

HAMPSHIRE COUNTY COUNCIL

Decision Report

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| Decision Maker: | Regulatory Committee |
| Date: | 17 July 2013 |
| Title: | Variation of Condition 8 of Planning Permission BDB/76436 to temporarily permit an increase in vehicle movements at Apsley Farm Landfill, Hurstbourne Priors SP11 6NA (Application No: 13/00606/CMA) (Site Ref: BA031) |
| Reference: | 5043 |
| Report From: | Head of County Planning |

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1. Executive Summary

- 1.1. Planning permission was originally granted for Apsley chalk quarry and landfill in 1984. Since then the chalk extraction and waste landfill have been completed and subsequent alterations and extension of time permissions have been approved for the final restoration of the site.
- 1.2. This proposal is to vary condition 8 of planning permission BDB/76436 to allow an increase in lorry movements from 60 to 120, between 1 June 2013 to 31 October 2013. This is to allow the importation of higher volumes of restoration material that is available in short term contracts. The application is not an EIA development.
- 1.3. This application has given rise to concern over the increase of traffic and potential associated disturbance to local residents that live on the lorry route.
- 1.4. The main issues associated with this proposal are:
 - (a) extension of time to allow restoration (Policy DC12);
 - (b) impacts on highway safety and convenience acceptable as short term increase of lorries and suitable local roads with transport links (Policy DC6);
 - (c) no disturbance to amenity of local residents (Policy DC8); and
 - (d) disposal of waste (Policies DC14 and S6).

- 1.5. It is considered that the proposal would be in accordance with the development plan Hampshire Minerals and Waste Core Strategy DPD 2007 (summary attached), as the site is an unrestored landfill and the development will aid a satisfactory restoration (DC12). The proposal would be acceptable in terms of highway safety and convenience (DC6) and it would not materially harm the amenity of local residents (DC8). The development will dispose of waste in accordance with Policies DC14 and S6.

2. Site and proposal

- 2.1. The proposal is to vary Condition 8 of planning permission BDB/76436 to increase the permitted lorry movements at the site from 60 to 120 movements (access and egress) per day to Apsley Landfill site. The site is a former chalk quarry and non-hazardous landfill which is being restored and is located approximately 1 kilometre northwest of Hurstbourne Priors and 9.3 kilometres east of Andover.
- 2.2. The site is accessed directly on to the B3400, which has been designed to prevent lorries turning right into the site and turning left out of the site. This is due to the unsuitable railway bridge to the left and to minimise the highway impact on the villages of Hurstbourne Priors and Whitchurch (to the east).
- 2.3. The site is completely surrounded by agricultural land, but is screened from the east by a dense belt of woodland. The closest properties are Apsley Cottages and Apsley Farm, approximately 260 meters to the northeast, whilst Faulkners Down Farm lies 1 kilometre to the east, and Budgett Farm 600 metres to the southwest. There are a number of detached houses along the B3400, London Road towards Andover.
- 2.4. The site is a former chalk quarry and non hazardous landfill. There is a complicated planning history associated with the site, the original permission being granted in 1984. The current permission is BDB/76436 which is for the importation and placement of capping soils, to finish restoring an old landfill site.
- 2.5. The Apsley landfill ceased accepting non hazardous wastes for disposal in 2004 and all waste landfill operations have now been completed. The only operations permitted are importation of waste soils for restoration necessary to achieve final restoration. Planning permission BDB/76436 requires the completion of importation and restoration by 31 August 2015. This application does not seek to change this end date.
- 2.6. The variation would allow for the temporary increase of vehicle numbers at the site from the current 60 per day to 120 per day for short periods of time (typically two to four weeks in duration). The applicant is reliant upon outside suppliers to provide the types of material suitable for the capping and restoration of the site. Contracts for groundwork activities that can

provide these types of materials tend to come up in the warmer months of March to October, as these months provide the most suitable weather for landworking. The operations tend to be the removal of large quantities of materials over a short time period and often with limited notice.

- 2.7. This temporary increase is only requested up to 31 October 2013 and would only be required as and when groundwork contracts became available. The applicant anticipates that, subject to securing contracts, a maximum of approximately 4-5 periods of temporary increases would be during the period to 31 October 2013.
- 2.8. The working hours are 0730-1800 Monday to Friday and 0730-1300 Saturday and would be unchanged.

3. Development plan

- 3.1. The most relevant policies from the Hampshire Minerals and Waste Core Strategy DPD 2007 are: DC6 – Highways; DC8 - Pollution, Health, Quality of Life and Amenity; DC12 - Restoration and Aftercare; DC14 – Landfill; and S6 - Landfill.
- 3.2. Draft Hampshire Portsmouth, Southampton, New Forest and South Downs Minerals and Waste Local Plan is emerging policy.
- 3.3. National Planning Policy Framework (NPPF) is a material consideration. Consideration needs to be given to the presumption in favour of sustainable development and the Core Planning Principles.

4. Consultations

- 4.1. **Councillor Thacker** has been consulted.
- 4.2. **Councillor Gibson** has been consulted.
- 4.3. The **Environment Agency** has no objection.
- 4.4. The **Highway Authority** has no objection and comments that “the B2400 is a good standard road with sufficient capacity for an additional 60 lorry trips over a short period. The proposed increase in lorry movements is not unacceptable, based on its temporary nature and the provision of a bespoke site access. None of the personal injury accidents recorded were attributed to the additional lorries accessing the site (during April 2013) and as such there is no trend present in the accidents data to suggest that an increase in lorries accessing the site will have a significant impact on highway safety.” A fatal traffic incident has been recorded 1.5 miles to the west of the site. This involved a motorcycle driving in excess of the 50 miles per hour speed limit whilst attempting an overtaking manoeuvre and did not involve a lorry.

- 4.5. **Basingstoke and Deane Borough Council** has been consulted.
- 4.6. The **Environmental Health Officer** at **Basingstoke and Deane Borough Council** has been consulted..
- 4.7. **Test Valley Borough Council** has been consulted.
- 4.8. The **Environmental Health Officer** at **Test Valley Borough Council** comments that “on the basis that the relaxation in vehicle movements being sought is only temporary, I confirm that I have no objections”.
- 4.9. **Hurstbourne Priors Parish Council** have the following comments:
We have considered the application to temporarily increase the number of vehicle movements from 60 per day to 120 per day for short periods between June 1st and October 31st 2013. We are of the view that unless the applicant can clearly demonstrate to Hampshire County Council that they have the intention and ability to comply with conditions 6 (wheel wash and mud prevention measures) and 7 (removal of any mud on road) of the conditions to Planning Permission BDB/76436 then this application ought to be refused. Since the imposition of these conditions in July 2012, a number of complaints have been made to Hampshire County Council on behalf of the Parish Council about the amount of mud on the road (the B3400) from the vehicles leaving the site. It does not appear that any satisfactory response has ever been received to these complaints. We are obviously concerned that an increase in the number of vehicle movements will simply lead to an increase in the amount of mud and debris on the road near the site. To avoid this Hampshire County Council are asked to ensure that conditions 6 and 7 are capable of being complied with by the applicant, and that any breach of the conditions is properly enforced and dealt with.
- 4.10. **Longparish Parish Council** has no objection.

5. Representations

- 5.1. As at 28 June 2013 there have been 12 letters of objection to the application received. The main comments were in relation to:
 - (a) the amount of time that the additional lorry movements would be allowed would be most of the time period applied for (June to October);
 - (b) the increase in lorry movements would mean a lorry every five minutes;
 - (c) these months are the summer months where people spend more time outside;
 - (d) these summer months are when children are on school holidays, when there will be more small children about;
 - (e) the B3400 is already a dangerous road with several fatalities a year;
 - (f) the lorries go too fast and ignore the speed restrictions;

- (g) high risk to pedestrians and cyclists which would be increased by the proposal;
- (h) noise is produced by lorries, especially when lorries go over bumps in the road. Makes it impossible to relax in the garden;
- (i) air is moved by lorries;
- (j) increase in dust;
- (k) the road is narrow and not suited to heavy traffic use;
- (l) there are no pavements or cycle paths along the road (dangerous to walk/cycle to Middleway and post box);
- (m) the road surface, side boundaries are being destroyed and vegetation continually covered in mud and debris;
- (n) the applicant's efforts at minimising slippery road conditions and unsightly conditions have been poor as there is mud on the road from access;
- (o) the increase in vehicle movements will affect local residents in terms of highway safety and convenience and material harm to the character of the area and amenity;
- (p) working hours should be restricted to 9-4 Monday to Friday with no Saturdays;
- (q) repeated concern is mentioned with regard to the potential nuisance, of this project, to Hurstbourne Priors and to Whitchurch; no consideration whatsoever is made towards the residents and others of Andover Down;
- (r) the speed limit should be reduced as 50mph too fast; and
- (s) there is the new housing and recreation development nearby which will increase traffic too.

6. Commentary

- 6.1. Waste disposal by landfill and restoration to agriculture for this site has been approved by the previous planning permissions. The site has been an active chalk quarry and landfill, with progressive restoration for a number of years. However, the main issue for this application is whether the additional number of lorry movements along the B3400 is acceptable.
- 6.2. Whilst the concern from the local residents that the proposal would increase the potential for accidents on the B3400/London Road is noted, the Highway Authority is confident that the main access road is adequate for the increased traffic. The regrettable road fatality did not involve a lorry and so not relevant to this application. There have been reports of mud on the road due to the permitted activities. In response the Waste Authority and the Highway Authority have requested improved diligence from the site operators and improvements at the site entrance and there have not been recent complaints. Therefore, it is considered that road safety would not be compromised by increasing the lorry traffic on this road (Policy DC6).
- 6.3. Disturbance in the form of noise and dust have also been raised as a concern. However, the noise from traffic should be considered in the context of a busy road and that the lorries connected to this application are

limited to acceptable working hours. The Environmental Health Officer has raised no objection and this application is only for a temporary period (Policy DC8). The requested increased lorry movements would take place over about three months, but is not likely to be continuous in reality as it is subject to external contracts and the weather. In response to the concerns over dust, a precautionary condition is proposed that will require all lorries to be sheeted, thus further reducing the potential for dust disturbance. It is accepted that the current development and an increase to the lorries would have some impact on the amenity, but this is not considered significant and is balanced against the positive elements of the proposal.

- 6.4. The main benefit of this application, is a potential reduction in time needed to actively restore the land. By bringing in larger quantities of material over the same working day, it could reduce the length of time needed to complete restoration. The proposal would not alter the overall number of lorry movements, as the amount of soil to complete restoration which needs to be transported will remain the same, but it may speed up this process. Also there is a risk that restoration may not be achieved within the permitted time scales due to the current economic climate. This application could provide more certainty to the completion date and secure final restoration as required under the adopted restoration policy (DC12).
- 6.5. The proposal would be in accordance with the approved waste strategy, as the policy makes provision for waste disposal to restore landfills (DC14 and S6).
- 6.6. In summary, it is considered that an increase in lorry movements to 120 would aid the restoration of the site without significant adverse impacts to the environment, highway safety or local amenity.
- 6.7. It is considered that the proposal would be in accordance with the development plan Hampshire Minerals and Waste Core Strategy DPD 2007 (summary attached), as the site is an unrestored landfill and the development will aid a satisfactory restoration (DC12). The proposal would be acceptable in terms of highway safety and convenience (DC6) and it would not materially harm the amenity of local residents (DC8). The development will dispose of waste in accordance with Policies DC14 and S6.

7. Recommendation

- 7.1. That permission for variation of Condition 8 of Planning Permission BDB/76436 to temporarily permit an increase in vehicle movements at Apsley Farm Landfill, Hurstbourne Priors SP11 6NA be granted subject to the conditions as listed in Integral Appendix B.

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

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| Hampshire safer and more secure for all: | no |
| Corporate Improvement plan link number (if appropriate): | |
| Maximising well-being: | no |
| Corporate Improvement plan link number (if appropriate): | |
| Enhancing our quality of place: | no |
| Corporate Improvement plan link number (if appropriate): | |

Section 100 D - Local Government Act 1972 - background documents

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

DocumentLocation

Variation of Condition 8 of Planning Permission BDB/76436 to temporarily permit an increase in vehicle movements at Apsley Farm Landfill, Hurstbourne Priors SP11 6NA (Application No: 13/00606/CMA) (Site Ref: BA031)

County Planning
Hampshire County Council
Economy Transport and Environment
Department
1st Floor
Elizabeth II Court West
SO23 8UD

CONDITIONS

Timescale

1. The capping and restoration operations shall be completed by 31 August 2015. The site shall be reinstated to agriculture within a further period of six months, or such longer period as the Waste Planning Authority may agree in writing.

Reason: To minimise the duration of disturbance from the operations.

Plans and Particulars

2. The development hereby permitted shall be carried out and completed strictly in accordance with the approved plans, specifications and written particulars identified within the decision notice.

Reason: To ensure that the development is carried out in accordance with the approved details.

Hours of Working

3. No heavy goods vehicles shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0730-1800 Monday to Friday and 0730-1300 Saturday. There shall be no working on Sundays or recognised public holidays.

Reason: In the interests of local amenity.

Landscape

4. Within six months of the date of this consent a detailed scheme of landscaping for the site, in particular the south west boundary, shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall specify the types, size and species of all trees and shrubs to be planted; details of all trees to be retained; and details of fencing/enclosure of the site, phasing and timescales for carrying out the works, and provision for future maintenance. 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 visual amenity.

Protection of Water Environment

5. The drainage and disposal of surface water scheme dated 26/06/12, as approved under permission BDB/69769 by the Waste Planning Authority, shall be implemented as approved.

Reason: To ensure adequate drainage of the site.

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

Reason: To prevent pollution of the water environment.

Highways

7. The haul road within the site (as detailed on plan Apf-Pin-0811-01) shall be maintained in good order. All lorries shall only turn left into the site and turn right out of the site.

Reason: In the interests of highway safety.

8. Measures shall be taken to prevent mud and spoil from vehicles leaving the site during the demolition works being deposited on the public highway. These measures shall be maintained for the duration of the development. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried on to the public highway.

Reason: In the interests of highway safety.

9. In the event that mud and spoil from vehicles leaving the site are deposited on the public highway, measures shall be taken to clean the highway. In any event, at the end of each working day the highway shall be cleaned to the satisfaction of the Waste Planning Authority.

Reason: In the interests of highway safety.

10. From the date of this permission until 31 October 2013, lorry movements to and from the site shall be restricted to 120 per day (access and egress). After this date (31/10/13), lorry movements to and from the site shall be restricted to 60 per day (access and egress). A daily record of lorries entering and leaving the site shall be kept at the site and made available to the Waste Planning Authority on request.

Reason: To limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site.

11. All vehicles transporting waste entering/leaving the site shall be sheeted.

Reason: To protect the amenities of the occupiers of nearby properties.

Noise

12. Noise levels shall not exceed 45 dB LAeq (1 hour) or an LA max of 55 dBA when measured at Apsley Cottages or Keepers Cottage. Noise levels shall not exceed 50 dB LAeq (1 hour) or an LA max of 65 dBA when measured at Bourne Wood. During bund construction noise levels shall not exceed 60 dB LAeq (1 hour) or an LA max of 70dB.

Reason: In the interest of local amenity.

Restoration

13. All topsoil and subsoil stripped prior to capping and restoration shall be stored separately and retained on site for use in site restoration.

Reason: To ensure soils are available for restoration.

14. The site shall be restored in accordance with the revised phasing plan (drawing No.Adf-Pin-0512-01 of permission BDB/76436) and the restoration contours (drawing No.4, of planning permission BDB/69769).

Reason: To ensure that the land is satisfactorily restored.

15. The landfill site shall be capped and restored with a minimum of 0.5 metres of clayey soils, 0.25 metres of subsoil and 0.25 metres of topsoil in the correct sequence.

Reason: To ensure the restored land is correctly husbanded.

After-Care

16. An aftercare scheme requiring that such steps as may be necessary to bring each phase of the land restored to the required standard for use for agriculture shall be submitted for the approval of the Waste Planning Authority not later than six months from the date of this permission.

Reason: To ensure that the land is satisfactorily restored.

17. After-care of the site shall take place for a period of five years in accordance with a detailed scheme to be agreed in writing by the Waste Planning Authority, beginning when restoration is completed in accordance with condition 13 above.

Reason: To ensure the satisfactory restoration of the site.

Advice Note

In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner 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.

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

HAMPSHIRE MINERALS AND WASTE CORE STRATEGY DPD 2007

S6 - Landfill

During the period to 2020, up to 5.3 million tonnes of non-hazardous landfill capacity will be provided within the Landfill Potential Area shown on the Key Diagram. By 2015, the landfilling of untreated municipal waste will cease. Where technically and environmentally appropriate, non-hazardous landfill void will be conserved by the reuse of inert daily cover materials, or the use of alternative daily cover materials.

During the period to 2020, 18.5 million tonnes of non-recyclable inert waste will be used:

- a. in restoring mineral excavations and for landfill engineering, or
- b. for civil engineering and other infrastructure projects, or
- c. beneficially at the site of production.

Additionally, provision for London's landfill requirements post 2016 will be considered by a review of the Strategy.

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.

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.

DC12 - Restoration and Aftercare

Mineral extraction, landfill and other appropriate developments will not be permitted unless there is satisfactory provision for the restoration of the site, within a reasonable timescale, for an after use consistent with the general planning objectives of the area.

The restoration and after care of sites should seek to meet two or more of the following planning objectives:

- a. Improving public access to the countryside, including public access for disabled people and recreation;
- b. Use for management of water resources and/or flooding management;
- c. The improvement of biodiversity;
- d. Use as back-up grazing;
- e. Return to agriculture, forestry or other 'open' use recreational facilities.

Proposals for mineral extraction and landfill must include provision for at least five years of aftercare following restoration of the site.

Restoration proposals for mineral workings in Aerodrome Safeguarding Zones should take account of the need for progressive working and restoration, to prevent open water bodies becoming bird roosts. DC14 – Landfill

Planning permission will be only be granted for landfill provided the site:

- a. Is identified for landfill use, as part of the restoration of a mineral site, in the Hampshire Minerals Plan, or pending its adoption is an existing or proposed un-restored mineral void, and in the case of non-hazardous landfill is within the landfill potential area shown on the Key Diagram, and
- b. Appropriate provision is made for the pre-treatment or sorting of waste, either on or off site, to substantially reduce its biodegradable and recyclable content, and
- c. It does not pose an unacceptable environmental risk, including risk to groundwater, and
- d. It is close to, and with good access to, the minerals and waste lorry route, as shown on the Key Diagram.

DC14 - Landfill

Planning permission will be only be granted for landfill provided the site:

- a. Is identified for landfill use, as part of the restoration of a mineral site, in the Hampshire Minerals Plan, or pending its adoption is an existing or proposed un-restored mineral void, and in the case of non-hazardous landfill is within the landfill potential area shown on the Key Diagram, and
- b. Appropriate provision is made for the pre-treatment or sorting of waste, either on or off site, to substantially reduce its biodegradable and recyclable content, and
- c. It does not pose an unacceptable environmental risk, including risk to groundwater, and
- d. It is close to, and with good access to, the minerals and waste lorry route, as shown on the Key Diagram.