:** Dust and odours will be regulated by the Local Authority (normally the Environmental Health Department) with conditions attached to an Environmental Permit issued under the Pollution, Prevention and Control Act 1999 and it's associated Regulations. A lighting scheme should be submitted to ensure that there is no loss of amenity from

light and/or light pollution. I recommend the use of our standard contaminated land planning conditions in order for the applicant to use an appropriately qualified contaminated land consultant to investigate and assess the site and ensure that the site is suitable for the proposed use. The Environmental Permit will regulate emission to atmosphere and require annual testing if the plant is operating under normal conditions. The plant is to operate 24/7 and therefore will operate throughout the night time period. Therefore, an acoustic assessment in accordance with BS4142:2014 should be submitted to ensure that there will be no adverse impact. The acoustic assessment will also detail any noise suppression required to ensure that there will be no adverse impact from noise.

5.4 A Noise Impact Assessment has been submitted by the applicant and updated comments are awaited from the Environmental Health Officer in respect of this and shall be reported at Committee.

5.5 **New Forest District Council:** Object strongly on the grounds of:

- Cumulative impact of traffic movements, noise, dust and fumes from the industrial park;
- Impact on residential amenity as a result of noise from the site and lorry movements;
- Impact on air quality as a result of vehicle movements; and
- That the highway traffic count data supplied with the application is misleading and out of date.

5.6 **Environment Agency Solent & South Downs:** No objection subject to condition regarding facilities for the storage of oils, fuels or chemicals.

5.7 **Health and Safety Executive (PADHI+):** No comment.

5.8 **Highway Authority:** No objection subject to condition.

5.9 **Southampton Airport Safeguarding:** No objection.

5.10 **Lead Local Flood Authority:** No objection.

5.11 **Southampton City Council:** No comment.

5.12 **Defence Infrastructure Organisation:** No comment.

5.13 **Environmental Health – Southampton:** No comment.

6. Representations

6.1 139 representations have been received. Of these, 139 object to the application.

6.2 The following concerns are raised in relation to the proposal:

- Impact of lorry movements on highway safety and amenity;
- Impact on health from emissions from the plant;
- Cumulative impact on residential amenity and health from uses within the Marchwood Industrial park; and
- Odour impacts;
- Pollution of the water environment;

6.3 The above issues will be discussed and addressed within the following commentary, except where identified as not being relevant to the decision. In respect to this the impact of a development on the value of neighbouring property does not constitute a material planning consideration.

7. Commentary

Accordance with the Development Plan

- 7.1 Outline planning permission for mixed development of business (B1), industrial (B2) and storage and distribution (B8) for land including the application site was granted by New Forest District Council in 2001 (99/65908). This planning permission was subsequently implemented and established the principle of the use of the former Marchwood Power Station site for largely un-restricted industrial development.
- 7.2 Policy MAR5 (Marchwood Industrial Park) of the NFDCLPP2 (2014) encourages the re-development and intensification of employment uses at Marchwood Industrial Park. The proposal would constitute the re-development of an employment use through the re-use of a currently vacant plot of land within Marchwood Industrial Park and would therefore accord with Policy MAR5 of the NFDCLPP2 (2014).
- 7.3 The proposal would be located on brownfield land adjacent to the permitted aggregates wharf site. It is proposed to supply the majority (86%) of the material used in the asphalt manufacturing process from the wharf. It is considered that the co-location of the plant adjacent the wharf would confer significant sustainability benefits in terms of reducing transport movements associated with the movement of materials. These materials would otherwise need to be transported to an alternative site prior to incorporation in the manufacturing process thereby generating additional lorry movements on the highway network. As such the development will minimise the impact of its generated traffic through the delivery of materials by sea and consequently be in accordance with Policy 12 (Managing traffic) of the HMWP (2013).

- 7.4 The proposed site is included within a site safeguarded under Policy 16 (Safeguarding - minerals infrastructure) of the HMWP (2013). This is on the basis that the wharf and the adjacent area are used and are capable of being used for wharf uses. In this instance, the proposal would result in the co-location of synergistic land uses which would be complementary to the function of the existing wharf. It is therefore concluded that the proposed site would not result in the introduction of any sensitive uses which may prejudice the existing wharf operations. The proposal is therefore considered to be in accordance with Policy 16 (Safeguarding - minerals infrastructure) of the HMWP (2013). The wider wharf itself is addressed under Policy 19 (Aggregate wharves and rail depots) and is designated as an existing wharf site.
- 7.5 Lastly, Policy 1 (Sustainable minerals and waste development) of the HMWP (2013) states that the Hampshire Authorities will take a positive approach to minerals and waste development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Highway Safety & Capacity

- 7.6 The Highway Authority is satisfied that the review of the local highway network undertaken within the Transport Statement (TS) demonstrates that the additional traffic to be generated by the proposal can be accommodated on the roads surveyed (Normandy Way / Bury Road / Jacob's Gutter Lane) without impacting on the operation or safety of the network. The Highway Authority raises no objection to the application as the proposal is not considered to result in any significant adverse effects on pedestrian safety or highway safety and capacity.
- 7.7 The TS also includes a comparison between the daily HCV movements attracted to the asphalt plant and those generated by the former use of the site. The former bagging plant is stated to have had a throughput of approximately 100,000 tonnes per annum of which all material left the site in HCVs. Additionally approximately 25,000 tonnes of material bagged on the site is stated to have been imported by road. The TS states that the average difference between the previous and proposed uses of the site equates to 4 to 6 movements per day on the local road network or an increase of less than 1 vehicle per hour. It is considered that in light of the limited net-increase in vehicle movements associated with the proposal and the allocation of the Marchwood Industrial Park for commercial and industrial development in the New Forest District Council Local Plan Part 2: Sites and Development Management (2014) an air quality assessment is not required in this instance. The EHO has stated that there is no Air Quality Management Area (AQMA) designation in this location and therefore no recognised cumulative air quality issue.
- 7.8 Comments have been received disputing the accuracy and relevance of traffic survey data used in the TS submitted with the application. However the Highway Authority is satisfied that the growth formula applied to the

information provided has resulted in a sufficiently accurate assessment of the existing base-line situation. Notwithstanding this, recent traffic survey information has been assessed and is not considered to alter the ability of the highway network to accommodate the proposed development.

- 7.9 A condition pertaining to the maximum number of daily HCV movements to and from the site is not recommended in association with this application. This is due to the absence of any such similar conditions on surrounding existing consents. It is deemed that it would be considered unreasonable to apply such a condition to the development when other surrounding trip generating uses are not subject to such a restriction.
- 7.10 In conclusion it is considered that the proposal would be in accordance with Policy 12 (Managing Traffic) of the HMWP (2013).

Impact on Amenity

- 7.11 The comments made by the Parish Council, District Council and members of the public regarding potential impacts on residential amenity and health as a result of emissions are acknowledged.
- 7.12 As the applicant is seeking permission to be able to operate the plant during the night-time period it is crucial that any potential noise impact is considered. The application is accompanied by a BS4142 (2014) Noise Impact Assessment (NIA). This calculates that noise from the site will measure 43dB(A) at the nearest residential property. This includes the addition of a subjective 3dB penalty for the impulsiveness of the noise and also factors in the attenuation afforded by the proposed five metre high acoustic barrier.
- 7.13 The NIA also recorded the night-time background noise level at the closest residential properties and this was determined as being 43dB LA90. BS4142 (2014) advises that where noise from a proposed operation would exceed existing background noise, a level around +5dB would indicate an adverse effect and a level +10dB would indicate a significant adverse effect. In this instance the calculated 'rating' noise level from the site will be 0dB(A) above the background level. As such, the NIA concludes that noise from on-site operations will have a low impact on amenity.
- 7.14 The EHO has advised that any limit placed on the development should be based on an 'absolute' noise level. Therefore, as the determined 'rating' level includes the subjective penalty it is necessary to construct a planning condition without the penalty applied. This gives the 'absolute' level which can be used within a planning condition.
- 7.15 A condition restricting the noise level from all operations at the site to no more than:
- 40dB LAeq 15 mins at the boundary of the nearest noise sensitive premises between the hours of 23:00 and 07:00; and

- 45dB LAeq 1 hour at the boundary of the nearest noise sensitive premises between the hours of 07:00 to 23:00;

measured in accordance with BS4142 (2014) is therefore recommended to be attached to any planning permission.

- 7.16 Explanation of noise terminology used within this report can be found at Integral Appendix D to this report.
- 7.17 It is acknowledged that the applicant is seeking permission to operate the facility overnight which will result in the generation of HCV movements on the highway network during the night time period. This would entail a maximum of 60 (30 into and 30 out of the site) HCV movements between the hours of 19.00 and 07.00 of which at certain times there may be zero and at other times 12 or 18 HCV movements per hour. It is recognised that such movements will generate noise on routes within the vicinity of the site.
- 7.18 Information concerning the existing level of HCV movements during the overnight period (19:00-07:00) was submitted by the applicant. This demonstrated that Monday-Friday the proposed increase in HCV movements would represent a 13-15% increase over the existing level of total HCV traffic when viewed in the context of the overall night time period. Notwithstanding this, existing traffic flow levels are variable throughout this period and typically reduce during the later times of night as there are fewer movements. At these times, the proposed increase in HCV movements connected with the application would represent a proportionately larger increase when compared to the base-line. On a Saturday and Sunday night the further reduced level of existing movements compared with the weekdays would mean that the proposed potential increase associated with the asphalt plant would result in a proportionately larger change from the existing number of HCV trips.
- 7.19 The NIA calculated the noise impact on the nearest dwellings which were identified as those to the south of Normandy Way on Old Magazine Close, Pebble Court and Shorefield Road. For the worst case scenario of a Sunday night (00:00 to 01:00 hours) with a current recorded base-line minimum of two HCV movements at present and a potential increase to between 6 and 18 per hour from the site, with maximum noise levels of up to 70dB LAmax,F this would be likely to result in a noise level within a bedroom of 55-60dB LAmax,F (assuming a 10-15dB attenuation through a window opened for ventilation purposes) which would exceed the maximum level of 45dB LAmax,F contained with the World Health Organisation (WHO) 'Guidelines for Community Noise - 1999' that states the 45 LAmax,F, level should not be exceeded more than 10-15 times in a night.
- 7.20 The EHO therefore concludes that night-time traffic noise associated with the proposal may occasionally result in a significant adverse impact on residential amenity depending on daily demand for asphalt from the development. Notwithstanding this the EHO considers that noise from existing vehicle

movements and the variable nature in the intensity of operations will lower the impact of such movements.

- 7.21 The principle of the use of the land at Marchwood Industrial Park for industrial purposes is established and supported by the Development Plan for the area. Re-development of the former Marchwood Power Station site for industrial uses has taken place since the grant of outline planning permission 99/65908 by New Forest District Council in 2001. That permission did not apply restrictions in relation to numbers of lorry movements or operating hours and indeed the majority of subsequent reserved matters permissions pursuant to the outline consent also did not include such restrictions. The development would be consistent with the nature of surrounding development at the Marchwood Industrial Park and would result in only a minor net-increase in daily vehicle movements when compared to those generated by the previous use of the land.
- 7.22 Comments made in respect of amenity impact as a result of lorry movements are recognised and understood. However, as set out above, the majority of uses permitted on the Industrial Park are not subject to any restrictions in relation to hours of use, or hours within which HCVs may access the site. The adjacent wharf is however subject to a planning condition limiting the hours between which HCVs may access the site; these are between 06:00 – 18:00 Monday to Friday and 07:00 – 13:00 Saturday. Notwithstanding this it is considered that it may be likely to be deemed unreasonable to impose such a condition in connection with this application when the majority of surrounding uses are not restricted in this regard and could choose to operate in such a manner at any time.
- 7.23 Despite this the applicant has agreed to the imposition of a condition limiting the volume of HCV traffic during the overnight period to no more than that assessed within the application; 60 movements (30 into and 30 out of the site) between the hours of 19.00 and 07.00. A Section 106 planning obligation concerning the night-time routing of HCVs, which the applicant has agreed to, would ensure the operator routes HCVs via North Road, Normandy Way, Bury Road and Jacobs Gutter Lane and on to the Strategic Highway Network between the hours of 19.00 and 07.00.
- 7.24 National Planning Practice Guidance states that Planning Authorities should assume that other regulatory regimes will operate effectively rather than seek to control any processes, health and safety issues or emissions themselves where these are subject to approval under other regimes (paragraph: 012 Reference ID: 27-012-20140306). In respect of this, the EHO is satisfied that the Environmental Permit which accompanies the plant would regulate emissions to the atmosphere and control any dust and odours associated with the facility.
- 7.25 A condition is also recommended to require the submission of a lighting scheme prior to the commencement of development in order to control the impact of any external lighting on amenity.

Landscape & Design

- 7.26 As already discussed, the site lies within an existing industrial area with the adjacent wider wharf site used for the landing, processing and bagging of marine aggregate. The surrounding area is dominated by large industrial structures with a mixture of steel perimeter security fencing. The largest element of the plant will be 17 metres in height (fan and stack). Given the context of the surrounding landscape, it is considered that the proposal would not cause an unacceptable adverse visual impact and would be largely analogous with existing surrounding development.
- 7.27 It is recommended that conditions be attached requiring the submission of details of the colour to be painted, or colour of, the structures to be erected on site. In light of this, the proposal is considered to be in accordance with Policy 13 (High-quality design of minerals and waste development) of the HMWP (2013).

Contaminated Land

- 7.28 The EHO has identified that the site is likely to be contaminated due to the nature of historic uses that have taken place on the land. Contaminated land conditions are therefore recommended in order that the site be investigated and assessed to ensure that the land is suitable for the proposed use. The proposal is therefore considered to be in accordance with Policy 10 (Protecting health, safety and amenity) of the HMWP (2013).

Water Environment

- 7.29 No objection is raised by the Environment Agency subject to controls on the storage of potentially polluting products. A condition is therefore recommended to be attached to any potential consent to ensure that any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls.
- 7.30 No objection is raised by the Lead Local Flood Authority on surface water flood risk grounds. The existing site is largely impermeable and therefore the proposed development will not result in an increase in surface water run-off. Notwithstanding this the Flood Risk Assessment states that attenuation volume for storm events will be provided within the site, this will be in the form of a graded area to provide temporary storage of surface flood water.
- 7.31 For the plant and aggregate storage area it is proposed to direct incident rainfall to a collection wedge pit within the plant area for general use on the site with any excess being discharged via a hydrocarbon interceptor to the existing drainage infrastructure to the north. For the access roads, drainage will be included to direct runoff to a collection tank for subsequent discharge to the River Test estuary in accordance with the existing Environment Agency discharge permit via the existing drainage infrastructure to the north.

Ecology

7.32 The site is located within an area allocated for commercial and industrial uses on a section of previously developed land. Emissions from the plant shall be controlled through the Environmental Permit for the facility and surface water run-off shall be directed through existing drainage infrastructure and released in accordance with the extant discharge permit. Therefore there are not considered to be any adverse impacts on ecological designations within the vicinity and the proposal is considered to be in accordance with Policy 3 (Protection of habitats and species) of the HMWP (2013).

8. Summary

8.1 It is considered that the proposal would be in accordance with the Hampshire Minerals & Waste Plan (2013) and New Forest District Council Local Plan Part 2: Sites and Development Management (2014). The proposal would represent a use consistent with surrounding development, would minimise the generation of traffic through the delivery of materials by sea and would be acceptable in terms of highway safety and capacity and as such would constitute sustainable development. The proposal would however result in an increase in overnight HCV movements on highway routes proposed to be used in association with the development which may at times have an adverse impact on residential amenity. However given the context of existing permitted uses it is considered that it would be deemed unreasonable to disproportionately restrict overnight HCV movements associated with this proposal.

9. Recommendation

9.1 That subject to:

- a) a Section 106 Legal Agreement being entered into to secure off-site lorry routing;

planning permission for the Installation and operation of an asphalt plant for a period of 5 years at Marchwood Wharf, Oceanic Way, Marchwood SO40 4BD. (Application No. 15/11254) (Site Ref: NF222), be granted, subject to the conditions listed in integral Appendix B.

Appendices:

Integral Appendix A – Corporate or Legal Information

Integral Appendix B – Conditions

Integral Appendix C – Relevant Planning Policy

Appendix D – Noise Terminology

Appendix E - Location Plan

Appendix F – Site Layout

Other documents relating to this application:

<http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=16716>

RefRpt/7206/RS

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	No
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	No
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	No
Corporate Improvement plan link number (if appropriate):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:	
The proposal does not link to the Corporate Strategy 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 planning authority.	

Other Significant Links**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.)

DocumentLocation

15/11254 - Installation and operation of an asphalt plant for a period of 5 years at Marchwood Wharf, Oceanic Way, Marchwood SO40 4BD

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

CONDITIONS

Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

Timescale

2. The development hereby permitted shall be for a temporary period only, expiring 5 years from the date of the erection of the asphalt plant after which all plant, machinery and structures hereby permitted shall be removed from the land within a further period of 3 months. Notification shall be provided to the Mineral Planning Authority in writing 7 days prior to the commencement of the development.

Reason: As the development is for a temporary period only.

Highways

3. Heavy Commercial Vehicle (HCV) movements to and from the site between the hours of 19.00 and 07.00 shall be limited to a maximum of 60 (30 in and 30 out). A daily record of HCVs entering and leaving the site between these times shall be kept at the site and made available to the Mineral Planning Authority on request.

Reason: To limit the number of heavy vehicle movements during the overnight period to that assessed within the application, as a higher level would require further consideration of impacts on amenity.

4. For the duration of the development no vehicle shall leave the site unless it has been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.

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

Noise

5. The Noise Level from all operations at the site shall not exceed:
 - i) 40dB LAeq 15 mins at the boundary of the nearest noise sensitive premises between the hours of 23:00 and 07:00;
 - ii) 45dB LAeq 1 hour at the boundary of the nearest noise sensitive premises between the hours of 07:00 to 23:00;

when measured in accordance with BS4142:2014.

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).

Contaminated Land

6. Prior to the commencement of development, an Investigation and Risk Assessment (the scope of which to be agreed with the Mineral Planning Authority prior to being undertaken) to assess the nature and extent of any contamination on the site, whether or not it originates on the site, shall be submitted to the Mineral Planning Authority for approval in writing. The Investigation and Risk Assessment shall be undertaken by a competent person(s) and shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- groundwaters and surface waters,
- ecological systems;
- archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

The report shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 10 of the Hampshire Minerals & Waste Plan (2013).

7. Should the Investigation and Risk Assessment submitted in accordance with condition 6 above identify a requirement for remediation to be undertaken on the site, a detailed Remediation Scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and

historical environment shall be submitted to the Mineral Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 10 of the Hampshire Minerals & Waste Plan (2013).

8. The development hereby permitted shall be carried out in accordance with the Remediation Scheme approved under condition 7 above. The Mineral Planning Authority shall be given two weeks written notification of commencement of the Remediation Scheme works. Following completion of measures identified in the approved Remediation Scheme, a verification report demonstrating the effectiveness of the remediation carried out shall be submitted to the Mineral Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 10 of the Hampshire Minerals & Waste Plan (2013).

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Mineral Planning Authority. An Investigation and Risk Assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a Remediation Scheme in accordance with condition 7 above should be submitted to the Mineral Planning Authority for approval in writing. Following completion of measures identified in the approved Remediation Scheme a verification report should be submitted to the Mineral Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 10 of the Hampshire Minerals & Waste Plan (2013).

Landscape

10. Prior to the commencement of development a lighting scheme shall be submitted to the Mineral Planning Authority for approval in writing. The scheme shall include details of all outside lighting, including floodlighting, safety lighting and illumination from within the plant, and measures to prevent light pollution.

Reason: To ensure that the level of light pollution from the development is controlled and to ensure the development is in accordance with Policy 13 of the Hampshire Minerals & Waste Plan (2013).

11. Prior to the commencement of development details of the colour of the plant and structures to be erected shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall be implemented as approved for the duration of the development.

Reason: In the interests of visual amenity and landscape character and to ensure the development is in accordance with Policy 13 of the Hampshire Minerals & Waste Plan (2013).

Water Environment

12. The development hereby permitted shall be implemented in accordance with the 'Marchwood Wharf Flood Risk Assessment' dated June 2015 and submitted with the application.

Reason: To ensure that the development is acceptable in regard to flood risk and is in accordance with Policy 10 of the Hampshire Minerals & Waste Plan (2013).

13. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To prevent pollution of the water environment and to ensure the development is in accordance with Policy 10 of the HMWP (2013).

14. The development hereby permitted shall be carried out in accordance with the follow approved plans: MW:1, MW:2, MW:3, MWD/001/E, MWD/002/C, MWD/003, J7/01047

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

Note to Applicants

1. In determining this planning application, the Mineral Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. 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.

RELEVANT PLANNING POLICY

Hampshire Minerals and Waste Plan (2013)

Policy 1: Sustainable minerals and waste development

The Hampshire Authorities will take a positive approach to minerals and waste development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Minerals and waste development that accords with policies in this Plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the proposal or the relevant policies are out of date at the time of making the decision, the Hampshire Authorities will grant permission unless material considerations indicate otherwise, taking into account whether:

- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

Policy 3: Protection of habitats and species

Minerals and waste development should not have a significant adverse effect on, and where possible, should enhance, restore or create designated or important habitats and species.

The following sites, habitats and species will be protected in accordance with the level of their relative importance:

- a) internationally designated sites including Special Protection Areas, Special Areas of Conservation, Ramsar sites, any sites identified to counteract adverse effects on internationally designated sites, and European Protected Species;
- b) nationally designated sites including Sites of Special Scientific Interest and National Nature Reserves, nationally protected species and Ancient Woodland;
- c) local interest sites including Sites of Importance for Nature Conservation, and Local Nature Reserves;
- d) habitats and species of principal importance in England;
- e) habitats and species identified in the UK Biodiversity Action Plan or Hampshire Authorities' Biodiversity Action Plans.

Development which is likely to have a significant adverse impact upon such sites, habitats and species will only be permitted where it is judged, in proportion to their relative importance, that the merits of the development outweigh any likely environmental damage.

Appropriate mitigation and compensation measures will be required where development would cause harm to biodiversity interests.

Policy 10: Protecting public health, safety and amenity

Minerals and waste development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts.

Minerals and waste development should not:

- a) release emissions to the atmosphere, land or water (above appropriate standards);
- b) have an unacceptable impact on human health;
- c) cause unacceptable noise, dust, lighting, vibration or odour;
- d) have an unacceptable visual impact;
- e) potentially endanger aircraft from bird strike and structures;
- f) cause an unacceptable impact on public safety safeguarding zones;
- g) cause an unacceptable impact on:
 - a. tip and quarry slope stability; or
 - b. differential settlement of quarry backfill and landfill; or
 - c. subsidence and migration of contaminants;
- h) cause an unacceptable impact on coastal, surface or groundwaters;
- i) cause an unacceptable impact on public strategic infrastructure;
- j) cause an unacceptable cumulative impact arising from the interactions between minerals and waste developments, and between mineral, waste and other forms of development.

The potential cumulative impacts of minerals and waste development and the way they relate to existing developments must be addressed to an acceptable standard.

Policy 11: Flood risk and prevention

Minerals and waste development in areas at risk of flooding should:

- a. not result in an increased flood risk elsewhere and, where possible, will reduce flood risk overall;
- b. incorporate flood protection, flood resilience and resistance measures where appropriate to the character and biodiversity of the area and the specific requirements of the site;
- c. have site drainage systems designed to take account of events which exceed the normal design standard;
- d. not increase net surface water run-off; and
- e. if appropriate, incorporate Sustainable Drainage Systems to manage surface water drainage, with whole-life management and maintenance arrangements.

Policy 12: Managing traffic

Minerals and waste development should 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 such as sea, rail, inland waterways, conveyors, pipelines and the use of reverse logistics. Furthermore, highway improvements will be required to mitigate any significant adverse effects on:

- a. highway safety;
- b. pedestrian safety;
- c. highway capacity; and
- d. environment and amenity.

Policy 13: High-quality design of minerals and waste development

Minerals and waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and townscape.

The design of appropriate built facilities for minerals and waste development should be of a high-quality and contribute to achieving sustainable development.

Policy 16: Safeguarding - minerals infrastructure

Infrastructure that supports the supply of minerals in Hampshire is safeguarded against development that would unnecessarily sterilise the infrastructure or prejudice or jeopardise its use by creating incompatible land uses nearby. Minerals sites with temporary permissions for minerals supply activities are safeguarded for the life of the permission. The Hampshire Authorities will object to incompatible development unless it can be demonstrated that:

- the merits of the development clearly outweigh the need for safeguarding;
 - or
 - the infrastructure is no longer needed; or
 - the capacity of the infrastructure can be relocated or provided elsewhere.
- In such instances, alternative capacity should:
- meet the provisions of the Plan, that this alternative capacity is deliverable;
 - and
 - be appropriately and sustainably located; and
 - conform to the relevant environmental and community protection policies in this Plan; or
 - the proposed development is part of a wider programme of reinvestment in the delivery of enhanced capacity for minerals supply.

The infrastructure safeguarded by this policy is illustrated on the Policies Map and identified in 'Appendix B - List of safeguarded minerals and waste sites'.

Policy 19: Aggregate wharves and rail depots

The capacity at existing aggregate wharves and rail depots will where possible and appropriate be maximised and investment in infrastructure and /or the extension of suitable wharf and rail depot sites will be supported to ensure that

there is sufficient capacity for the importation of marine-won sand and gravel and other aggregates.

1. Existing wharf and rail depot aggregate capacity is located at the following sites:

- i. Supermarine Wharf, Southampton (Aggregates wharf)
- ii. Leamouth Wharf, Southampton (Aggregates wharf)
- iii. Dibles Wharf, Southampton (Aggregates wharf)
- iv. Kendalls Wharf, Portsmouth (Aggregates wharf)
- v. Fareham Wharf, Fareham (Aggregates wharf)
- vi. Marchwood Wharf, Marchwood (Aggregates wharf)
- vii. Bedhampton Wharf, Havant (Aggregates wharf)
- viii. Burnley Wharf, Southampton (Aggregates wharf)
- ix. Eastleigh Rail Depots, Eastleigh (Aggregates rail depot)
- x. Botley Rail Depot, Botley (Aggregates rail depot)
- xi. Fareham Rail Depot, Fareham (Aggregates rail depot)

2. Further aggregate rail depots are proposed provided the proposals address the development considerations outlined in 'Appendix A - Site allocations' at:

- i. Basingstoke Sidings, Basingstoke (Rail depot) (Inset Map 2)
- ii. Micheldever Sidings, Micheldever (Rail depot) (Inset Map 4)

The rail depot proposals are illustrated on the 'Policies Map'.

3. New wharf and rail depot proposals will be supported if the proposal represents sustainable development. New developments will be expected to:

- a. have a connection to the road network; and
- b. have a connection to the rail network or access to water of sufficient depth to accommodate the vessels likely to be used in the trades to be served; and
- c. demonstrate, in line with the other policies in this Plan, that they do not pose unacceptable harm to the environment and local communities.

New Forest District Core Strategy (2009)

Policy CS17 Employment and economic development

The strategy is to:

- (i) encourage a greater presence of high value and knowledge-based businesses in the Plan Area;
- (ii) encourage small-scale and start-up businesses including through the provision of additional managed workspace;
- (iii) encourage the redevelopment and intensification of existing employment sites, particularly those sites located within the main towns and those with good access by a variety of transport modes;
- (iv) keep all existing employment sites⁸ and allocations for employment use (including the sites listed in Fig. 13 above), except for the few small sites identified for release in the Employment Land Review, and provide for new employment land allocations as set out in Policy CS18;
- (v) encourage and make provision for office development within the town centres where this is appropriate to the scale and role of the centres in the settlement hierarchy;

- (vi) support visitor-based service sector jobs and the local tourism industry as set out in Policy CS19;
- (vii) identify and protect opportunities suitable for marine-related business;
- (viii) improve workforce skills by:
 - working with local education and skills agencies, and local business organisations to establish training facilities to enhance workforce skills
 - encouraging the provision of new training facilities on employment sites;
- (ix) encourage flexible working by:
 - encouraging home-working where there is no adverse impact on residential amenities and as part of Green Travel Plans associated with new employment development
 - allowing the development of live-work units on residential and mixed use sites subject to the retention of the employment element and safeguarding of residential amenities
 - allowing the development of child care facilities on suitable employment sites;
- (x) encourage the marine sector by retaining suitable employment sites with direct access to the coast for marine-related businesses.

New Forest District Council Local Plan Part 2: Sites and Development Management (2014)

MAR5 Marchwood Industrial Park

The development, redevelopment and intensification of employment uses at Marchwood Industrial Park will be encouraged in accordance with Core Strategy Policy CS17. New development will be subject to the following site-specific criteria:

- compliance with Policy DM12: Sites identified as particularly suitable for marine-related businesses; and
- retention and enhancement of existing landscape features associated with the lakes and boundaries of the site to screen development and enhance biodiversity.

Policy DM11: Sites for marine-related businesses and access to the water

Within the framework set by Core Strategy Policies CS17(g) and CS18(f), the following sites provide wharves or other boat launching facilities which make them particularly suitable for marine-related businesses:

- Marchwood Industrial Park
- Cracknore Industrial Park
- Hythe Marina Boat Yard, Endeavour Way
- Hythe Boat Yard, St. Johns Street
- Hythe Marine Park, Shore Road
- Lymington Marina, Bath Road
- Bath Road, Lymington, yacht clubs, harbour office, car and boat parks
- Boat Yard, Mill Lane, Lymington

Lymington Yacht Haven, Kings Saltern Road

New development on these sites should be designed to ensure the retention of existing wharves, boat launching facilities and vehicular access thereto.

National Planning Policy Framework (NPPF)

34. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

Appendix D - Noise Terminology

General Noise and Acoustics

The following section describes some of the parameters that are used to quantify noise.

Decibels dB

Noise levels are measured in decibels. The decibel is the logarithmic ratio of the sound pressure to a reference pressure (2×10^{-5} Pascals). The decibel scale gives a reasonable approximation to the human perception of relative loudness. In terms of human hearing, audible sounds range from the threshold of hearing (0 dB) to the threshold of pain (140 dB).

A-weighted Decibels dB(A)

The 'A'-weighting filter emulates human hearing response for low levels of sound. The filter network is incorporated electronically into sound level meters. Sound pressure levels measured using an 'A'-weighting filter have units of dB(A) which is a single figure value to represent the overall noise level for the entire frequency range.

A change of 3 dB(A) is the smallest change in noise level that is perceptible under normal listening conditions. A change of 10 dB(A) corresponds to a doubling or halving of loudness of the sound. The background noise level in a quiet bedroom may be around 20 –30 dB(A); normal speech conversation around 60 dB(A) at 1 m; noise from a very busy road around 70-80 dB(A) at 10m; the level near a pneumatic drill around 100 dB(A).

Façade Noise Level

Façade noise measurements are those undertaken near to reflective surfaces such as walls, usually at a distance of 1m from the surface. Façade noise levels at 1m from a reflective surface are normally around 3 dB greater than those obtained under free field conditions.

Freefield Noise Level

Freefield noise measurements are those undertaken away from any reflective surfaces other than the ground

Frequency Hz

The frequency of a noise is the number of pressure variations per second, and relates to the "pitch" of the sound. Hertz (Hz) is the unit of frequency and is the same as cycles per second. Normal, healthy human hearing can detect sounds from around 20 Hz to 20 kHz.

Octave and Third-Octave Bands

Two frequencies are said to be an octave apart if the frequency of one is twice the frequency of the other. The octave bandwidth increases as the centre frequency increases. Each bandwidth is 70% of the band centre frequency.

Two frequencies are said to be a third-octave apart if the frequency of one is 1.26 times the other. The third octave bandwidth is 23% of the band centre frequency. There are recognised octave band and third octave band centre frequencies. The octave or third-octave band sound pressure level is determined from the energy of the sound which falls within the boundaries of that particular octave or third octave band.

Equivalent Continuous Sound Pressure Level LAeq,T

The 'A'-weighted equivalent continuous sound pressure level LAeq,T, is a notional steady level which has the same acoustic energy as the actual fluctuating noise over the same time period T. The LAeq,T unit is dominated by higher noise levels, for example, the LAeq,T average of two equal time periods at, for example, 70 dB(A) and 50 dB(A) is not 60 dB(A) but 67 dB(A).

The LAeq, is the chosen unit of BS 7445-1:2003 "Description and Measurement of Environmental noise".

Maximum Sound Pressure Level LAm_{ax}

The LAm_{ax} value describes the overall maximum 'A'-weighted sound pressure level over the measurement interval. Maximum levels are measured with either a fast or slow time weighted, denoted as LAm_{ax,f} or LAm_{ax,s} respectively.

Noise Rating NR

The noise rating level is a single figure index obtained from an octave band analysis of a noise. The NR level is obtained by comparing the octave band sound pressure levels to a set of reference curves and the highest NR curve that is intersected by the sound pressure levels gives the NR level.

Statistical Parameters LN

In order to cover the time variability aspects, noise can be analysed into various statistical parameters, i.e. the sound level which is exceeded for N% of the time. The most commonly used are the LA01,T, LA10,T and the LA90,T.

LA01,T is the 'A'-weighted level exceeded for 1% of the time interval T and is often used to give an indication of the upper maximum level of a fluctuating noise signal.

LA10,T is the 'A'-weighted level exceeded for 10% of the time interval T and is often used to describe road traffic noise. It gives an indication of the upper level of a fluctuating noise signal. For high volumes of continuous traffic, the LA10,T unit is typically 2–3 dB(A) above the LAeq,T value over the same period.

LA90,T is the 'A'-weighted level exceeded for 90% of the time interval T, and is often used to describe the underlying background noise level.