

SOUTH DOWNS NATIONAL PARK AUTHORITY

Decision Report

Decision Maker:	Regulatory Committee
Date:	11 January 2012
Title:	<p>South Downs National Park Application</p> <p>Continued use as soil recycling centre with associated development without complying with condition 1 and 17 of PP: F35283/005/CMA for an extension of permission and restoration scheme (either temporary for 5 year or permanent) at Blackmoor Recycling Site, Blackmoor Estate, Blackmoor GU33 6BT. (Application No: SDNP/35283/007, Site Ref: EH139).</p>
Reference:	3586
Report From:	Head of County Planning

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1. Executive Summary

- 1.1. The site is located within the South Downs National Park, and the application is being determined by Hampshire County Council on behalf of the South Downs National Park Authority under the delegation arrangements.
- 1.2. Planning permission for soil recycling and green waste composting was granted at the site in November 2002, for a temporary period to 31 October 2007. Subsequently planning permission was granted for continued use as a soil recycling centre to 31 March 2012. The proposal is for either a further period of five years or for the facility to be made permanent.
- 1.3. The site has been operating as a soil recycling facility since 2002. The site is not intrusive visually (DC3), does not have an adverse nature conservation impact (DC2) and provides a beneficial facility contributing towards recycling and sustainability in providing recycled soils for development. Whilst the site has operated without complaint in recent years (DC8) and is acceptable in terms of highway safety and convenience (DC6) it is within the South Downs National Park. Consequently although its continuation does not conflict with National Park purposes, it is considered that a further five year temporary consent would be appropriate to keep the operations under review.

2. Site and proposal

- 2.1. The site is located within the South Downs National Park, and the application is being determined by Hampshire County Council on behalf of the South Downs National Park Authority under the delegation arrangements.
- 2.2. The site, as shown on the attached plan, comprises an area of 1.9 hectares on the Blackmoor Estate. Planning permission for soil recycling and green waste composting was granted at the site in November 2002, for a temporary period to 31 October 2007. Subsequently planning permission was granted for continued use as a soil recycling centre to 31 March 2012. The proposal is for either a further period of five years or for the facility to be made permanent.
- 2.3. The nearest house is South Lodge, which is about 75 metres from the site. The houses fronting the A325 are about 120 metres away and Keepers Cottage is about 150 metres to the west. Blackmoor House is about 590 metres to the north and the village of Greatham about 420 metres to the south west. Woolmer Forest Site of Special Scientific Interest (SSSI), Woolmer Forest Special Area of Conservation (SAC) and the Wealdon Heaths Phase II Special Protection Area (SPA) are about 250 metres from the site on the other side of the A325.
- 2.4. Access to the site is via a private estate road to Blackmoor Road, then direct to the A325.
- 2.5. The County Council has set up a Liaison Panel for the site which is attended by representatives of the Parish Councils, East Hampshire District Council, local residents, the Environment Agency, the operator and the landowner. The Panel is chaired by Councillor Kemp-Gee and meets when required. There has not been a requirement for the Liaison Panel to meet for about two years.

3. Development plan

- 3.1. Hampshire Portsmouth Southampton and New Forest National Park Minerals and Waste Core Strategy (2007) policies DC2 (Sites with International and National Designations), DC3 (Landscape), DC6 (Highways), DC8 (Amenity), DC12 (Restoration) and DC13 (Waste management and Recycling) are relevant.
- 3.2. The application site falls within the South Downs National Park. The two statutory purposes of the National Parks designation are:
 - (i) to conserve and enhance the natural beauty, wildlife and cultural heritage of their area; and
 - (ii) to promote opportunities for the public understanding and enjoyment of the special qualities of the areas;
- 3.3. If there is conflict between the two, conservation takes precedence. There is also a duty to foster the economic and social well being of the local

community in pursuit of these purposes. Government policy relating to national parks is set out in PPS7: Sustainable Development in Rural Areas and Circular 20/10 is that they have the highest status of protection in relation to landscape and scenic beauty. Conservation of the natural beauty of the landscape and countryside must, therefore be given great weight in planning decisions.

4. Consultations

- 4.1. Councillor Kemp-Gee comments that he is Chairman of the Blackmoor Recycling Plant Liaison Panel, and that it has not been necessary to have a meeting for some two years. Cllr Kemp-Gee states, however, that there was a time when it had to meet reasonably frequently as there were one or two problems concerning activities and stockpile heights. Whilst pleased that these issues have diminished Cllr Kemp-Gee thinks it would be appropriate if – rather than granting permanent permission - a five year extension were to be granted and, in those circumstances would be agreeable to the application.
- 4.2. East Hampshire District Council raise no objection subject to conditions as on the previous consent.
- 4.3. East Hampshire District Council, Environmental Health Officer raises no objection subject to the controls on the hours of working and noise and dust remaining in place.
- 4.4. Environment Agency raise no objection.
- 4.5. Highway Authority raises no objection.
- 4.6. Natural England raise no objection, commenting that the proposal is unlikely to have a significant effect on the interest features of the SAC/SPA.
- 4.7. Greatham Parish Council comment that 'This site has been contentious from the outset. It was partially within the Area of Outstanding Natural Beauty (AONB) and is close to an SSSI. It is now wholly within the South Downs National Park. It is in close proximity to the Woolmer Pond which is part of the SSSI. Greatham Parish Council has always maintained that this site is completely inappropriate for a recycling centre. The current permission was for a temporary period of five years expiring on 31 March 2012 (Condition 1). Condition 17 is for the restoration of the site and a scheme for the restoration of the site should have been submitted to the Waste Planning Authority for approval in writing by 31 October 2012. Throughout the history of this site there have been innumerable breaches of the Conditions attached, with serious risk of pollution into water courses within the Wealdon Heaths Phase II Special Protection Area (SPA). There have also been many breaches of the conditions relating to vehicle movements, deposits of unauthorised materials and failures to cover the lorries. This has brought about both serious traffic and health hazards. For these reasons Greatham Parish Council strongly

objects to this application and would like to be represented at the meeting of the Regulatory Committee which determines the application. In view of the importance of the site, and the precedent which it might set Greatham Parish Council believes that this application should be called in by the South Downs National Park Authority.'

- 4.8. Selborne Parish Council raises objection, however if minded to grant permission would request that extension only give for five years and condition amended to reflect the reinstatement of the land after this period.
- 4.9. Whitehill Town Council supports an extension of permission on a temporary basis for five years.

5. Representations

5.1. Letter of objection received from neighbouring resident on grounds:

- (i) site was a bone of contention from outset, located partly within AONB now well within South Downs National Park. Inappropriate use within a National Park;
- (ii) request application called in by the South Downs National Park Authority for their determination;
- (iii) site unacceptably noisy, dust coming off in dry weather unacceptable, and when wet dust replaced by unacceptable mush;
- (iv) HGVs using site partly responsible for the damage to the verges of Blackmoor Road;
- (v) applicant before setting up the site operated from a site at Headley Down, which is now owned by East Hampshire District Council. District Council should be asked to sell back to applicant so they could re establish business at original site and reinstate current site.

6. Commentary

- 6.1. The application site is within South Downs National Park, and the South Downs National Park Authority have confirmed that the application be determined under the Delegation Agreement with the County Council.
- 6.2. As the site is now within the South Downs National Park consideration of the application needs to take into account the National Park purposes and guidance as well as the policies of the Hampshire Portsmouth Southampton and New Forest National Park Minerals and Waste Core Strategy.
- 6.3. The site is small scale, providing a local facility for soil recycling which is visually well contained with additional landscaping having been carried out. The operations at the site do not have an adverse nature conservation impact. This is confirmed in the Natural England response in relation to the

SPA/SAC and SSSI sites. Consequently its continuation does not conflict with the National Park objectives.

- 6.4. There were operational issues initially resulting in regular meetings of the Liaison Panel, however there have been no issues raised in the last two years and no need for a meeting of the Liaison Panel. Whilst the site has operated without complaint recently it is not considered that a permanent consent would be appropriate, bearing in mind it is within the South Downs National Park.
- 6.5. The neighbours have raised relevant issues but it is noted neither the Environmental Health Officer or Highway Authority object. Other matters relevant to the application have been addressed above.
- 6.6. In conclusion the site has been operating since 2002, originally alongside a green waste composting facility and subsequently solely as a soil recycling facility. The site is not intrusive visually and provides a beneficial facility contributing towards recycling and sustainability in providing recycled soils for development. Whilst the site has operated without complaint in recent years it is within the National Park. However, it does not conflict with National Park purposes, although a further five year temporary consent would be appropriate to keep the operations under review.

7. Recommendation

- 7.1. That planning permission for continued use as soil recycling centre, with associated development, without complying with condition 1 and condition 17 of F35283/005/CMA for extension of permission and restoration at Blackmoor Recycling Site, Blackmoor Estate, Blackmoor, Hampshire GU33 6BJ (SDNP/35283/007) be granted subject to the conditions listed in Integral Appendix B

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

Hampshire safer and more secure for all:	no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes
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**South Downs National Park Application**

County Planning

Continued use as soil recycling centre with associated development without complying with condition 1 and 17 of

Economy, Transport and Environment

PP: F35283/005/CMA for an extension of permission and restoration scheme (either temporary for 5 year or permanent) at Blackmoor Recycling Site, Blackmoor Estate, Blackmoor GU33 6BT. (Application No: SDNP/35283/007, Site Ref: EH139).

Elizabeth II Court West

The Castle

Winchester

CONDITIONS

Time Limits

1. The permission shall be for a temporary period expiring on 31 March 2017, on or before which date the use of the land for soil screening shall cease, within a further period of six months all waste, stockpiles, plant, equipment and structures shall be removed and the land reinstated to agriculture in accordance with condition 17 below.

Reason: In order to enable the reassessment of the use and its impacts.

Site Layout

2. The site layout shall be in accordance with drawing no 181/01 unless otherwise agreed in writing by the Waste Planning Authority.

Reason: To control the development in the interest of local amenity

Stockpiles

3. No stockpiles of waste or screened material shall exceed a height of 3 metres.

Reason: In the interests of visual amenity.

Hours of Working

4. No lorries shall enter or leave the site, and no operations shall take place within the site except between the hours of 0800 and 1700 Monday to Friday, and between 0800 and 1300 hours Saturday. There shall be no working on Sunday or Bank Holidays.

Reason: In the interests of local amenity.

Noise and Dust

5. The approved environmental management scheme for the control of noise and dust shall be implemented for the duration of the development.

Reason: In the interests of local amenity.

6. Notwithstanding condition 5 above, the noise levels shall not exceed 55 dBL_{aeq} as measured at the facade of South Lodge, Keepers Cottage or the houses fronting the A325.

Reason: In the interests of local amenity.

Restriction of Permitted Development Rights

7. 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.

Landscape

8. Landscaping shall be in accordance with Drawing no: 181/01, and maintained throughout the period of development. Any trees or shrubs which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season by others of similar size and species unless otherwise agreed in writing by the Waste Planning Authority.

Reason: In the interests of local amenity.

Highways

9. No loaded lorries shall leave the site unsheeted.

Reason: In the interests of highway safety.

10. Measures shall be implemented for the duration of the development to ensure no lorry leaves the site unless its wheels and chassis have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

11. All lorries exiting the access shall turn right to the A325, and all those entering the site shall turn left into the access. A sign shall be installed and maintained on the access road instructing drivers of the routeing for the duration of the development.

Reason: To prevent lorries travelling on unsuitable roads through Blackmoor.

12. There shall be no more than 60 lorry movements entering or leaving the site per day (30 in and 30 out). A written record shall be maintained recording the time and date of all lorry movements into and out of the site and the vehicles registration number. The records shall be available to the Waste Planning Authority on request.

Reason: In the interest of highway safety and local amenity.

Protection of Water Environment

13. The approved site drainage scheme, including measures for monitoring of water quality leaving the site, shall be implemented and maintained throughout the duration of the development.

Reason: To prevent pollution to the water environment.

14. 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.

15. No soakaways shall be constructed such that they penetrate the water table, and they shall not in any event exceed three metres in depth below existing level.

Reason: To prevent pollution of groundwater.

Restriction of Sales

16. There shall be no retail sales to the general public from the site.

Reason: In the interest of local amenity.

Restoration

17. A scheme for the restoration of the site shall be submitted to the Waste Planning Authority for approval in writing by 31 October 2016 or within one month of the cessation of use of the site whichever is the sooner. The scheme shall include the removal of all plant, equipment, waste, stockpiles, structures, access tracks and hardstandings. The scheme shall be implemented as approved and the site restored by 30 September 2017 or within six months of cessation of use whichever is the earlier.

Reason: To ensure the satisfactory restoration of the site.

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

**HAMPSHIRE PORTSMOUTH SOUTHAMPTON AND NEW FOREST
NATIONAL PARK MINERALS AND WASTE CORE STRATEGY (2007)**

DC2 - Sites with International and National Designations

Minerals and waste development, which is likely to prejudice the purpose of the following designated sites and their settings, will not be permitted unless the reasons for development outweigh the likely adverse impact, taking into account the requirements of relevant legislation and guidance. Internationally Designated Sites: European Sites (Special Protection Areas, proposed Special Protection Areas, Special Areas of Conservation, proposed Special Areas of Conservation) and Ramsar sites (Wetlands of International Importance); Nationally Designated Sites: The New Forest National Park, the proposed South Downs National Park and Areas of Outstanding Natural Beauty; National Nature Reserves, Sites of Special Scientific Interest; Scheduled Ancient Monuments; Listed Buildings, and sites on the National Register of Parks and Gardens of Special Historic Interest; Registered Battlefields. In all cases, applications will be subject to the most rigorous examination.

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.

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.

DC13 - Waste Management and Recycling (including Aggregate Recycling Facilities)

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 Minerals Plans, 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 water-borne 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.