

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	27 July 2011
Title:	Change of Use to Retain and Extend Recycling Facility with ancillary development and activities at RFSF Recycling, Bunny Lane, Timsbury, Romsey SO51 0PG (Application No: 10/02712/CMAS) (Site Ref: TV066)
Reference:	3057
Report From:	Head of Planning and Development

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1. Executive Summary

- 1.1. This report considers an application to retain on a permanent basis and extend, by approximately 50% an existing temporary waste recycling facility on land north of Bunny Lane, Timsbury, near Romsey. The total footprint of the proposed permanent site would be approximately 6 hectares.
- 1.2. The existing recycling facility is permitted on a temporary basis until 2015. It comprises two storey offices, a weighbridge, mess facilities, an MRF building which re-uses an old agricultural building and 3.5 hectares of land. It involves storage and recycling of commercial and industrial waste as well as inert wastes. In addition to these existing facilities the applicant wishes to expand the site in a southerly direction close to the boundary with Bunny Lane. Additional facilities located on the southerly extension area would include a foam mix plant, a wood shredder and the ability to import compost to mix with recycled materials.
- 1.3. The existing site is bunded to the north and west with 4 metre high bunds of quite steep gradient. A 2 metre bund separates the site from Michelmersh and Timsbury footpath No. 4 which adjoins the site to the east. The footpath crosses the area proposed for the southern extension. The proposals include diverting footpath No. 4 to the south and east which would require an order under Section 257 of the Town and Country Planning Act. Accordingly there are two recommendations that relate to the proposal itself and

Recommendation (B) to the making of an order for the footpath to be diverted under Section 257 of the TCPA.

- 1.4. The Michelmersh and Timsbury Parish Council, Braishfield Parish Council and Romsey Town Council, along with Test Valley Borough Council, have objected to the proposal on the key grounds of noise , location, other amenity, countryside policy and traffic impacts. There is no objection raised by Environmental Health, Environment Agency or Highways Authority subject to conditions. The Ramblers Association raise no objection in principle to the proposed diversion which includes the creation of an additional section of footpath between Jinny Lane and the site entrance.
- 1.5 Thirteen letters of support have been submitted, including customers and employees, Members undertook a site visit, which included walking the footpath route in June. A specification agreed between Rights of Way and the applicant for any future footpath is attached as appendix (A). Drawings requested by members are attached as appendix (B).
- 1.6 The issues raised by the proposal are:
 - (i) Land use – whether the development complies with policy and is acceptable in the countryside
 - (ii) Landscape character and visual impacts – will the development fit in to its rural setting
 - (iii) Traffic and location – is the development acceptable in Highway safety terms/is Bunny Lane an acceptable access and are there wider traffic impacts
 - (iv) Amenity – will the operation of the site adversely affect residents and other users of the land in the locality such as horse riders and ramblers.
 - (v) Biodiversity- will the operation impact on protected species and enhance biodiversity.
 - (vi) Need and other material considerations –need for the waste facility ; need for footpath diversion and other considerations such as the recent Ministerial statement about promoting sustainable economic development.
- 1.7 It is considered, on balance, that whilst the site does not fully comply with Policy DC13 because it is not all sited on previously developed land, there are socio economic merits to the proposal that need to be given due weight in determining the application. In particular there is evidence the existing facility has a regular market and provides a number of local jobs. There is not a Highways Authority objection (DC6). The proposal provides additional sustainable waste management capacity (DC1, S1, S5); some landscape screening (DC3) which has biodiversity benefit and is considered unlikely to have any significant impacts on the ecology of the area (DC2, DC7); flood risk is acceptable (DC11) and amenity impacts are within accepted standards (DC8). However, the development does require Michelmersh and Timsbury Footpath No. 4 to be diverted under Section 257 of the TCPA.

2. Recommendations

- 2.1 That, subject to a Section 106 agreement securing a highway contribution, off site planting and associated management of that planting for a period of five years, planning permission for change of use to retain and extend recycling facility with ancillary development and activities at RFSF Recycling, Bunny Lane, Timsbury, Romsey SO51 0PG (Application No: 10/02712/CMAS) be granted, subject to the conditions listed in Integral Appendix B.
- 2.2 That an order be made under Section 257 of the Town and Country Planning Act 1990 for the re-alignment of Michelmersh and Timsbury footpath No. 4.

3. Site and planning history

- 3.1 The application site, as shown on the attached plans, is accessed off Bunny Lane, Timsbury. It extends across an area of six hectares. Approximately 3.35 hectares has permissions until 2015 and includes:
 - an existing temporary recycling facility for construction waste;
 - associated storage, and skip storage area;
 - a materials recovery facility (MRF); and
 - a two storey weighbridge and office building.The remainder of the site is vacant rough grazing land.
- 3.2 The application site is bordered by some native hedgerow trees to the west. Beyond, the land falls steeply to the Test Valley.
- 3.3 To the east side of the existing site is Michelmersh and Timsbury public footpath No. 4, and a former landfill, for which permission lapses in October 2011.
- 3.4 The southern portion of the site is crossed (north-south) by Michelmersh and Timsbury footpath No. 4 and a haul road.
- 3.5 The southern boundary is separated from Bunny Lane by some hedgerows.
- 3.6 The nearest house is understood to be owned and occupied by the applicant and is located approximately 85 metres to the north-west. Further north, approximately 220 metres from the site are about 30 new houses constructed on the Old Tileworks site. To the south of the new houses, between them and the site, is a new public play area and a public bridleway. The Casbrook Stream approximately 300 metres to the east.
- 3.7 Land due north of the existing site facility and south of the new housing on Rudd Lane is an historic tip for which gas monitoring is ongoing at the site.
- 3.8 Bunny Lane is a rural road that also serves a Household Waste Recycling Centre (HWRC) and Casbrook Industrial Park, which includes a waste recycling

facility within it. It has had improvements undertaken to it between the site access and its junction with the Yokesford Hill Road.

3.9 The following planning constraints directly affect the site:

- adjacent historic tip site to the north;
- Michelmersh and Timsbury Footpath no. 4; and bridleway to the north (south of new housing);
- the new housing development on the Old Tileworks;
- Casbrook Stream and SINC; and
- groundwater vulnerability zone.

3.10 The key planning permissions that relate to the application site are:

- TVS01051/9 Waste Recycling Facility 28 June 2006;
- 08/00887/CMAS Non-compliance with condition 2 (time limit) and 13 (restoration) of Planning Permission TVS01051/9 to retain as a permanent recycling facility 22 May 2008;
- 08/01463/CMAS Non Compliance with condition 3 of Planning Permission TVS01051/9 to remove the link between the recycling facility and Hunts Farm and Bunny Lane Landfill 15 July 2008;
- 09/00450/CMAS Variation of conditions of planning permission 08/01463/CMAS 28 May 2009;
- 10/00744/CMAS Change of Use for Vehicle Parking and Storage 7 October 2010.

4. The Proposal

4.1 This application seeks permanent planning permission to retain and reconfigure the existing temporary recycling facility, and also construct and operate a southerly extension to the facility. The facility would cater for non hazardous wastes from predominately commercial and industrial sources and construction, demolition and excavation wastes. The applicant states the proposal does not involve any increase beyond existing permitted waste tonnages, existing traffic levels, nor does it change the types of waste which will be handled or change the hours of working.

4.2 The applicant is applying for the retention of the existing recycling, treatment and recovery activities, including:

- reception of skips and containers carrying mixed inert and non-inert, non-hazardous waste in the MRF;
- sorting of mixed inert and non-inert wastes within the MRF building to remove recyclables and separate inert from non-inert materials;
- storage of non-inert recyclables prior to removal off site for further processing. This includes materials such as green wastes, cardboard, metals, plastics and plasterboard;
- storage of non-inert non-recyclable materials pending removal off site for disposal or other processing;

- reception and stockpiling of inert wastes from construction, demolition or excavation sources;
- processing of inert wastes through screening and/or crushing to form a range of soil and secondary aggregate products;
- storage of those recovered products until sold off site;
- storage and processing of waste wood separated from the incoming mixed waste loads into a wood chip product;
- storage of woodchip prior to its sale off site;
- receipt, storage and processing of road planings;
- ancillary sorting, storage and recovery where feasible and permitted by the Environmental Permit; and
- ancillary offices, weigh bridge etc.

4.3 In addition to these activities the applicant is applying for:

- the installation of specialist processing equipment, 'Foam Mix', to convert road planings into a reusable surfacing for highways. The plant would only be brought to site and operated when there were sufficient stockpiles - around four times per year;
- soil blending to form a growing medium which would be achieved by combining the recovered soils with compost imported to site specifically for the purpose. This is would be a seasonal activity during spring and summer months when the weather conditions permitted;
- the sale of specialist primary won materials such as building sand so that customers delivering waste can backhaul material;
- wood shredding with associated plant;
- earth screening bunds, and storage bays; and
- screen planting on the west side of the site and off site. The planting on the east side would be on the current footpath alignment.

4.4 The applicant considers they can currently operate up to 200,000 tonnes throughput a year, although the site has never operated to this capacity. They have amended the application to 150,000 tonnes per annum, of which 125,000 tonnes would be inert waste, to try to mitigate the impact of traffic on the highway network, including traffic through Romsey.

4.5 The proposal, as shown on the attached plan, involves the permanent diversion of the existing route of the Michelmersh and Timsbury footpath No. 4 so that it would run between the site and Bunny Lane in an eastern direction and then continue east towards Casbrook Stream. It is proposed that it would then run northwards alongside the route of Casbrook Stream until it runs west again to rejoin the northerly most section of Michelmersh and Timsbury Footpath No. 4, where it joins Rudd Lane by the new Casbrook Fields housing development. The applicant states this would provide a more environmentally friendly route for walkers. Additionally, the route diversion would provide up to six metres of screen planting along the eastern edge of the site on the line of the current Footpath. The Footpath would run south of the vegetated bunds that border the southern edge of the site. The applicant adds that that there are hedgerows that separate the road, Bunny Lane from

most of the route of the proposed footpath which in effect would mean the Footpath, for most of its length along Bunny Lane, would run between the road hedge and the site bund.

- 4.6 With regard to the Footpath , the applicant states that the Landscape Planting Plan (attached) confirms at description 'H1' that the footpath will be within the hedge line, and states that this is corroborated by the landscape mitigation plan which notes that "Roadside hedge vegetation (approx. 1m width) to be retained and gapped-up/planted where necessary to provide a green barrier between the road and footpath. Hedge to finish c. 30m from site entrance to retain visibility splays". The applicant adds that only this very short section of the path where it crosses the entrance to Bunny Lane will not have a hedge to the south of it, because it is necessary for visibility.
- 4.7 The applicant adds that with regard to the northern end of the site, the current landscaping proposals include infilling the remaining gap in the north western corner (leaving only vehicle access) along with some planting. The applicant states it is not possible to plant a much wider strip in a northerly direction as there is an access track to the applicant's home there which is in daily use. The proposals include further planting with a greater range of species for a dense covering on the bund as well as the taller tree species and also propose pit planting as a way of addressing any concerns about the take-up rate of the plants.
- 4.8 Hours of working would be as existing:
07.30 – 17.30 Monday – Friday, 07.30 – 12.30 Saturday.
- 4.9 The number of traffic movements would be 104 HGV movements a day.
- 4.10 The proposal is an EIA Development under the Environmental Impact Assessment Regulations 1999 and an environmental statement has been submitted. The Environmental statement includes assessments on the following topic areas:
- i) highways;
 - ii) landscape;
 - iii) ecology;
 - iv) amenity; and
 - v) noise.

The Environmental Statement concludes that, subject to conditions and the implementation of suggested mitigation, no significant impacts would be generated by the proposal.

5. Footpath Diversion Order Legislation

- 5.1 There are two procedures which might be used to divert a path in these circumstances – diversion under either Section 257 of the Town and Country Planning Act 1990 or Section 119 of the Highways Act 1980.

Section 257 Town and Country Planning Act 1990

5.2 Where a right of way may be affected by development it would be normal to seek a diversion under this Act. Broadly speaking, the law states that the planning authority **may** authorise a diversion if it is satisfied it is **necessary** to do so to enable planning permission already granted, to be carried out. Case law clarifies that although the initial test is that of whether or not it is necessary (rather than simply desirable) to move a path, the local planning authority, and, if objections are received, the Secretary of State, through the Planning Inspectorate, has the discretion to take into account other matters (such as the merits of the diversion in terms of amenity value).

Section 119 Highways Act 1980

5.3 Broadly speaking if it is in either the landowner's or the public's interest, or both, it is expedient to move a footpath, then an order may be made by the County Council to this effect. Such an order may only be confirmed if the proposed diversion is not less convenient to the public, having regard to the public enjoyment of the path.

5.4 The possibility of diverting this footpath under Section 119 has been explored with the landowner, and a preliminary application was submitted. The County Council has looked at this proposal under Section 119 of the Highways Act but found that it does not meet either Rights of Way guidance or the required legal tests and as such it was considered that to proceed under that section would not be possible. Although the route proposed for the diversion creates a circular walk that could be of benefit to local people, it also introduces the need for walkers to use a narrow section of Rudd Lane with little refuge from traffic, whereas the existing route provides a direct connection to the ongoing rights of way network, without the need to use vehicular highway. Although the proposed route offers improved views when compared to the existing route, it would be narrower and significantly longer. It is also unclear how land use adjacent to the proposed route is likely to change and a change in land use could significantly reduce the general character of the route.

5.5 According to the advice of the Planning Inspectorate with regard to a proposed diversion the reduced convenience in terms of distance would take precedence over any improvement in character. It is therefore the County Council's view that it is unlikely that any diversion order made which had this effect would be capable of confirmation. As such the County Council does not consider it to be appropriate to accept any current application to divert this path under Section 119 of the Highways Act 1980.

5.6 It should also be noted that if a revised application under Section 119 Highways Act was received and processed, and there were objections, this application would fall to the Secretary of State to be determined. In coming to her decision as to whether or not the path should be diverted, the Secretary of State would be unable to consider the proposed development, whether or

not permission is granted. It can take many months for a contested Order to be processed by the Planning Inspectorate. The County Council is therefore concerned that if this current planning application were to be approved there is a very real chance that the proposed diversion might not be confirmed within a reasonable timeframe or indeed, may not be confirmed at all, leaving the County Council and the applicant in a difficult position. If a Highways Act diversion is preferred, before the County Council could properly assess whether or not planning permission for this site should be granted such a diversion would need to be formally and legally completed.

- 5.7 For the above reasons the County Council has advised the applicant that any diversion should be made under Section 257 of the Town and Country Planning Act. It is now being pursued under Section 257 of the Town and Country Planning Act as the legal tests are different and the Council is advised that the planning application under consideration would bring the diversion within the scope of Section 257 of the Town and Country Planning Act.

6. Development Plan Policies

- 6.1 Hampshire Minerals and Waste Core Strategy - Policy DC3 (Impact on landscape); DC6 (Highways and pedestrian safety); DC8 (Pollution, Health, quality of life and amenity); DC12 (Restoration and aftercare); and DC13 (waste management and recycling).
- 6.2 South East Plan – W17 (waste development).
- 6.3 Test Valley Borough Local Plan - SET03, 05, 06, 07, 10 and DES01 (impact on character and appearance of surrounding area and wider countryside).
- 6.4 Ministerial Statement 23 March 2011 - The Minister of State for Decentralisation (The Rt. Hon. Greg Clark) reported that the government seeks to make giving priority to development that supports economic recovery and sustainable growth a material Planning consideration. "The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy".

7. Consultations

- 7.1. **Michelmersh and Timsbury Parish Council** raises objection to this application and states that, whilst recognising the need for recycling facilities, the Council considers that this activity should not be allowed to remain on Bunny Lane after the current temporary planning permission expires in 2015, for the following reasons as summarised below:

- **unsuitable location** on land designated as countryside in the Test Valley Borough Local Plan;
- **adverse landscape and visual impact**- the bunding at the site perimeter, material stockpiles and site buildings are visible from a number of viewpoints in the surrounding countryside and are out-of-character with the area and although the visual impact might be mitigated by tree planting, tree cover takes many years to establish;
- **effect on residential amenity** -the site is to the south of the main concentration of houses in the village and is generally upwind of the nearest dwellings - the new development of 30 houses at Casbrook Fields is less than 300 metres from the site. The Council is concerned about dust and noise impact. The applicant's own noise assessment indicates that during some operations, noise levels at houses in the area would be significantly higher than the current background noise levels and therefore clearly audible over a wide area outside the site. The Parish Council Chairman has specific technical knowledge of environmental noise, being a acoustic consultant, and has identified deficiencies in the Applicant's noise assessment report. He has produced a report (this was attached to the Parish Council's response); and
- **traffic**- The Council considers that the A3057 is not a suitable route for HGV traffic. From the information presented, current HGV movements are significantly lower than the permitted maximum and expansion of the facility would inevitably lead to a further increase in HGV traffic on the A3057 and through Romsey, leading to further increased congestion in the town and as such, creating an adverse impact on road safety

7.2. **Braishfield Parish Council** raises objection to the above proposal on the following key grounds summarised below:

- **location**- this level of recycling should be situated adjacent to the M27 south of Romsey. HCC will be aware of the totally unsatisfactory lorry route south through Romsey and that the current planning application states that 70% of the traffic to the site comes through the town. 50% of the traffic is from Southampton and Totton alone. These figures confirm this application is in the wrong location. The reduction in tonnage from 200,000 tonnes to 150,000 tonnes appears to be a cosmetic change to the application as the site apparently has never run at that maximum and at a recent Parish Council Meeting, the applicant was unable to say that there would be a reduction compared to the current level;
- **noise**- noise from the site is still an issue because noisy equipment is to be operated out in the open. Such machinery should be used inside a building to contain the noise. Hampshire County Council will know that Ace Liftaway at Yokesford Hill follows this practice;
- **land use**- the applicant claims that the site in question is 'derelict' and need not be restored to agriculture but, just because there has been mineral extraction in the past, that is no reason to have a waste

management site in what is actually classed by Test Valley Borough Council as countryside. If left to its own devices, nature will restore the site quite adequately, just as it has done to the adjacent SITA site; and

- **tranquillity** - the Parish Council totally rejects the justification for planning permission is that the site is on the edge of an area of decreasing tranquillity towards Romsey. The fact is that an excessive amount of noise is coming from the site to spoil the tranquillity, yet the site has only temporary permission and therefore the noise should be regarded as temporary also.

7.3. **Romsey Extra Parish Council** has been informed of the application.

7.4. **Environmental Health (Test Valley Borough Council)** has considered information clarifying the earlier reports and does not object on noise grounds, subject to conditions. Particularly;

7.4.1. Environmental Health states that the July 2011 report addresses the key concerns previously raised in that it applies the BS4142 methodology and provides supplementary noise measurements at Casbrook Fields (Rudd Lane), the worst-affected receptor, under light southerly (i.e. downwind) conditions and with the noisiest plant (the crusher) operating. The ISVR report states that the BS4142 'excess of rating over background level' would be – 4.5 dB at Casbrook Fields, which is an indication of minor impact only. As this level represents only a modest impact, the Environmental Health Officer states it is not considered to be unacceptable, hence raises no objection.

7.4.2 Environmental Health advises a noise limit condition should be imposed should members be minded to grant permission which would both provide additional community reassurance that the predicted noise levels are in fact reliable and protect against major changes in activities on site that might significantly increase noise emissions in the future. Environmental Health suggests that the noise limit is 38 dB(A), giving a 3 dB tolerance above the determined BS4142 rating level of 35 dB(A).

7.4.2. There would also need to be a condition covering noise monitoring positions.

7.4.3. With regard to noise screens Environmental Health recommend a permanent barrier that could be conditioned accordingly.

7.4.4. As well as conditions relating to noise screening and reversing alarms, if permission is granted then conditions should also relate to:

- hours of operation – as existing;
- a limit on the volume of waste imported – as stated only;
- the type of plant and processes – as proposed only; and

- no more than one campaign activity should be permitted at the same time – as proposed.

7.5. Test Valley Borough Council raises objection on the following grounds:

The impact from the proposed size, height and massing of the stockpiles, bunds, fencing and several new buildings associated with the scheme would have a significant detrimental impact on the character and appearance of the surrounding area and the wider countryside. The proposal therefore fails to comply with policies SET03, 07, 10, DES01, 05, 06, 07 and 10 of the Test Valley Borough Local Plan 2006.

In connection with reason number 1 above, in the event that the mitigation measures of forming bunds are inappropriate then the resultant noise levels from sources associated with the development, particularly the wood shredder, would have a significant detrimental impact on the amenities of the area and the wider countryside. The proposal would therefore fail to comply with policies AME01 and AME04 of the Test Valley Borough Local Plan 2006.

7.6. Environment Agency raises no objection.

7.7. Highway Authority raises no objection subject to a highway contribution. It states that as demonstrated by the Transport Assessment, the application to permanently retain and expand the existing facility will have a significant impact on the local highway network. The number of HGV's generated by the site represents a significant proportion of those travelling along Bunny Lane and travelling south through Romsey. The Highway Authority states that subject to a contribution providing mitigation for the continued use of Bunny Lane and the local highway network by HGV's the County Council would not be able to defend a reason for refusal on highway grounds at appeal based on the existence of the temporary permission and the proximity to the minerals and waste lorry route. The Highway Authority also recommends that if permission is granted there should be a condition attached stating that there shall be no more than 204 commercial vehicle movements per day to and from the site and that records of vehicle movements to and from the site shall be kept and made available for inspection at the request of the Minerals Planning Authority.

7.8. The Countryside Access Team states that any diversion would have to take place under Section 257 of the Town and Country Planning Act and once an order had been made a public consultation process would need to be undertaken. It notes that the Ramblers Association raises no objection to the revised footpath diversion route but will be making comments on any future consultation.

7.9 The Ramblers Association states that, as the applicants have proposed a path inside the hedge from a point opposite Jinny Lane to the Casbrook Stream and it's Countryside Officer is not making any comment regarding the extension and permanent permission to operate on the site, its objection to

this application is now withdrawn, but it highlights it will be making comments regarding the application to divert FP 4 when this is sent out for consultation.

7.10 **Natural England** states that the application lies within 4.5km of Mottisfont Bats SSSI/SAC designated for its breeding Barbastelle bat population. From research it has been found that Mottisfont's Barbastelle bats range over long distances and the proposed development site is within their range. Natural England advises that the impacts on any mobile designated feature of a European site must be considered not only within the site boundary itself but also off site. Natural England would have no objection to the proposed development, subject to the inclusion of the conditions listed below and the proposals being carried out in strict accordance with the terms of the application and the submitted plans.

- Additional planting is provided as detailed in the landscape planting scheme in order to mitigate for the loss of habitat in the extension site. The proposed planting to be provided up front in the development schedule, or as soon as is practicable, to allow new habitats to begin to mature before the existing habitats are removed.
- No lighting of the development site during the night, including security lighting which would be triggered by movement. If this is to be installed, it should be set so that it will not be triggered by wildlife including passing bats.
- The landscape planting scheme to be implemented fully, with the exception of the inclusion of Holm Oak (*Quercus ilex*) in the scheme. As per Jonathan Cox's comments, this species should be replaced by an equal or greater proportion of native oak (*Quercus robur* or *Q. petraea*) which are of much greater value to foraging bat species. This will maximise the value of the proposed planting belts for Barbastelle and other bat species.

Subject to the above avoidance measures being fully implemented, with appropriately worded conditions or a Section 106 Agreement prepared to secure their delivery, it is our view that, either alone or in combination with other plans or projects, this proposal would not be likely to have a significant effect on the above site and the permission may be granted under the terms of the Conservation of Habitats and Species Regulations.

7.11 **Romsey Town Council** objects, stating that the local residents, especially those in Winchester Road, Alma Road, Dutton's Road and Cupernham Lane, accepted the inconvenience and disruption to their environment in the knowledge that this was of a temporary nature and have the reasonable expectation that such temporary activity and its consequences will eventually cease.

7.12 **The British Horse Society** has been informed of the proposal.

7.13 **Airport safeguarding** raises no safeguarding objections.

8 Representations

- 8.1 **Councillor Gibson** has been informed of the proposal.
- 8.2 **Councillor Perry** raises no objection to the proposal.
- 8.3 **Councillor Cooper** has been informed of the proposal.
- 8.4 Braishfield Village Association objects to the proposal on grounds of:
- (i) Site is in designated countryside – if permission is granted it would become industrial and the countryside would be lost forever.
 - (ii) Lack of evidence of need for the permission.
 - (iii) Unpredictability of future use and usage- site could be sold; site not currently operating to full capacity so argument that there would be no significant difference above existing would be flawed.
- 8.5 Thirteen letters of support have been submitted, from a resident of Casbrook Common; resident of Rudd lane; AMEY PLC; Enterprisemouchel, Basingstoke; five employees (Portchester, Fawley, Swathling, Romsey, Southsea); two farms in Braishfield; three employees (no address); two resident of applicant's household, Timsbury one of whom has an interest in the/adjacent land.

9. Site Visit

- 9.1 Eleven Members of the Committee, Councillors C. Bailey, I. F. E. Beagley, A. Broadhurst, J. Bryant, C. Carter, M. Cooper, B. Gurden, G. Hockley, J. Porter, and J. West with Councillor R. C. McIntosh in the Chair, undertook a site visit on Monday 13 June to view the site.
- 9.2 Members viewed the site and its surroundings, and it was confirmed that the nearest housing was to the north and north west of the site.
- 9.3 Members walked the existing Michelmersh and Timsbury Footpath No. 4 . It was confirmed that the proposal included diverting part of this footpath further east along land that was owned by a family member of the applicant. and partly in the applicant's control. Members walked the proposed footpath, which ran alongside a SINC and joined the southern boundary of the site at Bunny Lane.
- 9.4 It was confirmed that the new footpath along the southern boundary would be four metres in width to allow for overgrowth onto the path. It was confirmed that the path would run between mature trees close to the road and the current site boundary alongside hedgerows.

9.5 Members requested that all details regarding noise, potential pollution, traffic and any other adverse impacts as a result of the application being approved be detailed for the final report and noise data be attached. It was also requested that proposals and maintenance plans for the new footpath also be provided with an explanation of the difference between diverting a footpath under the Highways Act and under Section 257 of the TCPA be included in the report . Members also requested if it were possible they would like the Environmental Health Officer to attend Committee to answer questions on noise.

10. Commentary

10.1 The application site is located on land identified as countryside in the Test Valley Borough Local plan. The key issues raised by the proposal are:

- (i) Land use – whether the development complies with policy and is acceptable in the countryside.
- (ii) Landscape character and visual impacts – will the development fit in to its rural setting.
- (iii) Traffic and location – is the development acceptable in highway safety terms/is Bunny Lane an acceptable access and are there wider traffic impacts
- (iv) Amenity – will the operation of the site adversely affect residents and other users of the land in the locality such as horse riders and ramblers.
- (v) Biodiversity
- (vi) Need and other material considerations –need for the waste facility ; need for footpath diversion and other considerations such as the recent Ministerial statement about promoting sustainable economic development.

10.2 The key issues raised by the proposal are assessed in accordance with the development plan (references in parenthesis) and other material considerations.

Land Use (DC 13)

10.3 The application site is located in the countryside where there is a presumption against non rural uses. There are exceptions to this:

- land which has been allocated for waste uses in the development plan; and
- proposals on Previously Developed Land.

10.4 Neither of the above are considered to apply in this case. The northern part of the site- the existing temporary facility – is due to expire in 2015. The remainder of the site, the southern ‘half’ is rough pasture. It is however

accepted that the existing waste building- formerly an agricultural building and its immediate hardstandings would be categorised as previously developed land.

10.5 However, members have recognised by way of some past decisions that CDE recycling can be located in the countryside , such as land north of the A303 at Longparish next to the Clay Pigeon Shooting Club. The question is whether an exception is acceptable for this application.

10.6 The objections raised by Michelmersh and Timsbury Parish Council, Braishfield Parish Council, Braishfield Village Association, Test Valley Borough Council and others are noted. Also it is recognised that if left to its own devices, nature will restore much of the site. However, this would not be very productive land. There is also no means by which the County Council can intervene to make the land useful. On the other hand the proposal has merits as discussed elsewhere. Furthermore, it will not cause loss of land of agricultural or amenity value.

Landscape (DC3)

10.7 It is necessary to determine whether this application would have a detrimental visual impact on the landscape character of the rural area.

10.8 The objections raised by the Test Valley Borough Council, Michelmersh and Timsbury Parish Council, Braishfield Parish Council and the Braishfield Village Association and others are noted. It recognised that the development will be seen/glimpsed from a variety of locations including in winter where the cowshed and two storey offices to the east can be more clearly seen from the main Romsey to Salisbury Road, from Yokesford Hill Road, heading south west down Bunny Lane and properties on Yokesford Hill Road as well as from the bridleway to the north of the site. In particular , it is considered, the development would be visually intrusive on the users of Michelmersh and Timsbury FP No. 4 that is adjacent and partly runs through the southern part of the site.

10.9 On the other hand assessment needs to take place of the proposal to divert the footpath should permission be granted and a degree of weight should be given to this and the additional landscaping that would then take place.

10.10 If the footpath were not diverted, satisfactory landscape mitigation could not be implemented.

10.11 The proposed native woodland planting along the eastern boundary would reduce the impact of the development on the countryside. Likewise the gapping up of the existing east-west hedgerow along the route of the proposed diverted path would provide greater screening. It will take some years for the planting to mature. During this time the development will be obtrusive from some view points, but in due course it will in general become

part of the countryside. In the mean time to help reduce the impact, a condition on limiting stockpiles to four metres is recommended.

Traffic and highways (DC6)

- 10.12 Bunny Lane, a rural 'C' class road, is not an ideal access for this type of use. Elsewhere in Hampshire an operation of the nature and size proposed would be expected to be accessed by a road that is of 'industrial' standard. However the Highway Authority are satisfied that Bunny Lane is sufficient especially with improvements that the applicant is prepared to make a contribution towards.
- 10.13 The comments about traffic through Romsey and lorry routeing restrictions have been considered. However, the lorry movements through the town are within limits that the current operation can under take. Moreover, a lorry route is not necessarily enforceable. It is unlikely that lorries will use any other roads than the main ones and monitoring lorries some distance from the site would require considerable staff resources.

Amenity (DC8, DC3)

- 10.14 The main amenity issues concerns noise and impact on tranquillity of the rural area to nearby residents, users of the nearby rights of way; and also to users of the play area south of Casbrook Fields.
- 10.15 Environmental Health raises no objection to the application on noise grounds subject to conditions. It is also noted that there is a lack of objection received from occupiers of the most likely affected properties. This suggests that current operations appear to have little impact on these homes. Accordingly, subject to conditions as proposed by Environmental Health, the amenity issues are acceptable.
- 10.16 With regard to the impact on the adjacent footpath, this is satisfactorily mitigated by the proposed diversion.

Biodiversity (DC 7)

- 10.17 There are some ecological issues raised by the application. The first is the site is within range of the Barbastelle Mottisfont Bats SSSI/SAC. It is noted natural England raise no objection to the proposal subject to conditions which include having as much native oak instead of Holm oak planting as possible as they support more invertebrates as a food resource for the bats, and as much additional native landscaping as possible providing additional foraging areas. The other ecological issues are whether the site is being used by any breeding birds, amphibians or reptiles. The ecological assessment comprising part of the Environmental Statement concludes that a large

proportion of potential adverse impacts on ecology have been avoided through appropriate scheme design and implementation. The main impact is the loss of 3 hectares of semi-natural grassland which comprises the southern extension area which could be used by breeding birds, amphibians or reptiles. Also, there are records of Great Crested Newts in the adjacent area. The Ecological Assessment proposed mitigation such as timing of any vegetation clearance outside of bird breeding season; walkover surveys and erection of herpetological fencing. It is recommended that there are conditions securing the implementation of the mitigation measures in the Ecological assessment.

Other major considerations

10.18 There are two other important material considerations:

- the proposed footpath diversion; and
- the recent Ministerial statement about promoting sustainable economic development.

10.19 The proposed diversion of the footpath would be undertaken under Section 257 of the Town and Country Planning Act on the basis it is necessary to allow the development to take place. The proposed diversion does deal with a very significant impact of the development.

10.20 It is unacceptable to allow a footpath through an industrial site and part of FP No 4. would have to be moved to avoid a land use conflict. However, the applicant is proposing the remaining part of the foot path adjacent to the site be mass planted to provide a screening of the development from views from the east. This is considered essential to dealing with the landscape impact. The consequence is a requirement to divert the southern part of Michelmersh and Timsbury Footpath No. 4 .

10.21 The proposed diversion would make Michelmersh and Timsbury Footpath No. 4 a longer route. However, if permission is granted then it is considered that the diversion is essential to help mitigate against any local impacts of the development to the users of the re-aligned footpath. It is noted that the diversion is accompanied with additional planting as screening mitigation. It is also noted that walkers entering Bunny Lane from Jinny Lane to the south currently have to walk along Bunny Lane for a short way until they reach Michelmersh and Timsbury Footpath No. 4. The current proposal would enable footpath users to avoid walking on Bunny Lane and enables a better connection with Jinny Lane.

10.22 The Countryside and Access Team does not object to the diversion in principle if the development is to be granted planning permission subject to re-alignment of the Footpath No. 4 under Section 257 of the Town and Country Planning Act. It is noted that if permission were not granted then the existing facility would terminate in 2015 and the Michelmersh and Timsbury Footpath No. 4 would continue along it's existing and historic route through

the countryside. In light of this it is recommended that if Members resolve to grant permission for this application it is further resolved that an order be made by the County Council as Waste Planning Authority under Section 257 of the Town and Country Planning Act to divert the Footpath along the proposed alignment.

- 10.23 Another material consideration is the Ministerial statement of the Right Honourable Greg Clark. This provides considerable support for this application as the existing development contributes to the local economy and an extension and permanent use that would reinforce this. It is noted that letters of support have been received from those working for the company. It is also recognised that site contributes to sustainable development by way of recycling, and therefore avoiding material being land filled as well as producing other materials such as secondary aggregate and foam mix.

11 Conclusion

- 11.1 In conclusion it is recognised that some elements of this development are not in strict accordance with the development plan. However, it is recognised there are mitigatory factors and other considerations that balance against these matters. Having assessed all the evidence it would seem that the decision to be had is one of need for the development, the products it produces, the service and jobs it provides balanced against the environmental impacts it may cause.
- 11.2 It is considered that there would be no justifiable planning reason to refuse the application on noise grounds as the Environmental Health officer has raised no objection subject to noise conditions. It is noted that the noise conditions relating to acoustic screening in particular need to be thoroughly addressed through conditions if permission is granted to avoid complaints on grounds of noise.
- 11.3 It is considered that other impacts of dust, odour and lighting and general management of the site operations could be controlled by way of appropriate conditions.
- 11.4 Landscape and the potential impact on the character of the countryside is a key issue. The site could be screened when planting matures in the longer term. So in initial years there would be a landscape impact. Whether the location of the site and its proposed planting mitigation is acceptable is, to some extent, a matter of personal judgment.
- 11.5 If the development were to go ahead the Footpath would have to be re-aligned to a longer route.
- 11.6 So, to sum up, the development in principle is supported by government and local policy in terms of providing sustainable development that creates local

employment, a local service and recycled products. This has to be balanced against impact on landscape and amenity in the short term until planting becomes more mature. It is considered the balance of the benefits of the proposal are therefore weighted towards the socio-economic rather than environmental. On that basis planning permission should be granted.

Rpt/3057/JD/RR

Links to the Corporate Strategy

Hampshire safer and more secure for all:	Yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	Yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	Yes
Corporate Improvement plan link number (if appropriate):	

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
TVS01051/9 Waste Recycling Facility 28 th June 2006	TVS01051/9	
08/00887/CMAS Non-compliance with condition 2 (time limit) and 13 (restoration) of Planning Permission TVS01051/9 to retain as a permanent recycling facility 22 nd May 2008	08/00887/CMAS	
08/01463/CMAS Non Compliance with condition 3 of Planning Permission TVS01051/9 15 th July 2008	08/01463/CMAS	
Variation of conditions of planning permission 08/01463/CMAS 28 th May 2009	09/00450/CMAS	
10/00744/CMAS Change of Use for Vehicle Parking and Storage 7 th Oct 2010	10/00744/CMAS	
Direct links to specific legislation or Government Directives		
<u>Title</u>	<u>Date</u>	

Section 100 D - Local Government Act 1972 - background documents

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

<u>Document</u>	<u>Location</u>
Change of Use to Retain and Extend Recycling Facility with ancillary development and activities at RFSF Recycling, Bunny Lane, Timsbury, Romsey SO51 0PG (Application No: 10/02712/CMAS) (Site Ref: TV066)	County planning Economy Transport and Environment Department Queen Elizabeth Court West The Castle Winchester

CONDITIONS

Commencement

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To comply with Section 91(as amended) of the Town and Country Planning Act 1990.

Footpath

2. The development permitted by this planning permission shall not be implemented by the undertaking of a material operation as defined in section 56(4) (a)-(e) of the Town and Country Planning Act 1990 in relation to the development, until Michelmersh and Timsbury Footpath No.4 has been permanently diverted along the alignment shown on plan no. in accordance with an order to be made and subsequently confirmed for the said diversion under Section 257 of the Town and Country Planning Act 1990.

Reason: The development would not be considered acceptable in planning terms – in particular with relation to impact on the landscape character of the area and on the users of the public right of way - were Michelmersh and Timsbury Footpath No. 4 to remain on its current alignment directly adjacent to the development site and the development were implemented on this basis.

Landscaping

3. Earth screening bunds in the south western corner of the site and the extension of the northern bund to the east as shown on plan no. BL002- Rev A (April 2011) (and amended so bund to wrap around whole north eastern corner and no gated/other access or gap to remain) and cross section no B on drawing no. BL005 April 2011 shall be constructed with clean uncontaminated inert material before the extension site is brought into use.

Reason: In the interests of local amenities.

4. Before the site is brought into use planting the planting scheme shown in principle on plan no. BL007 and corresponding scaled sections shall be submitted for approval of the Waste planning authority to a scale that would enable the depth of planted areas to be accurately assessed from the plan. The planting shall be implemented in accordance with the planting shown on the revised plan no. BL007 subject to 60% of the Holm Oak being replaced by native oak as advised by Natural England . Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The scheme shall be implemented as approved.

Reason: In the interests of local amenities

5. Before the site is brought into use 2m close boarded fencing shall be erected from Bunny Lane northwards along the eastern boundary to adjoin with existing 2m close boarded fencing as shown on plan no. BL002 Rev A. The same fencing shall also be erected eastwards of the existing planting on the western boundary adjacent to the permitted extension area as indicated on plan no. BL002 Rev A and anywhere else on the site boundary apart from the site access where there would be no earth bunds. The specification for the fencing shall be the same as that existing currently along part of the eastern boundary.

Reason: In the interests of local amenities and the landscape character of the area.

6. The existing bunds surrounding and within the site and not being physically changed as part of this permission, shall be fully planted in accordance with the species mix and density shown on plan no. BL007 within the first available planting season following this permission.

Reason: In the interests of local amenities and the landscape character of the area.

7. All planting areas shall be appropriately dug and prepared for new plants; trees, and shrubs in accordance with relevant British Standards and bunds and seed areas shall be maintained to ensure their healthy growth to maturity with all trees staked where necessary; tree guards and fencing where appropriate used to protect young plants and trees from animal predators and weed control and watering undertaken as necessary to ensure the healthy growth of the said planting.

Reason: In the interests of local amenities and the landscape character of the area.

Noise Control

8. Reversing alarms attached to the operator's vehicles, plant and machinery on the site shall be low-level and tonal 'white noise' type alarms, or as otherwise may be agreed by the Waste Planning Authority in writing, and measures shall be taken by the operator to discourage use of high noise alarms on the site by other vehicles.

Reason: In the interests of local amenities to minimise impacts on the tranquillity of the rural area.

9. The BS4142: 1997 'rating level' of noise emitted from the site shall not exceed 38 dB(A) at any time of operation, as determined at monitoring points A and B (as indicated within the ISVR report dated July 2011, Ref: 8403-R05) at the Casbrook Fields development, off Rudd Lane, Timsbury. A noise monitoring scheme for determining compliance with this noise limit shall be

submitted in writing for approval by the Minerals and Waste Planning Authority. The scheme shall comprise proposals for one or more publically accessible noise monitoring points and the equivalent noise limits at those points. Verification noise testing shall be conducted by the operator under typically worst case conditions and a verification test report submitted to the Minerals and Waste Planning Authority within 12 months of the recycling activities in the extension area being commenced.

Reason: In the interests of local amenities to minimise impacts on the tranquillity of the rural area.

10. No plant installed on the site shall be more than 4m above existing ground level in height. The only plant permitted on the site shall be that specified in the approved plans and particulars (the Environmental Statement and the application as revised).

Reason: In the interest of local amenities and the landscape character and tranquillity of the rural area.

11. The 'campaign' foam mix and wood shredding shall only take place in the bonded south west corner of the site as shown on approved plan no. 396c/SL/2 (March 2011) and the mobile concrete crusher shall only be operated in the north western corner of the site as shown on approved plan no. 396c/SL/2 (March 2011). No more than one campaign activity (concrete crushing, wood shredding or foam mix) shall take place on the site at the same time.

Reason: In the interests of local amenities and to minimise impacts on the tranquillity of the rural area

Stockpiles

12. Stockpiles of processed and unprocessed materials on the site shall not exceed 4m above existing ground level.

Reason: In the interests of local amenities and the landscape character of the area.

Hours of Working

13. No heavy commercial vehicles (HCV) shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0730-1730 Monday to Friday and 0730-1230 Saturday. There shall be no working on Sundays or recognised public/bank holidays.

Reason: In the interests of local amenity.

Pollution Control

14. Any above ground oil/chemical storage tank/container and associated pipe work shall be bunded in a manner so as to retain at least 110% volume of the tank capacity.

Reason: To prevent pollution of the water environment.

15. Prior to the development commencing details of operational drainage systems and new hardstandings shall be submitted to the Waste Planning Authority for approval in writing and thereafter implemented as approved.

Reason: to prevent the pollution of groundwater.

Environmental management

16. Prior to development commencing an Environmental Management Scheme for the control of noise, lighting, dust and odour at the site shall be submitted to the Waste Planning Authority for approval in writing. The Scheme shall be implemented as approved for the duration of the site's operation.

Reason: In the interests of local amenity and in the interests of nature conservation in particular the need to protect bats from adverse lighting on and emanating from, the site.

Highways

17. All HCV's accessing and egressing the site when loaded with waste or recycled materials shall be sheeted.

Reason: In the interests of local amenities and highway safety.

18. The haul road between the site entrance and the recycling facility shall be maintained in a clean condition to avoid mud or detritus being carried on to the highway.

Reason: In the interests of local amenities and highway safety.

19. No more than 150,000 tones of waste shall be imported to the site per annum.

Reason: In the interests of local amenities and the environmental impacts of traffic on the public highway including residential properties living adjacent or near to the lorry route through the centre of Romsey.

20. There shall be no more than 204 (102 in and 102 out) HCV heavy commercial vehicle movements per day to and from the site. Records of vehicle movements to and from the site shall be kept and made available for inspection at the request of the Minerals Planning Authority. HCV is defined for the purposes of this permission as a commercial vehicle over 7.5 tonnes unladen weight'

Reason: In the interests of highway safety and local amenities.

21. Prior to the development commencing details of site access gates and any associated signage, gates, access road markings, surfacing and associated bunding and fencing details at the footpath –haul route crossing points shall be submitted to the Waste Planning Authority for approval in writing and thereafter implemented in accordance with such approval.

Reason: In the interest of the rural character of the area and pedestrian safety.

Restriction of Permitted Development Rights

22. Notwithstanding the provisions of Parts 4, 8 and 25 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order):

(i) fixed plant or machinery, buildings, structures and erections or private ways shall not be erected, extended, installed or replaced at the site without the prior agreement of the Waste Planning Authority in writing;

(ii) no telecommunications antenna shall be installed or erected without the prior agreement of the Waste Planning Authority in writing.

Reason: to protect the amenities of the area.

Nature Conservation

23. All herpetological and bat mitigation shall be implemented and maintained throughout the duration of the development in accordance with the ECIA report by Jonathon Adey dated June 2010 and the report by Jonathan Cox dated 18 May 2011, unless otherwise agreed in writing by the Waste Planning Authority.

Reason: To ensure the protection of habitats and any protected species listed under the Wildlife and Countryside Act 1981 (as amended) or the Conservation of Habitats & Species Regulations 2010 (as amended)

Highways

24. The site access, and crossing of the diverted Michelmersh and Timsbury Public footpath No. 4 shall be kept clear of mud and debris at all times and no vehicle shall exit onto the public highway until its wheel have been cleaned in accordance with details to be submitted to the waste Planning

authority for approval in writing and thereafter implemented in accordance with such approval.

Reason: in the interests of highway safety and users of the Michelmersh and Timsbury public footpath No. 4.

Advice Note

1. It is the responsibility of the applicant to seek advice from Natural England as to whether any protected species licences would be required under the Conservation of Habitats & Species Regulations 2010 (as amended) to protect or remove protected species from the site should any protected species be found on the site in accordance with surveys and walkovers and the implementation of other mitigation required under condition 22 of this permission.

*Annexe to Reasons for Conditions
(as required by Article 22 of the Town and Country Planning
(General Procedure) Order 1995 – as amended)*

HAMPSHIRE MINERALS AND WASTE CORE STRATEGY (2007):

DC3 - Impact on Landscape and Townscape

Minerals and waste development will only be permitted if due regard is given to the likely visual impact of the proposed development and its impact on, and the need to maintain and enhance, the distinctive character of the landscape or townscape. If necessary, additional design, landscaping, planting and screening, including planting in advance of the commencement of the development, should be proposed.

DC6 – Highways

Major mineral extractions, landfills and ‘strategic’ recycling, aggregate processing and recovery and treatment facilities, will be permitted provided they have a suitable access to and/or route to the minerals and waste lorry route as illustrated on the Key Diagram.

In all cases, minerals and waste development will only be permitted if it pays due regard to the likely volume and nature of traffic that would be generated by the proposal and the suitability of the proposed access to the site and of the road network that would be affected.

Consideration should be given to highway capacity, road and pedestrian safety, congestion and environmental impact, and whether any highway improvements are required and whether these could be carried out satisfactorily without causing unacceptable environmental impact.

DC7 - Biodiversity

Minerals and waste developments will only be permitted if due regard is given to the likely effects of the proposed development on biodiversity and, where possible, proposals should conserve and enhance biodiversity. Development likely to adversely impact upon ‘regionally or locally designated sites or protected species’ – designated in adopted Local Plans or Local Development Frameworks – (including Sites of Importance for Nature Conservation (SINCs), Species of Principal Importance for Biodiversity, Regionally Important Geological Sites and Local Nature Reserves) shall only be permitted if the merits of development outweigh the likely impact.

DC8 - Pollution, health, quality of life and amenity

Minerals and waste development will only be permitted if due regard is given to the pollution and amenity impacts on the residents and users of the locality and there is unlikely to be an unacceptable impact on health and/or the quality of life of occupants of nearby dwellings and other sensitive properties. Where necessary minerals and waste developments should include mitigation measures, such as buffer zones between the site and such properties.

Policy DC13 - Waste Management and Recycling

Waste management developments (excluding landfill) will be permitted provided that the site:

- a. Is identified as a site, or within an area suitable for waste management uses, in the Hampshire Waste Management Plan, or

- b. Re-uses/redevelops previously developed land and/or redundant agricultural and forestry buildings (including their curtilages), or
- c. Is within a planned area of large-scale development, or
- d. Is on employment land, preferably co-located with complementary activities, and
- e. Has good access to, the minerals and waste lorry route as shown on the Key Diagram, and where possible, the site enables the use of waterborne and rail freight, and
- f. In the case of recovery and treatment sites, incoming waste shall be subject to pre-treatment, either on or off site to maximise the potential for recycling, and where technically possible, energy will be generated and used and the by-products, including heat, will be reused or recycled, and
- g. In the case of sites providing public access, the site shall be accessible for use by disabled people.

TEST VALLEY BOROUGH LOCAL PLAN (2006):

Policy SET03:

Development in the Countryside

Development in the countryside (i.e. outside the boundaries of settlements defined by Policy SET 01 and shown on the Inset Maps) will only be permitted if:

- a) there is an overriding need for it to be located in the countryside; or
- b) it is of a type appropriate in the countryside as set out in Policies SET 06-13, ESN 05-09, ESN 11, ESN 13-14, ESN 23-25 and ESN 27-33.

For developments that require a building or buildings, it must be demonstrated that in the locality there are no existing buildings:

- c) which are adequate for the proposed use;
- d) which reasonably could be made available;
- e) which have been severed from an existing farm unit; or
- f) which have recently changed from the proposed use.

SOUTH EAST PLAN - A Spatial Strategy for the South East

POLICY W17: LOCATION OF WASTE MANAGEMENT FACILITIES

Waste development documents will, in identifying locations for waste management facilities, give priority to safeguarding and expanding suitable sites with an existing waste

management use and good transport connections. The suitability of existing sites and potential new sites should be assessed on the basis of the following characteristics:

i. good accessibility from existing urban areas or major new or planned development

ii. good transport connections including, where possible, rail or water

iii. compatible land uses, namely:

active mineral working sites

previous or existing industrial land use

contaminated or derelict land

land adjoining sewage treatment works

redundant farm buildings and their curtilages

iv. be capable of meeting a range of locally based environmental and amenity criteria.

Waste management facilities should not be precluded from the Green Belt. Small-scale waste management facilities for local needs should not be precluded from Areas of Outstanding Natural Beauty and National Parks where the development would not

compromise the objectives of the designation.