

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	13 July 2016
<b>Title:</b>	Application for change of use of part of land forming Peacock's Nursery and Garden Centre to use for recycling of inert materials at land behind Peacock's Nursery, Ewshot, Farnham, GU10 5BA. (Application No. 16/00887/HCC) (Site Ref: HR104)
<b>Reference:</b>	7659
<b>Report From:</b>	Head of Strategic Planning

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#### 1. Executive Summary

- 1.1. The planning application is for the change of use of land to the rear of Peacock Nursery Ewshot, Farnham, GU10 5BA, from agricultural use (horticulture with ancillary garden centre) to the waste use of recycling of inert materials.
- 1.2. The application is retrospective as the waste recycling has been in operation at the site for approximately 3 years. The need for planning permission was identified by the Waste Planning Authority enforcement team in November 2015.
- 1.3. The key issues are as follows:
  - Inappropriate location in the countryside;
  - Lack of demonstrated need for the development at this location;
  - Ecological and environmental impacts;
  - Visual impact to countryside landscape character and local amenity;
  - Lack of information to demonstrate level of impacts to public health, safety and amenity by way of noise, dust and light; and
  - Highway safety and environmental impact of traffic.
- 1.4. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2011](#).
- 1.5. It is considered that the proposal would not be in accordance with a number of the policies of the adopted [Hampshire Minerals and Waste Plan](#) (HMWP) (2013). The site is located in the open countryside, is not located on previously developed land and is without existing buildings or hard standings. The application has also not demonstrated that the nature of the development is related to countryside activities, meets a local need, or that it

requires a countryside or isolated location. Therefore the principle of the proposed development is not in accordance with Policy 5 (Protection of the countryside). The principle of the proposed development does not accord to relevant parts of Policy 29 (Locations and sites for waste management). The application has not demonstrated that there is a special need for this location and the suitability of the site has not been suitably justified in the application. The application also fails to demonstrate that the proposed development meets Policies 3 (Protection of habitats and species), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development), in that it fails to demonstrate that the proposed development would not cause adverse impacts on ecology, the environment, the visual landscape and character of the countryside area and public amenity.

1.6. Therefore it is recommended that planning permission should be REFUSED.

## **2. The Site**

- 2.1. The proposed development site is located to the north west of the Peacocks Nursery curtilage on the north side of A287 (Farnham Road). The site is approximately 1.1 kilometres (km) northwest of the centre of Ewshot village. The site occupies 0.66 hectares (ha), 0.11 ha of which is an access track.
- 2.2. The site is surrounded by open agricultural land. As the application is retrospective, the existing levels and topography of the site are not known. Previous to the current use of the site, it was believed the site consisted of redundant agricultural land. This is most likely in the form of unkept scrub. There were no pre-existing buildings or hardstandings on the site before this development commenced. This is shown on the Aerials photographs taken of the site in 2000 and 2013 (as set out in Appendices J and K respectively). The site is regarded as a greenfield site as it is not previously developed countryside land with permitted horticultural (agricultural) use with ancillary garden centre activities.
- 2.3. The current operations consist of:
  - Mobile plant operating within and on stockpiles;
  - A scrub area to the west of the site; and
  - An embankment created down to mature hedgerows.
- 2.4. The need for planning permission was identified by the Waste Planning Authority enforcement team in November 2015.
- 2.5. The site is approximately 1.6km to the west of the Thames Basin Heaths Special Protection Area (SPA). A number of Sites for Importance of Nature Conservation (SINC) are located close to the site. Most are also registered ancient woodlands. The closest being Ewshot wood (HA0191) (150 metres (m) south and southeast), Combe wood (HA0200) (350m east and southeast), Ridding Copse (HA0193) (500m northeast) and Redfield Rows (HA0180/2) (600m northwest). There is also the registered ancient woodland of Midlands, 100m southwest of the site boundary.
- 2.6. The hedgerow screening to the western and northern boundaries of the site are considered to be of high ecological value within the context of the site

and the wider local area. The trees and hedgerow include a variety of large and mature native tree and plant species. Part of this area, is subject to an area based Tree Preservation Order (TPO). The hedgerow meets the criteria for an 'important' hedgerow under the [Hedgerow Regulations 1997](#) and the criteria of 'Hedgerows' under the [post-2010 Biodiversity Framework](#) and qualifies as a priority habitat type under the duties of the [NERC Act 2006](#).

- 2.7. The site is approximately 1.5km west of the Fleet and Aldershot/Yateley strategic gap and 370m southwest of the Fleet/Church Crookham to Aldershot local gap, allocated in the [Hart District Local Plan](#) (HDLP) (2006).
- 2.8. The site is accessed via a single hardpacked track which runs to the shared access with the Peacock Nursery and garden centre onto the A287 road. This access is also shared with one residential property (Peacock Nursery Main House). The site is located 6km from the A31 and 8.9km from the M3. It is not located on the [Strategic Road Network](#).
- 2.9. The approximate distances from the application boundary to the nearest residential properties are as follows:
  - 100m southeast to Peacock Nursery Main House;
  - 150m west to Dares Farm (grade II listed building);
  - 300m north to numerous residencies along Dare's Lane, including Hamptons Farmhouse (grade II listed building);
  - 330m southwest to Lea Farm; and
  - 550m southeast to Combe Wood Cottage (grade II listed building).
- 2.10. A Public Right of Way (PROW) footpath (Ewshot 720) runs along the western boundary of the site. This path runs between Crondall and Church Crookham.
- 2.11. An open watercourse is located along the northern boundary of the site. This is considered to be of high ecological value within the context of the site and the wider local area.
- 2.12. A County Archaeology green alert site for a pillbox is located 18m from the site boundary.
- 2.13. The site is classified as grade 3 agricultural land.
- 2.14. Two permitted waste sites are within the local vicinity. The nearest is [Beechwood Farm](#), 550m north of the application site, a facility for the storage and disposal of farm waste permitted under a certificate of lawful use. The second is [Beacon Hill Pit](#), 1100m east on the site, an open fronted waste transfer station for recycling of construction waste.

### 3. Planning History

- 3.1. A number of planning applications have been submitted previously to Hart District Council in relation to this site, prior to the submission of this application. The planning history of the site is as follows:

Application no.	Decision date	Location	Proposal	Status
14/02143/PR EAPP	02 Mar 2015	Peacocks Flower Centre	<a href="#">Outline Pre-application advice request for housing scheme</a>	Opinion Issued
01/00800/CO U	13 Feb 2002	Peacocks Fuchsia & Geranium Centre	<a href="#">Change of use of part of Peacocks Nursery Centre to a garden centre</a>	Withdrawn
T/APP/N1730 /A/98/101529 8/P2	unknown	Peacocks Fuchsia & Geranium Centre	<a href="#">Planning Inspectorate appeal report for application 97/00948/COU</a>	Granted on Appeal
99/00139/AD V	30 April 1999	Peacocks Fuchsia & Geranium Centre	<a href="#">Erection of permanent sign board on brick base and realignment of front boundary fence and gate to form recessed entrance</a>	Granted
98/00969/AD V	3 Nov 1998	Peacocks Fuchsia & Geranium Centre	<a href="#">Hoarding</a>	Refused
98/00433/AD V	9 July 1998	Peacocks Fuchsia & Geranium Centre	<a href="#">Retrospective Application: 1200 x 380 sign boards fixed inside site boundary.</a>	Withdrawn
97/00948/CO U	1 July 1998	Peacocks Fuchsia & Geranium Centre	<a href="#">Change of use to garden centre.</a>	Refused
96/00926/CO U	3 Dec 1996	Land At Peacocks Fuschia And Geranium Centre	<a href="#">Proposed change of use of approximately 0.4 hectares of land adjacent to western site boundary for parking two coaches and maximum of six transit vans</a>	Refused
96/00892/FU L	30 Oct 1996	Land At Peacocks Fuschia And Geranium Centre	<a href="#">Revised design for granny flat, This is a resubmission of previous application Ref.96/00478/FUL which was withdrawn.</a>	Refused
96/00478/FU L	22 July 1996	Land At Peacocks Fuschia And Geranium	<a href="#">Revised design for granny flat &amp; double garage.</a>	Withdrawn

		Centre		
95/00874/FU L	23 Nov 1995	Land At Peacocks Fuschia And Geranium Centre	<a href="#">Granny flat extension to main house &amp; double garage</a>	Refused
95/00773/FU L	28 Oct 1998	Land At Peacocks Fuschia And Geranium Centre	<a href="#">Closure of an existing site entrance &amp; establishment of new entrance in position approx.34.14 metres to south of current position</a>	Granted
95/00272/FU L	30 May 1995	Land At Peacocks Fuschia And Geranium Centre	<a href="#">Erection of single dwelling</a>	Refused
94/00362/FU L	26 Jan 1995	Land At Peacocks Fuschia And Geranium Centre	<a href="#">Erection of a single dwelling</a>	Refused
92/22087/FU L	18 Nov 1992	Land At Peacocks Fuschia And Geranium Centre	<a href="#">5 MILES EAST OF ODIHAM, ON NORTH SIDE OF ODIHAM/FARNHAM ROAD (A287) ERECTION OF A COUNTRY STYLE BUNGALOW ON PLOT NO1</a>	Refused
92/21397/OU T	16 Mar 1992	Land At Peacocks Fuschia And Geranium Centre	<a href="#">FARNHAM ROAD, EWSHOT ERECTION OF A SINGLE DWELLING TO OPERATE AGRICULTURAL/ HORTICULTURAL USE OF LAND</a>	Refused
89/19060/FU L	17 Apr 1990	Peacocks Geranium And Fuschia Centre	<a href="#">PEACOCKS GERANIUM AND FUSCHIA CENTRE, FARNHAM RD, EWSHOT REVISED SITING OF PREVIOUSLY APPROVED DETACHED HOUSE</a>	Granted
88/17071/FU L	19 Mar 1990	Peacocks Geranium And Fuschia Centre	<a href="#">PEACOCKS GERANIUM AND FUSCHIA CENTRE, FARNHAM ROAD ODIHAM EXTENSION OF EXISTING GREENHOUSE AND CAR PARK FACILITIES AND DEMOLITION OF EXISTING STORES</a>	Granted
86/13983/FU L	19 Feb 1988	Peacocks Flower Centre	<a href="#">STRAWBERRY FARM, FARNHAM ROAD, EWSHOT ERECTION OF A DETACHED HOUSE</a>	Granted

86/13823/RE TEMP	28 Aug 1986	Peacocks Flower Centre	<a href="#">STRAWBERRY FARM, FARNHAM ROAD, EWSHOT RENEWAL - SITING OF MOBILE HOME</a>	Granted
85/12458/RE TEMP	27 Feb 1985	Peacocks Flower Centre	<a href="#">STRAWBERRY FARM, FARNHAM ROAD, EWSHOT SITING OF A MOBILE HOME</a>	Granted

3.2 The site is defined as being in the open countryside in the [Hart District Local Plan](#) (HDLP) (2006) paragraph 6 of the Planning Inspectorate report T/APP/N1730/A/98/1015298/P2 (dated 14 May 1999) for the appeal of planning application [97/00948/COU](#). Report T/APP/N1730/A/98/1015298/P2 can be found in appendix L of this report.

3.3 The site is not considered to be previously developed land. It has been established in the planning history of the wider curtilage of Peacocks Nursery, including the application site, that the site is considered non-developed land in the use of agriculture (horticulture) with the ancillary use of a garden centre. This is also the view of The Planning Inspectorate report T/APP/N1730/A/98/1015298/P2 (appendix L). Paragraph 2 of report the Inspector's report describes the garden centre as an introduction of an additional use rather than a change from the existing nursery use. The response from Hart District Council (dated 02 February 2015) (reference [14/02143/PREAPP](#)) to the submission of the Outline Pre-application Advice Request for Housing Scheme for the Peacock Nursery site, including the application site, states the Council's '*...opinion that the current authorised use of the site does not constitute 'previously developed land' as defined in the NPPF, but constitutes a horticultural (agricultural) use with ancillary garden centre activities.*'

#### 4. The Proposal

4.1 The proposal is for the change of use of land to the rear of Peacock Nursery, Ewshot, from agricultural use (horticulture with ancillary garden centre) to the sorting, crushing, stockpiling and exporting of inert waste materials.

4.2 The proposed development would consist of:

- The importation of 15,000 tonnes per annum of inert waste from landscape and construction projects using the operators own Heavy Commercial Vehicles (HCVs);
- An outdoor operations area for the use of mobile 360° excavator plant. This plant will sort and crush the material. Soils will be screened out and any small quantities of foreign materials separated out and skipped for disposal off site. The screening process is carried out twice for quality;
- Storage of the imported waste and sorted soil, sub base material and mixed fill material in outdoor stockpiles. The stockpiles are to be contained by concrete retaining walls to prevent spill;

- Export of the sorted materials for distribution and sale using the operators own HCVs;
  - An access track which runs around the side of Peacock Nursery and out to the shared public car park and access to the A287;
  - A proposed screen bank to the south of the site to provide screening to the A287 and public areas of the garden centre; and
  - Planting of a proposed vegetation buffer and bund between the stockpiles and the current embankments to the west and north edges of the site. This is to mitigate spill of material into the water course and hedgerow surrounding the site on these sides, and to reduce visual impact in these directions.
- 4.3 There are no buildings proposed as part of the development. The only structures are the retaining walls. The development will also include stockpiles.
- 4.4 The applicant proposes that the hours of operations will be 0700 to 1800 Monday to Friday. It is also proposed that the site will open on Saturdays between 0900 to 1300 for deliveries and exports only. It is not proposed to undertake any crushing operations on a Saturday.
- 4.5 The application states no fixed lighting will be required.
- 4.6 HCVs are defined as vehicles over 3.5 tonne un-laden. They will access and leave the site via the site access onto the A287. The applicant will operate 4 vehicles, a mixture of 12 and 16 tonne HCVs, and propose the number of vehicle movements at the site will be 8 per day. These will deliver material to the site from landscape and construction projects in the Fleet, Farnham, Odiham, Aldershot, Alton and eastern side of Basingstoke.
- 4.7 It is proposed that the development will operate in conjunction with the nursery and garden centre already operating on the wide Peacock Nursery site. The nursery and garden centre currently have regular HCV movements at the site, as well as public and employee private vehicle movements. The access to the site from the A287 is shared with the Peacock Nursery and garden centre, and one residential property.
- 4.8 The application states that no direct sales will be carried out on site. HCVs will be used to export the product from the site after processing. The HCVs will be the operator's own.
- 4.9 The proposed development is not considered an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2011](#). Screening under the EIA Regulations has been carried out on the proposed development as supplied. The development is classified as a Schedule 2 development as it falls within Category 11 (Installations for the disposal of waste (unless included in Schedule 1), (b) as the installation is to be sited within 100m of controlled water. However, whilst being identified under the Regulations, it is not deemed an EIA development requiring an Environmental Statement, as at the time of screening, the proposed development was not considered to have a significant likelihood of environmental impact.

## **5 Development Plan**

5.1 The following plans and associated policies are considered to be relevant to the proposal:

### **National Planning Policy Framework (NPPF) 2012**

5.2 The following paragraphs are relevant to the proposal:

- Paragraph 11 (Determination in accordance with the development plan unless material considerations indicate otherwise);
- Paragraph 12 (Determination in accordance with the development plan);

### **National Planning Policy for Waste (2014) (NPPW)**

5.3 The following paragraphs are relevant to the proposal:

- Paragraph 1 (Delivery of sustainable development and resource efficiency; and
- Paragraph 7 (Determining planning applications).

### **National Waste Planning Practice Guidance (NWPPG)** (last updated 15/04/2015)

5.4 The following paragraphs are relevant to the proposal:

- Paragraph 007 (Self sufficient and proximity principle);
- Paragraph 0046 (Need); and
- Paragraph 0050: (Planning and regulation).

### **Hampshire Minerals & Waste Plan (HMWP) 2013**

5.5 The following policies are relevant to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 3 (Protection of habitats and species);
- Policy 5 (Protection of the countryside);
- Policy 7 (Conserving the historic environment and heritage assets);
- Policy 10 (Protecting public health, safety and amenity);
- Policy 12 (Managing traffic);
- Policy 13 (High-quality design of minerals and waste development);
- Policy 25 (Sustainable waste management);
- Policy 27 (Capacity for waste management development);
- Policy 29 (Locations and sites for waste management); and
- Policy 30 (Construction, demolition and excavation waste development).

## 6 Consultations

6.1 **County Councillor Bennison:** Has objected.

6.2 **Hart District Council:** Has commented with recommendation to consider the following:

- The council's view in the pre-application response (ref. 14/02143/PREAPP), dated 02 February 2015, that the site is not developed;
- Lowering the height of the stockpiles in the interest of visual amenity in the countryside;
- The mixing of traffic for the garden centre and the proposed waste use;
- Any impact on the watercourse at the rear of the site; and
- Impact on neighbouring amenities, in particular appropriate working hours and controls on lighting.

6.3 **Hart District Council Environmental Health Officer (EHO):** Has no objection in principle to the development. They request that a dust management plan be conditioned for the development. The EHO *'has considered detriment to human health and the potential for Statutory Nuisance, but not for general public amenity.'*

6.4 **Crondall Parish Council:** Has objection due to the following reasons:

- The question of how all year round operation of the proposed hours could occur without artificial illumination leading to light pollution;
- No datum on the drawings leading to uncertainty about the height of the proposed bunds;
- The significant highway impact of HCVs existing onto the A287; and
- Should permission be refused, Enforcement must require repairs and cleaning of the site to be undertaken.

6.5 **Ewshot Parish Council:** Has commented with concerns about the following:

- Lack of details provided in relation to whether the site is suitable for such use and the future scale of operations;
- The number of vehicle movements to and from the site onto a busy, fast moving road;
- The use by HCVs of the same entrance to the site as public vehicles visiting the nursery; and
- The site has previously been greenfield and should be returned to that use.

6.6 **Environment Agency:** Has no objection in principle to the proposal. Their response notes that any development may require an Environmental Permit and any erection of any flow control structure, culverting or diversion of an

ordinary watercourse would require prior written consent from the Lead Local Flood Authority (LLFA).

- 6.7 **Highway Authority:** Has no objection as the proposal will not have a significant impact on the highway. This is subject to a condition that a maximum of 8 HCV movements per day may enter or leave the site on any working day. Records of vehicle movements to and from the site and the times of entry and departure shall be kept and made available for inspection at the request of the Waste Planning Authority.
- 6.8 **Lead Local Flood Authority (LLFA):** Has no comment due to the site being under 1.0ha. However, the LLFA does note that if the proposed development includes works to an ordinary watercourse, under the Land drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the LLFA is required for this work. This consent is required as a separate permission to planning.
- 6.9 **Waste Planning Authority Planning Policy:** Responded with comments of the site and development constraints in accordance with the [HMWP 2013](#).
- 6.10 **County Ecology:** Responded with a request for further information based upon concern regarding potential impacts to the water course and hedgerow during construction and site operation. The applicant was asked to address the following points:
- In reference to the retaining walls backed by soil bunds. The exact location and extent of the bunds is not clear from the plan, in particular, with regards to proximity to the existing hedgerow vegetation and to the watercourse. A proposed section drawing is provided, but clarification is required regarding the current proximity of materials to the hedgerow and watercourse, and the proximity of the proposed construction and soil (bund) movement works in relation to the hedgerow and watercourse;
  - The ecological report makes reference to pollution prevention guidelines, but in the context of the proximity information (mentioned above) the measures that will need to be taken (including methodologies) to avoid impacts during the construction (including material removal and bund formation) works should be set out to demonstrate that the habitats can be adequately protected. Impacts may relate to materials entering the habitats and also pollution from surface water runoff; and
  - Clarification is required on the existing surface water drainage path on site, and that which is proposed. This needs to be assessed in the context of avoiding deterioration in the quality of the waterbody.

The supplementary statement from the applicant received by the Waste Planning Authority on 27 April 2016 partially addressed these points, but not to a level of satisfaction for the County Ecologist to have no objection to the proposal.

- 6.11 **County Planning and Heritage (Landscape):** submission of the supplementary statement from the applicant to the Waste Planning Authority. The response requested for further information relating to the following areas

- Further details are required for further planting needed to the southern boundary of the site to create a more substantial screen;
- Further definition is needed between the recycling site and the nursery, suggesting planting be further extended to link with the proposed soil bund and planting behind the polytunnel adjacent to the site. This would create definition, provide further screening from the nursery and increase biodiversity on the site;
- There is an area based TPO on the trees within the hedgerows which bound the north side of the site. The applicant is proposing to protect this by creating a new retaining wall to be formed between the hedgerow and the stockpiles; There are concerns that if the stockpiles are 5m in height and the retaining walls are only 2m (as measured from the cross section) that there is the likely potential for material to overflow off site;
- Additional native tree planting has been proposed on the bunds, containing the site and ensuring that the recycling activity is screened from adjacent land use;
- The site is set within a rural location, no lighting or fencing have been proposed as part of the application, should this be required in the future; consideration should be carefully given to ensure the impact on the surrounding landscape is mitigated. Details of should be submitted to HCC prior to implementation; and
- Should the application be refused, it should be ensured that the site is restored back to its previous state, removing all bunds and any hard standing.

6.12 **HCC Public Health:** Was notified of the proposal.

## 7 Representations

7.1 As of 31 May 2016, a total of 23 representations to the proposal have been received. All objected to the proposal. The following issues have been raised by members of the public:

- Retrospective nature of the application for a waste operation being carried out without permission or permit;
- Inappropriate site and location, in open countryside and/or on a undeveloped site;
- Development creep following any permission being granted, local to site and to wider area;
- The poor quality of the application;
- Lack of topography and clarity on the application plans and elevations;
- Traffic assessment in the application being out of date;
- Inaccuracy over historic operational timescales;
- Visual amenity and landscape impact on the countryside;
- Inappropriate proposed site screening;

- Loss of residential and rural amenity;
- Noise impact on local residents;
- Height of spoil heaps and proximity to boundaries;
- Dust pollution;
- Material in surface water runoff polluting and blocking the watercourse;
- Environmental and ecological damage to the watercourse, protected trees and hedgerow adjacent to the site, including litter;
- Impact of light pollution from the site;
- Night time operation of the site;
- Air quality impact from site plant and HCV emissions;
- Increase in traffic on the A287 from HCVs;
- Mud and debris on the A287 from the site;
- Wear and tear to the A287 road surface;
- The dangerous access onto the A287, and increase hazard on the A287 from HCVs;
- That there is no local need, there are two local site already in operation;
- Conflict with existing businesses/neighbouring land uses (such as with the nursery, garden centre, agricultural and residential properties); and
- The proposed development does not meet policies 5 and 29 of the [HMWP 2013](#).

#### Non material planning issues raised in representations

7.2 The above issues identified that are material planning issues will be discussed and addressed within the following section, 8. Commentary.

7.3 Non material planning considerations raised in the representations by members of the public are identified below. These will not be addressed in this report:

- Retrospective nature of the application for a waste operation being carried out without permission or permit;
- Development creep following any permission being granted, local to site and to wider area;
- Inaccuracy over historic operational timescales;
- Night time operation of the site as the site is not proposing night time working; and
- Wear and tear to the A287 road surface.

## 8 Commentary

### Development Plan

- 8.1 In order for the proposed development to be considered for approval, the principle of a waste recycling facility on this site needs to be established primarily in accordance with the policies of the adopted [Hampshire Minerals and Waste Plan](#) (HMWP) (2013). In this case, the key policies of the [HMWP 2013](#) are Policies 5 (Protection of the countryside), 29 (Locations and sites for waste management) and 30 (Construction, demolition and excavation waste development). This is in accordance with paragraphs 11 and 12 of the [NPPF](#). It is demonstrated below that this application does not establish that the development is in accordance with these policies. The application also does not provide sufficient information in order to demonstrate accordance the relevant policies with respect to topics grouped into the headings below.

### Planning Context of the Site

- 8.2 It has been established in section 3, paragraphs 3.2 – 3.3, of this report that the site is in the open countryside and the site is not considered to be previously developed land. It has also been established in the planning history of the wider curtilage of Peacocks Nursery (which includes the application site), that the site is considered to be non-developed land in the use of agriculture (horticulture) with the ancillary use of a garden centre. The historic aerial photographs in appendices J and K of this report also demonstrate the greenfield credentials of the site prior to the current waste development.
- 8.3 The planning history of the site also demonstrates a consistent application of the Local Plan by the Hart District Council to refuse other forms of development (non minerals and waste) considered inappropriate for this site. This includes proposals for:
- residential;
  - commercial (in the form of the garden centre); and
  - industrial (coach and van storage area).
- 8.4 It therefore stands to reason that the proposed use as a waste recycling facility is also not appropriate for this site for the reasons identified in the remaining part of this section of the report.

### Protection of the Countryside

- 8.5 With respect to Policy 5 (Protection of the countryside) of the [HMWP \(2013\)](#), waste development in the open countryside will not be permitted unless the nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location or the development provides a suitable reuse of previously developed land, including redundant farm or forestry buildings and their curtilages or hard standings.
- 8.6 The planning application does not demonstrate a local need for this development on this particular site. Paragraph 2.14 also describes two similar local developments. The application does not demonstrate that this

proposed development is related to countryside activities nor that it specifically requires a countryside or isolated location. As stated in section 3 of the report, the proposed site is not located on previously developed and does not have any existing redundant farm or forestry buildings or associated hard standings. Therefore, the application does not demonstrate that this proposed development is appropriate for the countryside and that it is not a suitable change of use for this site. Therefore the application does not comply with Policy 5 (Protection of the countryside).

#### Need for Waste Management Development

- 8.7 The [HMWP \(2013\)](#) sets out its vision for the plan period and states that it is “Aiming for Hampshire to be ‘net self-sufficient’ in waste management facilities whereby it can accommodate all the waste that arises, whilst accepting there will be movements into and out of the area to facilities...”(paragraph 2.25). This is echoed and expanded upon by the NWPPG in paragraph 7 as it deals with the questions of self-sufficiency and proximity. It focuses on effective and efficient use of capacity and recognises economies of scale and flexibility as important values.
- 8.8 Policy 25 (Sustainable waste management) sets out the approach for the overarching sustainable waste management policy, setting out the long-term aim of enabling net self-sufficiency in waste movements and diversion of waste from landfill. It sets criteria by which all waste development is expected to meet, relating to the waste hierarchy, reducing waste to landfill, proximity to markets and maximising co-location opportunities. This is relevant as the proposal meets the requirements of parts a, b, c and d of the policy as it encourages “waste to be managed at the highest achievable level within the waste hierarchy” and would “reduce the amount of residual waste currently sent to landfill”. The Plan also recognises that “a reality of the waste management industry is the movement of certain wastes (particularly waste from businesses and industry) to different locations for management either into or out of Hampshire. The amount of ‘exported’ and ‘imported’ waste can vary each year but it is important to ensure that enough facilities are provided to manage the equivalent amount of waste generated in Hampshire each year and that Hampshire is ‘net self-sufficient’ in terms of waste management capacity. This helps ensure that waste is managed in one of the nearest appropriate waste facilities and uses the most appropriate methods and technologies. It also helps limit the distance waste has to be transported” (paragraph 6.135). The proposed development is also considered to be located near to the sources of waste and/ or markets for its use. The proposal is considered to be in accordance with Policy 25.
- 8.9 Policy 27 (Capacity for waste management development) of the [HMWP \(2013\)](#) indicates that Hampshire will need to manage 2.49mtpa of inert waste arisings up to 2030. However, the plan does not allocate any sites for inert recycling, Paragraph 6.172 of the Plan states that inert capacity for the provision of high quality recycled and secondary aggregates could be increased with investment. This application would deal with 15,000 tonnes per annum of inert construction and demolition waste and so could

contribute to meet this capacity provision. The proposal is considered to be in accordance with Policy 27.

- 8.10 Policy 30 (Construction, demolition and excavation waste development) of HMWP (2013) supports development which will maximise the recovery of construction, demolition and excavation waste to help to meet the target of least 1mtpa of high quality recycled/secondary aggregates within the policy. The proposal could contribute to providing additional infrastructure to maximise the availability of recycled material, thereby supporting the delivery of Policy 30.

#### Locations for Waste Management Development

- 8.11 Policy 29 (Locations and sites for waste management) of the HMWP (2013) provides the framework for the location of new waste sites in Hampshire. The policy sets out criteria for where the location of waste developments to provide recycling, recovery and/ or treatment of waste will be supported. However, the proposal does not fulfil any of the requirements of part 1, nor part 2 of the policy; It is not in an urban area; it is not in an area along the strategic road corridor; it is not in an area of major new or planned development; it is not on previously developed land; and the site has no existing buildings or hardstandings. The site can be considered to have good transport connections, the Highways Authority having no objection to the proposal. However, the application makes no attempt to justify a special need and suitability for that particular site. In addition, the nature of the development is not considered to require a countryside or isolated location as set out under Policy 5 (Protection of the countryside). Therefore the application is not in accordance with Policies 5 (Protection of the countryside) and 29 (Locations and sites for waste management).

#### Ecological and Environmental Impact

- 8.12 Policy 3 (Protection of habitats and species) of the HMWP (2013) is in place to ensure minerals and waste developments should not have a significant adverse effect on, and where possible, should enhance, restore or create, designated or important habitats and species. It states that appropriate mitigation and compensation measures will be required where development would cause harm to biodiversity interests.
- 8.13 The [Ecological Assessment](#) submitted as part of the application, and the [County Ecology consultation response](#), highlight the presence of sensitive environmental habitat neighbouring the site. The primary considerations are the hedgerows and open watercourse described in section 2 of this report and their associated habitats and species.
- 8.14 The main potential impacts the development could have to these habitats is the over spill of the stockpiles and material content in surface water runoff and drainage running into the hedgerow and watercourse.
- 8.15 The application documents included proposed mitigation measures such as:
- in the form of a retaining wall to the outside of the stockpiles;

- moving the stockpiles away from the embankments at the perimeter of the site; and
  - installing a vegetation buffer area on the land between the stockpiles and the embankment and on the embankment.
- 8.16 These are shown on the proposed site layout drawing [E10/WP/1/05 rev B](#) and the proposed development sections [E10/WP/01/07 rev A](#).
- 8.17 However, the initial consultation response by the County Ecologist raised requests for further information in order to allow the proposed development to be considered in accordance with Policy 3 (Protection of habitats and species) and Policy 10 (Protecting public health, safety and amenity). In reply to this, the applicant submitted a [Supplementary Planning Statement](#) (dated 25 April 2016) which gave a response to each of the County Ecologist's questions. However, the supplementary planning statement does not fully address the issues raised by the County Ecologist. Further information would be required in order to address the following:
1. The proposed and existing development section drawings do not show any levels and are not of sufficient accuracy to allow for consideration as to the quality of the mitigation. The Supplementary Planning Statement states it is not possible to provide accurate vertical levels;
  2. Further information as to the construction proposals of the vegetation buffer and how it relates to the current embankment to the perimeter of the site. The Supplementary Planning statement implies reducing the gradient of the embankment, but not the existing levels of the site; and
  3. Further information as to surface water drainage path and management of this, including numerical engineering demonstration. The drainage management of the proposal needs to ensure prevention of pollution of the open watercourse.
- 8.18 Therefore, the application includes insufficient information to demonstrate the proposed development would not cause harm to biodiversity interests and so does not satisfy the requirements of policies 3 (Protection of habitats and species) and 10 (Protecting public health, safety and amenity).

#### Visual Impact and Landscape

- 8.19 Following a request by County Planning and Heritage (Landscape) a statement was submitted to the Waste Planning Authority for consideration. Following this, further information was requested. The applicant was asked to address points relating to the visual impacts of the proposed development to the local, countryside landscape. A response from the applicant has not been received by the Waste Planning Authority.
- 8.20 The main concerns noted by County Planning and Heritage (Landscape) is to the height of the proposed stockpiles and the inadequate screening provided at the site. This view is also supported by the responses by Hart District Council and Crondall Parish Council. The screening is from the existing vegetation, the hedgerows and trees to the perimeter of the site,

and the proposed screening provided by the bund and planting to the outside of the stockpile retaining walls as shown on the proposed site layout drawing [E10/WP/1/05 rev B](#) and the proposed development sections [E10/WP/01/07 rev A](#).

- 8.21 The proposed heights of the stockpiles are shown on the submitted proposed development sections [E10/WP/01/07 rev A](#) as higher than the proposed screening intended to mitigate the impact. However, this drawing does not show any levels and is not of sufficient accuracy to allow for consideration as to the quality of the mitigation. The [Supplementary Statement](#) states it is not possible to provide accurate vertical levels. Accurate levels are required in order to consider the mitigation of the proposed development on visual impact and also for the monitoring of stockpile levels should permission be granted.
- 8.22 Therefore, insufficient information has been provided satisfy the requirements of Policy 13 (High-quality design of minerals and waste development). The application does not demonstrate that the development does not cause an unacceptable adverse visual impact and maintains and enhances the distinctive character of the landscape.

#### Public Health, Safety and Amenity

- 8.23 Concerns about the potential impacts on public amenity and health impacts of the proposed development due to noise, light pollution, emissions and dust from the proposed operations are acknowledged, as well as the concerns about potential adverse impacts on local businesses, such as the garden centre and nursery adjacent to the site. The following paragraphs work through each of these issues.
- 8.24 Any impact from the development on air quality in the form of dust could be suitability controlled by conditions. Therefore dust emission is not a reason on which to refuse planning permission for this proposal. This view is in line with the Hart District Council Environmental Health Officer (EHO) consultation response, which states that a dust management plan would be necessary if an environmental permit is in place for the intended operation.
- 8.25 The application states no fixed lighting will be required. Consultation responses from Hart District Council, Crondall and Ewshot Parish Councils, County Planning and Heritage (Landscape) raise the question of how the development would safely operate without lighting during the proposed working hours in winter, it would be dark during periods of the proposed hours of work (0700 to 1800 Monday to Friday). The safe operation of a development is not a material planning consideration, it is an issue for the other regulatory bodies such as the Environment Agency, as per Paragraph 0050: (Planning and regulation) of the [NWPPG](#). The visual and ecological impact of lighting is a material planning consideration under Policy 10 (Protecting public health, safety and amenity) (parts c and d). The countryside location of the site could be particularly sensitive to lighting. Based upon the visual mitigation proposed in the application, it is reasonable to consider non-fixed lighting, either on the ground or on plant, would cause a visual amenity impact on the countryside location of the site

to an extent comparable with fixing lighting. Therefore, based upon the working hours proposed, which can be considered inappropriate to work without lighting, the application has not sufficiently demonstrated that the development would not cause an unacceptable lighting impact.

- 8.26 The consultation response from EHO stated that its consideration is for the *'detriment to human health and the potential for Statutory Nuisance, but not for general public amenity.'* Under this position, the EHO does not object to the application. An issue raised by public representation is that of the adverse impact of noise caused by the development on public amenity and the character of the countryside landscape in which the site sits. The application does not include information in order to demonstrate that the proposed development would not have a noise based adverse impact on public health or unacceptable adverse amenity impacts in the context of a countryside setting.
- 8.27 In reference to the proximity of residential properties, Paragraph 5.15 of the [HMWP 2013](#) states that it is standard practice in Hampshire for operational inert waste recycling site to have a minimum buffer zone of 100 metres, where appropriate, from the nearest sensitive human receptors, such as homes. In the case of this site, there is a residential property within 100m on the wider Peacock Nursery site. It is the duty of an application to demonstrate that a proposed development would not have an adverse impact on sensitive human receptors and so allow case-by-case consideration.
- 8.28 Paragraph 5.18 and Policy 10 (Protecting public health, safety and amenity) (part J) state that a waste development should not cause an unacceptable cumulative impact to other forms of development and that the impacts of existing surround uses will be considered. The possibility of adverse impact on local businesses, such as the garden centre and nursery adjacent to the site, requires the application to demonstrate that the impact of the development would not be unacceptable to adjacent uses. The application does not include any information which suitability demonstrates that it would not have an unacceptable impact to adjacent land uses.
- 8.29 Taking the above into account, based on the information submitted with the application, the proposal does not satisfy the requirements of policies 10 (Protecting public health, safety and amenity) and Policy 13 (High-quality design of minerals and waste development).

#### Highways Impact

- 8.30 Policy 12 (Managing traffic) of the [HMWP 2013](#) requires minerals and waste developments 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.
- 8.31 The concerns raised by the local residents, Hart District Council, Ewshot Parish Council and Crondall Parish Council in relation to potential highways

impacts are acknowledged. Public representations raised the query that the traffic assessment included as part of the application was out of date. In response to this, the Highway Authority carried out a site visit. In conjunction with this visit, it considered the level of information provided by the applicant was sufficient for them to take a view of the relative impact of the proposal in proportion to the existing traffic using the local highways and the Peacock Nursery site access. The [Highway Authority's consultation response](#) raises no objection to the proposal subject to the condition that HCV movements to and from the site are limited to 8 per day, in line with the information provided in the application.

- 8.32 The Highway Authority's response includes analysis of Personal Injury Accidents for a 5 year period between 1 April 2011 and 31 March 2016 for the relevant length of the A287. This analysis states that there have been no accidents in the immediate vicinity of the Peacock Nursery junction and no accidents recorded on the A287 road involved HCVs. The response states that the bellmouth at the site access is satisfactory to provide space for HCVs to enter and leave simultaneously and suitable sight lines in either direction can be achieved. There is also a dedicated right turn refuge on the A287 to accommodate vehicles turning into the site travelling from the east.
- 8.33 The Highway Authority takes the view that the additional HCV movements of the development, at 8 movements per day, will not represent a significant impact to the safety or operation of the A287. This is thought to not be a significant number in comparison to the HCVs and smaller vehicles which currently use the access from the A287 to visit Peacock Nursery.
- 8.34 In addition, the Highway Authority notes that the emissions from the number of HCV movements proposed in the development can not be considered to have a significant impact on air quality in the area when considered to the level of traffic on the A287.
- 8.35 Therefore, taking the above into account, the proposal meets the requirements of Policy 12 (Managing traffic).

#### Impact on the Historic Environment

- 8.36 Policy 7 (Conserving the historic environment and heritage assets) of the HMWP (2013) states that Minerals and waste development should protect and, wherever possible, enhance Hampshire's historic environment and heritage assets.
- 8.37 It is identified that there is a number of historic assets in the vicinity of the site. Two local residencies are listed buildings, Dares Farm and Combe Wood Cottage (paragraph 2.9 of this report) and Hampshire County Archaeology green alert status is given to an asset, identified as a pillbox, located 18m from the site boundary.
- 8.38 It is considered that the type and scale of the proposed development would not have a significant impact on these historic assets. Therefore, the proposal is in accordance with Policy 7 (Conserving the historic environment and heritage assets).

## Summary

8.39 It is considered that the proposal would not be in accordance with a number of the policies of the adopted [Hampshire Minerals and Waste Plan](#) (2013). The site is located in the open countryside, is not located on previously developed land and is without existing buildings or hard standings. The application has also not demonstrated that the nature of the development is related to countryside activities, meets a local need, or that it requires a countryside or isolated location. Therefore the principle of the proposed development is not in accordance with Policy 5 (Protection of the countryside). The principle of the proposed development does not accord to relevant parts of Policy 29 (Locations and sites for waste management). The application has not demonstrated that there is a special need for this location and the suitability of the site has not been suitably justified in the application. The application also fails to demonstrate that the proposed development meets policies 3 (Protection of habitats and species), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development), in that it fails to demonstrate that the proposed development would not cause adverse impacts on ecology, the environment, the visual landscape and character of the countryside area and public amenity.

8.40 Taking all of this into account, the proposal is not considered to constitute a sustainable waste development in line with Policy 1 (Sustainable minerals and waste development) of the [HMWP](#) (2013).

## **9 Recommendation**

9.1 The planning permission should be REFUSED and enforcement procedures should commence for the following reasons:

- (i) The development is not in accordance with Policy 5 (Protection of the countryside) of the [Hampshire Minerals and Waste Plan](#) (HMWP) (2013) as:
  - the site is located within the open countryside;
  - The development is not a time limited mineral extraction or related development;
  - the nature of the development does not relate to countryside activities, meet local needs or require a countryside or isolated location; and
  - The site is not previously developed land.
- (ii) The development is not in accordance with Policy 29 (Locations and sites for waste management) of the [Hampshire Minerals and Waste Plan](#) (HMWP) (2013) as:
  - it is not located in the locations identified for the development to provide recycling, recovery and/ or treatment of waste (pursuant to Policy 29(1));
  - it is not part of a suitable industrial estate, does not have permission or allocation for general industry or storage, is not located on previously-developed land or redundant agricultural and forestry

buildings, their curtilages and hardstandings nor is it part of an active quarry or landfill (pursuant to Policy 29 (2)); and

- no special need for the location or the suitability of the site has been justified (pursuant to Policy 29 (3)).
- (iii) The application fails to demonstrate that the proposed development meets Policy 3 (Protection of habitats and species), as the development is likely to have a significant adverse impact upon sites, habitats and species and the development fails to demonstrate that the mitigation and compensation measures proposed are adequate to protect the biodiversity interests.
- (iv) The application fails to demonstrate that the proposed development meets Policy 10 (Protecting public health, safety and amenity), as it fails to demonstrate the development would not cause adverse impacts on public health, safety and amenity; and
- (v) The application is contrary to the requirements of Policy 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013), as it fails to demonstrate the development would not result in an unacceptable adverse visual impact on the character of the surrounding countryside and on public amenity.
- 9.2 If planning permission is refused, expedient enforcement action will be considered by the Waste Planning Authority to ensure the cessation of the waste operation, removal of waste material from the site and restoration of the site, in a timely manner, back to a condition equal or better than that before commencement of the waste development.

Appendices:

Integral Appendix A – Corporate or Legal Information

Integral Appendix B – Informatives

Integral Appendix C – Development Plan Policies Relevant to the Proposal

Appendix D – Application Area E10/WP/1/03 Rev A

Appendix E – Proposed Site Layout E10/WP/1/05 Rev B

Appendix F – Proposed Development Sections E10/WP/1/07 Rev A

Appendix G – Aerial Photograph of site taken in 2000

Appendix H – Aerial Photograph of site taken in 2013

Appendix I – The Planning Inspectorate report T/APP/N1730/A/98/1015298/P2

Other documents relating to this application:

The response from Hart District Council (dated 02 February 2015) (reference [14/02143/PREAPP](#)) to the submission of the Outline Pre-application advice request for housing scheme for the Peacock Nursery site

RefRpt/7659/PM

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

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

## ADVICE NOTES

1. In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees and the applicant/agent. 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) (Amendment No.2) Order 2012.
2. For the purposes of this application, Heavy Commercial Vehicles (HCVs) are defined as all vehicles over 3.5 tonnes unladen.
3. 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.

*Annexe to Reasons for Conditions (as required by Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010)*

**National Planning Policy Framework (NPPF) 2012**

**Paragraph 11 (determination in accordance with the development plan unless material considerations indicate otherwise)**

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

**Paragraph 12 (The NPPF and development plans)**

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

**National Planning Policy for Waste (2014) (NPPW)**

The NPPW demonstrates an ambition for the *'delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy'*. It also states that *'waste planning authorities should consider the likely impact on the local environment and on amenity'*.

**Paragraph 1**

Introduction. The Waste Management Plan for England<sup>1</sup> sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country's waste ambitions through:

- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy (see Appendix A);
- ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;
- providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling

waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle<sup>2</sup>;

- helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and
- ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.

This document sets out detailed waste planning policies. It should be read in conjunction with the National Planning Policy Framework<sup>3</sup>, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

## **Paragraph 7**

### Determining planning applications

When determining waste planning applications, waste planning authorities should:

- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
- recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;
- consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
- 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;
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;

- ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

## **National Waste Planning Practice Guidance (NWPPG)**

### **Paragraph 7**

Do the self-sufficiency and proximity principles require each waste planning authority to manage all of its own waste?

Though this should be the aim, there is no expectation that each local planning authority should deal solely with its own waste to meet the requirements of the self-sufficiency and proximity principles. Nor does the proximity principle require using the absolute closest facility to the exclusion of all other considerations. There are clearly some wastes which are produced in small quantities for which it would be uneconomic to have a facility in each local authority. Furthermore, there could also be significant economies of scale for local authorities working together to assist with the development of a network of waste management facilities to enable waste to be handled effectively.

The ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity.

### **Paragraph 46**

When can unallocated sites be used?

There may be significant changes in, for example, technological impact and land ownership that occur over a short period of time and provide opportunities that were not anticipated.

In the case of waste disposal facilities, applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy. If the proposal is consistent with an up to date Local Plan, there is no need to demonstrate 'need'.

Where monitoring indicates that a persistent, and significant gap, exists between what has been planned for and what is occurring in reality, the waste planning authority may consider addressing this through review of the Local Plan.

### **Paragraph 50**

What is the relationship between planning and other regulatory regimes?

The planning system controls the development and use of land in the public interest. This includes consideration of the impacts on the local environment and amenity taking into account the criteria set out in Appendix B to National Planning Policy for Waste.

There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.

### [Hampshire Minerals and Waste Plan \(HWMP\) 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 5 (Protection of the countryside)**

Minerals and waste development in the open countryside, outside the National Parks and Areas of Outstanding Natural Beauty, will not be permitted unless:

- a. it is a time-limited mineral extraction or related development; or
- b. the nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location; or
- c. the development provides a suitable reuse of previously developed land, including redundant farm or forestry buildings and their curtilages or hard standings.

Where appropriate and applicable, development in the countryside will be expected to meet highest standards of design, operation and restoration.

Minerals and waste development in the open countryside should be subject to a requirement that it is restored in the event it is no longer required for minerals and waste use.

### **Policy 7 (Conserving the historic environment and heritage assets)**

Minerals and waste development should protect and, wherever possible, enhance Hampshire's historic environment and heritage assets, both designated and non designated, including the settings of these sites.

The following assets will be protected in accordance with their relative importance:

- a. scheduled ancient monuments;
- b. listed buildings;
- c. conservation areas;
- d. registered parks and gardens;
- e. registered battlefields;
- f. sites of archaeological importance; and
- g. other locally recognised assets.

Minerals and waste development should preserve or enhance the character or appearance of historical assets unless it is demonstrated that the need for and benefits of the development decisively outweigh these 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:
  - i. tip and quarry slope stability; or
  - ii. differential settlement of quarry backfill and landfill; or
  - iii. 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 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 25 (Sustainable waste management)**

The long-term aim is to enable net self-sufficiency in waste movements and divert 100% of waste from landfill. All waste development should:

- a. encourage waste to be managed at the highest achievable level within the waste hierarchy; and
- b. reduce the amount of residual waste currently sent to landfill; and

- c. be located near to the sources of waste, or markets for its use; and / or
- d. maximise opportunities to share infrastructure at appropriate existing mineral or waste sites.

The co-location of activities with existing operations will be supported, where appropriate, if commensurate with the operational life of the site, and where it would not result in intensification of uses that would cause unacceptable harm to the environment or communities in a local area (including access routes), or prolong any unacceptable impacts associated with the existing development.

Provision will be made for the management of non-hazardous waste arisings with an expectation of achieving by 2020 at least:

- 60% recycling; and
- 95% diversion from landfill.

### **Policy 27 (Capacity for waste management development)**

In order to reach the objectives of the Plan and to deal with arisings by 2030 of:

- 2.62mtpa of non-hazardous waste;
- 2.49mtpa of inert waste;
- 0.16mtpa of hazardous waste.
- 

The following minimum amounts of additional waste infrastructure capacity are estimated to be required:

- 0.29mtpa of non-hazardous recycling capacity; and
- 0.39mtpa of non-hazardous recovery capacity; and
- 1.4mt of non-hazardous landfill void.

Proposals will be supported where they maintain and provide additional capacity for non-hazardous recycling and recovery through:

- a. the use of existing waste management sites; or
- b. extensions to suitable sites:
  - i. that are ancillary to the operation of the existing site and improve current operating standards, where applicable, or provide for the co-location of compatible waste activities; and
  - ii. which do not result in inappropriate permanent development of a temporary facility and proposals for ancillary plant, buildings and additional developments that do not extend the timescale for completion of the development; or
- c. extension of time to current temporary planning permissions where it would not result in inappropriate development; or
- d. new sites to provide additional capacity (see Policy 29 - Locations and sites for waste management).

**Policy 29 (Locations and sites for waste management)**

1. Development to provide recycling, recovery and/ or treatment of waste will be supported on suitable sites in the following locations:
  - i. Urban areas in north-east and south Hampshire;
  - ii. Areas along the strategic road corridors; and
  - iii. Areas of major new or planned development.
  
2. Any site in these locations will be considered suitable and supported where it:
  - a. is part of a suitable industrial estate; or
  - b. has permission or is allocated for general industry/ storage; or
  - c. is previously-developed land or redundant agricultural and forestry buildings, their curtilages and hardstandings or is part of an active quarry or landfill operation; or
  - d. is within or adjoins sewage treatment works and the development enables the co-treatment of sewage sludge with other wastes; and
  - e. is of a scale compatible with the setting.
  
3. Development in other locations will be supported where it is demonstrated that:
  - a. the site has good transport connections to sources of and/or markets for the type of waste being managed; and
  - b. a special need for that location and the suitability of the site can be justified.

**Policy 30 – Construction, demolition and excavation waste development**

Where there is a beneficial outcome from the use of inert construction, demolition and excavation waste in developments, such as the restoration of mineral workings, landfill engineering, civil engineering and other infrastructure projects, the use will be supported provided that as far as reasonably practicable all materials capable of producing high quality recycled aggregates have been removed for recycling.

Development to maximise the recovery of construction, demolition and excavation waste to produce at least 1mtpa of high quality recycled/secondary aggregates will be supported.