

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	13 February 2013
Title:	Change of use from importation, short term storage, shredding and distribution of green waste for use as a soil improver for agricultural benefit to a waste wood shredding operation at West End Farm, Upper Froyle, Alton (Application No: 22111/031) (Site Ref: EH155)
Reference:	4703
Report From:	Head of County Planning

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1. Executive Summary

- 1.1 Planning permission is sought for the change of use from importation, short term storage, shredding and distribution of green waste for use as a soil improver for agricultural benefit, to a waste wood shredding operation at West End Farm, Upper Froyle, Alton.
- 1.2 The site currently has planning permission for an agricultural related green waste 'shredding and spreading' farm operation relating to the agricultural holding in which the site is located. The agricultural waste permission allows green waste to be imported and shredded on the site for use as an arable farmland fertiliser. The agricultural linked permission was granted in 2008 but it is understood the site has not been operational for over a year. An exception from policy was made to permit the 2008 permission because it was a sustainable agriculturally related organic farm operation. Implementation of the 'shred and spread' meant that the previous seasonal method of land improvement by pungent liquid fertiliser, which had caused odour complaints and amenity issues in the village, would not have to take place.
- 1.3 The current application is a different type of waste proposal, in that it is dealing with wood waste and an end product unrelated to the farm estate and unrelated to the improvement of the agricultural land. Wood waste would be brought in, processed and exported.
- 1.4 Following detailed evaluation of the site and it's planning history, relevant case law, and all comments received to date from consultees, local residents, the Parish Council and local Member, it is considered that this small (0.15 hectare) site, for environmental reasons, is not the most appropriate nor a sustainable location for an independent non farm related

permanent wood waste recycling facility. Accordingly it is recommended that planning permission be refused for the following reasons:

- a) The development is contrary to the National Planning Policy Framework 2012 in that the proposed development is not sustainable and does not meet the needs of the present without compromising the ability of future generations to meet their own needs.
- b) The proposed development is contrary to Policy DC8 of the Hampshire Portsmouth & New Forest National Park Minerals and Waste Core Strategy 2007 in that there would be an unacceptable adverse noise, dust and pollution impact by HGV traffic using Colthouse Lane to the amenity and quality of life of those residents residing in properties fronting or backing onto Colthouse Lane and to the amenity of users of footpath No 15 and 27 where sections of those footpaths also form part of the site haul route.
- c) The proposed development is contrary to policies DC 3 of the Hampshire Portsmouth Southampton & New Forest National Park Minerals and Waste Core Strategy (2007) in that there would be an adverse impact on the existing tranquil farmland landscape character caused by the development - in particular from the regular daily movements of associated HGVs accessing and egressing the site via the haul route which is also for part of its length statutory public Rights of Way .
- d) The proposed development is contrary to policies DC4 of the Hampshire Portsmouth Southampton & New Forest National Park Minerals and Waste Core Strategy (2007) in that it would impact on the quality and character of the Upper Froyle Conservation Area and Listed buildings at the junction of Ryedown Lane with Colthouse Lane.

2. Planning history

- 2.1. Permission was granted for the importation, short term storage, shredding and distribution of green waste for use as a soil improver for agricultural benefit at West End Farm, Upper Froyle, Alton (F22111/028/CMA) on 12/11/2008. The existing permission allows the receipt of 25,000 tonnes per annum of green waste and the on-site storage of green waste for a limited period prior to being shredded with a mobile shredder. All shredded green waste was to be spread on farmland within the estate. The proposal included the construction of a haul road. There were conditions restricting vehicle numbers and hours of working.
- 2.2. The development was implemented but ceased when government regulations for 'shredding and spreading' of such waste changed. The site has been inactive for about a year.

3 The Site

- 3.1 The application site extends across an area of 0.15 hectares within an arable farm of approximately 320 hectares approximately 1.7 kilometres from the South Downs National Park. The site is located approximately 600 metres west of the nearest residential property on the western edge of the village of

Upper Froyle and about 100metres from the curtilage of the nearest residential property to the south of the haul route. Residential properties as well as businesses are located on the first section of haul route known as Colthouse Lane (also footpath 15).

- 3.2 The site is situated on high ground in the corner of an agricultural field due south of a hay barn and screened to the east and south by Round Wood, a Site of Importance for Nature Conservation (SINC). Spollycombe Copse SINC is located 580 metres approximately to the east.
- 3.3 The site is hard surfaced, gated and bunded with earth, the bunds are grassed and partly planted with trees. The site is accessed by a long haul route linking West End Farm with the site. Surfacing of the haul route, its associated drainage and maintenance was secured through a scheme submitted with the existing permission. However, the condition of the final section of haul route leading up to the site, which is the route of footpath 27., is currently in a poor state of repair.
- 3.4 To access the site, traffic enters the farm from the west via the A31 and Ryebidge Lane, which links with the existing farm access off Colthouse Lane (also public footpath No. 15). The haul route runs past the farm buildings and two farmhouses after which it diverts into the adjacent agricultural field. It then runs across the edges of two fields until it links with Footpath 27. At this point the haul route, which is also an agricultural access used by the estate, turns 90 degrees west and follows the line of the track uphill to the proposed site.

4. Proposal

- 4.1 It is proposed to import segregated waste wood from wood recycling plants and council wood recycling plants. This would be brought onto the site in articulated lorries and weighed in on a weighbridge. It would then be deposited in a dedicated storage area. The waste wood would then be fed into a mobile shredder using a 360 degree excavator with hydraulic grab. The shredded wood then feeds via a conveyor into a mobile screen. The screen would contain an on-board magnet at the front end which extracts any ferrous metals which can then be sent for reprocessing. The screen would separate and eject the wood chippings and 'fines' into two piles.
- 4.2 The oversized material is also ejected into a third pile and can then be fed back into the shredder for further screening. The wood chippings and fines would be moved by a loading shovel into the dedicated storage areas and then loaded into an articulated lorry for onward transportation.
- 4.3 The throughput would be as currently permitted 25,000 tonnes per annum, 5 days a week, 50 weeks of the year excluding weekends and bank holidays. The potential catchment area for the site is to include Hampshire and Surrey as well as the surrounding counties.
- 4.4 Vehicle movements would be an average of 5 loads (10 movements) per day up to a maximum of 8 loads (16 movements) per day.
- 4.5 The only structures on the site would be the weighbridge and a portacabin to be used as the weighbridge office and staff room.

- 4.6 The applicant states the operation would divert a significant amount of waste away from landfill and help Hampshire County Council achieve its diversion target of 95% by 20120. The shredded wood source would be used within biomass or similar facilities.
- 4.7 The applicant submitted noise and dust assessments with the application and states that it is preparing an environmental permit for consideration by the Environment Agency.
- 4.8 The applicant states that with regards noise the assessment on noise found that noise levels at the nearby receptors would be unlikely to give rise to complaint but acknowledges that users of the footpath would be exposed to higher noise levels as they approach the site but this would only be for a short period of time.
- 4.9 With regards dust the applicant states that due to the site's location south of the site and the prevailing winds being from the southwest, any potential impacts 'would be negligible'. The applicant adds that loaded articulated lorries would be either enclosed or sheeted.
- 4.10 The applicant states with regards visual impact that the 4metre high bunds screen the site and the only place views of the actual site are visible is from a small stretch of public footpath no. 27 which runs east-west past the site entrance.
- 4.11 Equipment would be stored within the site and would comprise:
(i) a mobile shredding/chipping machine;
(ii) a mobile screen
(iii) a mobile loading shovel
- 4.12 Fuel would be supplied to the mobile plant using the existing farm equipment.
- 4.13 The proposal is not an EIA Development under the Environmental Impact Assessment Regulations 2011 and an environmental statement has not been submitted.

Response from applicant to public objections summarised below:

- 4.14 Having viewed the planning file and comments received on the application the applicant makes the following additional comments summarised below:
- Only 3 of the public objections had been made within the statutory timeframe and so do not comply with the Hampshire County Council Statement of Community Involvement or the Development Control Charter.
 - **Landscape** - There is no new 'physical' development proposed which would result in the loss of agricultural land. The development (an area of concrete hardstanding, haul road, security gate and a screening bund) already exists. The type of machinery and temporary office accommodation to be used on site will be almost identical to that previously proposed.

- **Heritage** - SITA do not intend to increase the amount of vehicle movements above that are already approved (16 two way movements). The routing of vehicles approved under the extant permission was not considered to have an adverse impact upon the Conservation Area or Listed Buildings. Therefore SITA cannot see how the continuation of a permitted operation would change this.
- **Highways (Policy DC6)** -previous HGV movements never achieved maximum permitted. The WPA when granting permission, were satisfied that 8 HGVs accessing and then egressing the site each day, could do so without adversely impacting upon the highway, local environment or amenity of the surrounding residents. The previous operation was mainly seasonal with less waste/traffic in winter – this does not appear to have been a determining factor in the original decision. The Highways Authority did not raise any concerns regarding the road or junction arrangement in relation to the latest application. SITA will ensure that all drivers accessing/egressing the site are made aware of the Hen and Chicken junction arrangements.
- **Treloar School site** – at the time of writing, no application has been submitted to the District council but it is anticipated that up to 80 new dwellings would be developed at the site. The residential development on the school site will result in a decrease of total daily vehicle movements.
- Given that no more than 8 HGVs will leave the site full laden each day, SITA do not consider that this will result in damage to the local roads.
- Under the existing Section 106 Agreement the applicant is required to contribute £1,000 a year towards the ongoing maintenance costs of Ryebriidge Lane.
- **Biodiversity (Policy DC7) Adverse impact upon SINC** – SITA state it's submitted Dust Assessment suggests that only dust deposition levels above 1,000mg/m²/day are likely to affect sensitive ecological receptors. Dust deposition levels at the site will be significantly lower than this meaning any potential impacts are considered negligible. An Environmental Permit (EP) Application has been submitted to the Environment Agency. This considers the impacts of the operations upon the local SINC. The EA will only issue the EP provided they are satisfied that there will be no adverse impacts.
- **Diseased wood containing ash die-back spores could impact upon ash trees in Round Wood** – SITA state the wood will be derived from construction and demolition sites within the County and wider area. There will be no diseased trees containing ash die-back
- **Amenity (Policy DC8) Noise impacts at nearby properties**- the noise assessment confirms that the proposed operations would not result in increased levels of noise above the existing background levels. Reference is made to the south westerly prevailing wind not being considered as part of the assessment. Had this been considered it would make no difference to the results given the distances to the nearest sensitive receptor in the village (approx 700m north east). On days when the wind blows in a south westerly direction it is correct that noise will travel some distance towards the village, but this breeze would also carry noise from the A31 and other surrounding activities in that direction.
- **Noise from HGVs being filled with material** – there is the potential for additional noise to arise as a result of fully laden HGVs climbing the

steeper section of the haul road. However, in SITA's experience, it is often empty vehicles that can create louder 'clinking' and 'banging' noises that can be of a greater nuisance. To SITA's knowledge, no complaints were made with regards to noise pollution during the operation of the green waste shredding. Dust impacts at nearby properties – as confirmed in the Dust Assessment submitted as part of the application, the various dust suppression practices that will be undertaken on site will ensure that dust does not escape beyond the site boundary and impact upon local residents.

- **Fire Risk** - The Parish Council rightly point out that 'the Wood Recyclers Association recognise the high risk of fire at waste wood recycling centres'. SITA are currently working with the Wood Recyclers Association in consultation with the Environment Agency, Chief Fire Officers Association and Health and Safety Executive to produce industry guidance for the safe storage of combustible materials. As part of the fire risk assessment and to comply with relevant guidance, SITA will ensure an appropriately sized water tank is available on site at all times. The site will also contain a water bowser that will dampen down the wood in periods of hot and dry weather.
- **Footpath- Impacts upon users of the path** – the proposal remains the same as before. Given that no additional vehicles will use the site, SITA fails to see how an operation proposing the same number of vehicle movements that were previously considered acceptable could now be seen as unacceptable.
- **Conflicts with Core Strategy Policy DC13 (Waste Management & Recycling)** Policy seeks to direct waste development away from the Countryside and use previously developed land – SITA are aware of the policies aim, however, in the 2008 Committee Report (paragraph 1.1) states that *"the application is a departure from the Core Strategy because it is a waste development in the countryside that is not within the curtilage of a redundant farm building"*. The original permission allowed for the construction of a road and area of hardstanding within the countryside - which was a departure from the Development Plan. This proposal seeks only to continue using the existing to help divert waste wood from landfill.
- **Conflicts with District Local Plan Policy GS3** East Hants District Council did not raise this as a concern during consultation stage (for both the original and current applications). A extant permission now exists for a 'waste development' at the site and so SITA consider that this policy no longer applies to the proposal. There are no intentions to undertake any new development or operations outside the realms of those permitted i.e. waste uses.
- **Conflicts with District Local Plan Policy IB3** Planning Permission for industrial or business development in countryside will not be permitted unless its for reasonable expansion/intensification of existing use within an existing site – SITA are not seeking permission to expand or Intensify operations on site.
- In summary SITA – the applicant- states : The original application approved in 2008 was considered by the WPA not to adversely impact upon the countryside, local ecology, visual impact, amenity, heritage and the surrounding highway. The WPA was satisfied that given there were no adverse impacts, a departure from the Core Strategy was acceptable

and permission for a 'waste development' within the countryside was granted. Planning conditions were attached to that permission to further ensure that during its operational life the environment and human health was protected. SITA are now proposing to undertake an operation almost identical to that already approved. There will be no increase in maximum vehicle movements, annual tonnage or operating hours – all of which were deemed to be acceptable. SITA proposed to use the facility to help divert a significant amount of waste wood from landfill and help Hampshire to achieve its ambitious diversion targets. SITA do understand that residents often have reservations regarding nearby developments. If deemed necessary, SITA would agree to a planning condition being attached to the permission that requires the forming of a local liaison group where residents can meet on a quarterly basis with SITA to discuss the operations and raise any concerns they might have.

5. Development Plan

- 5.1 Hampshire Minerals and Waste Core Strategy DPD 2007 Policies DC1 (sustainable development), DC3 (landscape), DC4 (archaeology/historic heritage), DC6 (highways), DC7 (biodiversity), DC8 (amenity) and DC13 (recycling) apply.
- 5.2 **National Planning Policy Framework**- the NPPF, although not part of the development plan, is a 'material' consideration. It was published by the Government in March 2012 and largely replaces former planning policy statements – except for PPS10 (see below). It includes an overarching 'presumption in favour of sustainable development' which means 'approving development proposals that accord with the development plan without delay'. The presumption allows for only refusing permission where adverse impacts clearly outweigh the benefits, or NPPF policies indicate developments should be restricted.
- 5.3 **NPPF : presumption in favour of Sustainable development**
14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.
- For **plan-making** this means that:
- local planning authorities should positively seek opportunities to meet the development needs of their area;
 - Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- For **decision-taking** this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted..

5.4 Planning for Sustainable Waste Management (PPS10) - PPS10 remains as national policy until a new National Waste Management Plan is adopted and provides for:

- (i) delivering sustainable development by driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option;
- (ii) protect green belt but recognise ‘the particular locational needs of some types of waste management facilitieswith the wider environmental and economic benefits of sustainable waste management needs...that should be given significant weight ...’ in decision making.

6. Consultations

6.1 Local Member Councillor Kemp-Gee states :

“As the local and relevant County Councillor I submit my opinion as follows:

I would like to thank County M&W Officers for the attention they have given to this matter and their considerable efforts to engage with the Froyle Parish Council, local residents and myself.

Initially, on my first reading of the application, I had hoped to possibly consider a temporary permission for the application and then consider, after 2 years, whether some more permanent arrangement could be considered. Unfortunately, after very considerable research and fact-finding, I cannot stay with those original aspirations. This has, by the rules and regulations of our County Mineral Plan and EHDC planning requirements, to be treated as a new application and not a conversion of the old `shred and spread` of green waste which was originally in place on the farm which was kiboshed by Defra. This meant that all green waste was spread on West End Farm and not exported i.e. it was a genuine agricultural activity. This new application is for an industrial activity where wood for chipping is both imported and exported so the farm effectively becomes a transfer station with industrial and rather noisy activities - not at all in tune with the intentions of District and County planning requirements.

On behalf of my 14,000 constituents I am required by my manifesto and their wishes, proved over some 8 years now, to oppose industrial development on greenfield land when it has been demonstrated in Hampshire and in other parts of England that with patience and diligence there is plenty of opportunity to match need with appropriate site on brownfield land - if it were otherwise I would take a different view. The County has proved this particularly with its food waste incinerator activities/electricity generation. It is regrettable that County Officers have not held the line here on AD sites where they have now procured a greenfield site in Herriard whilst brownfield sites are coming forward all the time (such as the big one on the

Micheldever Railway Yard). We are now in the bizarre situation where County M&W Officers have procured facilities for AD waste food disposal of 125,000 tons in my and Cllr. MacNair Scott's Division, directly adjacent to mine, which equates to the entire requirement for Hampshire's 1.3 million population. You may ask why this is relevant and the answer is that there is no guarantee that the green carbon footprint is meeting planning requirements and indeed there is no mention of the 40 mile rule in this application. Is it really appropriate that, without any sustainable requirement or condition, the iconic settlement of Upper Froyle should be used for an industrial activity of this nature? Turning now to specific requirements of the relevant planning conditions: I opine as follows.

The Report produced by Froyle Parish Council is diligent and excellent in every respect so, rather than being repetitive, I will merely emphasise particular aspects of that report which I wholeheartedly support.

Has the SDNPA, of which I am a Member, been consulted as an adjacent Planning Authority? The Parish Council opine that the successful prosecution of the application might infringe the Park's basic principles.

DC3 is engaged and relevant - thus reasons for refusal.
DC4 is engaged and relevant - thus reasons for refusal.
DC6 is engaged and relevant. The historic death toll at the Hen & Chicken junction is a legacy that has not gone away. We still have not got that junction with the A31 right and with the upcoming development of 80 dwellings in Upper Froyle, and all destined to use that junction, we must choose between the much needed housing (including an affordable element) and the industrial activity represented by this application.

I now come to the two main reasons in the Hampshire Minerals and Waste Plan for objection.

In no way in this very special part of our countryside suitable, given the village is a conservation area of special importance, to allow non-agricultural activities. I have no confidence at all in the reassurances on lorry import/export activity and the grinding noises coming from the wood waste.

DC8 is brought strongly into play as a reason for objection.

Lastly and most important of all: DC 13 specifies that there has to be really extra-ordinary reason of need, specified by a national planning framework reason, for going against policy, to activate, as defined, industrial activities on previously undeveloped agricultural and greenfield land. Such intention is contrary to the County's extant Minerals and Waste Plan. Such reason has not been specified and nor could it ever be justified. "

- 6.2. **Froyle Parish Council** objects to the application on the grounds that it conflicts with policies in the Local Plan and in the Hampshire Minerals and Waste Core Strategy (HMWCS) and that no evidence that would justify an exemption has been provided. It adds that the applicant has not engaged with the community to explain the rationale for their proposed development. The Parish adds it has no objection to the concept of recycling. However it

concludes that the application which involves bringing HGVs through a dangerous junction, up a narrow lane with no pedestrian footpath or refuge, past the entrance to a major redevelopment of 60+ houses (Treloar), through a conservation area with a number of listed buildings, and then 600 metres across open countryside alongside a well-used long distance footpath to finish by a SINC is entirely inappropriate within the meaning of the HMWCS and the EHDC Local Plan and conflicts with Hampshire County Council's priorities of securing strong safe communities, maximising well-being and enhancing the quality of place. The proposal also conflicts with the wishes of the majority of residents of the Parish of Froyle. The Parish has submitted detailed reasons as to why the development should not be granted which have been summarised below:

- (i) **Reason existing permission was granted:** - it was for an agricultural process in which garden waste was shredded and ploughed into the fields as a soil improver, a process often referred to as 'shred and spread'. Permission was granted although contrary to policy because it was for an agricultural process related to the farm land at which the site is located. Those living in the countryside accept the inconvenience of agricultural activity. The annoyance of a combine harvester working into the night or tractors blocking the lanes with loads of potatoes is much easier to accept than the impact of the proposed industrial activity which while necessary has no need to be in open countryside
- (ii) **Industrial application** – this is a new application proposing inappropriate industrial development in the countryside.
- (iii) **Departure form the development Plan** - The HMWCS (Hampshire Minerals and Waste Core Strategy); The East Hampshire District Local Plan and the National Planning Policy Framework (NPPF) -which directs that applications must be determined in accordance with the Local Plan unless material considerations indicate otherwise. The applicant provides no such considerations which might justify a breach of policy making the application wholly unacceptable. Contrary to HMWCS Policy DC3 and EHDC Policy GS3 (Landscape Character); Policy IB3 (resist industrial development (B2) in the open countryside); (HMWCS) Policy DC13 which seeks to direct waste management activities away from the countryside to previously developed sites; HMWCS Policy DC4 (Historic Heritage); HMWCS Policy DC6 (Highways); HMWCS Policy DC7 (biodiversity).
- (iv) **Not previously developed land-** Annexe 2 of the NPPF makes it clear that the site does not meet the criteria for 'previously developed land' in that it has never been occupied by permanent structure. FPC believes that the site was used specifically for an agricultural rather than an industrial process and it was exclusively for that use that permission was previously given.
- (v) **Amenity** - the proposal would cause harm to the countryside, harm the character or rural roads and harm the amenity enjoyed by residents now and in the future. The value and amenity of this particular stretch of countryside will be of considerable value as and when the population of Upper Froyle doubles as a result of the Treloar development (see below).

- (vi) **Landscape** - although technically not designated it is of equal value to the landscape which it overlooks on the other side of the Wey Valley which lies within the South Downs National Park. No landscape appraisal has been provided. No amount of tree planting can mitigate the impact of the development on this very open landscape.
- (vii) **Tranquillity** - the noise and dust from the site will impact on the tranquil character of the area. It will destroy the peace and tranquillity of the SINC during working hours and will affect wildlife and deter visitors. The enjoyment of walkers on the long distance St Swithun's Way which links Farnham and Winchester will be impacted by the noise of the recycling and that of the heavy lorries moving for much of the way in low gear.
- (viii) **Noise**- in assessing the impact of the noise insufficient attention has been paid to the direction of the prevailing wind which blows straight towards the village and the very different nature of the material to be shredded. It seems unlikely that solid wood can be shredded as quietly as garden waste.
- (ix) **Historic Heritage**- the proposed lorry route passes through the Upper Froyle Conservation Area and in front of the grade II* listed Manor House, and the grade II listed Manor Stables and Froyle House. Froyle Parish Council believes that it would be a matter of regret if at a time when a long overdue renovation of these listed buildings is under consideration, an ongoing increase in heavy goods traffic past them is authorised.
- (x) **Highways** – policy acknowledges there is a need to reduce extraneous heavy vehicles travelling on unsuitable local roads. Policy DC6 recommends that waste management sites are located close to the source of the waste. There is no evidence that Froyle is a source of waste wood. A more appropriate and sustainable site could for example be located next to the Froyle WRC. FPC believes that **HMWCS Policy DC6** was insufficiently considered in relation to the original application and in the current pre-application advice. The following remain matters of concern to FPC:
- Confusing signage at the A31 junction.
 - The slip road at the Hen and Chicken junction is very sharp compared with that accessing the recycling centre on the opposite side of the A31.
 - Vehicles waiting to turn right onto the A31 are very exposed.
 - On-road parking outside the garage and pub blocks the road and could result in a tailback onto the A31.
 - Pedestrians using bus stop, pub and garage shop.
 - Sharp right angle bend onto Hen and Chicken Hill (Ryebriidge Lane).
 - Lack of pedestrian foot path or refuge on H&C Hill. There are ditches on both verges.
 - The road has a pronounced camber and is insufficiently wide for two lorries to pass. The kerb-to-kerb measurement of the road is under 15 feet. The combined width of two 20 ton lorries excluding wing mirrors is over 16 feet.
 - Lack of tarmaced passing places as previously promised.

- Junction with the main access into Treloar site which eventually will see the construction of 60-80 new houses.
- Impact on the long distance footpath St Swithun's Way.
- Impact on residents of West End Farm immediately adjacent to haul route.
- Previously it was found impossible to prevent lorries crossing the A31 when approaching and leaving Froyle rather than use the roundabouts

The Parish refers to comments by the District Highway engineer stating whilst not objecting attention was drawn to issues of pedestrian safety on Hen and Chicken Hill and general safety at the A31 junction and the need for improved signage. Damage to the road caused by heavy lorries was referred to and the need for safety along the rights of way.

With regards the comments of the Highway Authority the Parish states that the report claims there will be no net impact on the highway network but this appears to ignore the fact that the lorries returning from the site will be fully laden; that the previous process was seasonal and never operated at the maximum allowed. There is no requirement for a road condition survey despite the fact that previously the road was damaged by lorries accessing the site and had to be repaired at public expense. It adds the Highway Authority makes no reference to pedestrian safety. The report refers to the absence of accident data but omits to mention that the site has not been in operation for more than two years. The report does not mention the need to prevent lorries crossing the A31 which was a significant problem during the construction of the haul route and remains a significant safety issue.

The report does not mention the imminent development of the Treloar site which will be accessed from Hen and Chicken Hill.

- (xi) **Not seasonal** - the Parish Council understands that under the previous permission the number of lorry movements never approached the maximum permitted and that the activity was seasonal with less green waste being processed in the winter. The proposed waste wood recycling could operate at or close to the maximum permitted levels throughout the year impacting on the village
- (xii) **Alternatives appraisal and justification**- no attempt to justify siting an industrial recycling operation in open countryside nor to argue that more appropriate sites are available. The fact that there are other wood recycling sites operating locally is ignored.
- (xiii) **Biodiversity** - the proposed site for recycling is located alongside an award winning conservation area which has been designated a Site of Importance for nature conservation (SINC). The Parish is concerned that the importation of diseased wood, for example wood containing ash die-back spores, could have a devastating impact on the ash trees growing in Round Wood, Walter's Wood and Spollycombe Wood. existing earth banks on the proposed site are already providing environments for a wide variety of species as they revert back to nature. Their value as a wild life habitat alongside the conservation area greatly outweighs any advantage

that the industrial recycling process could bring which is unlikely to have anything other than a negative impact on biodiversity.

- (xiv) **Fire Risk**- the Wood Recyclers Association recognises the high risk of fire at waste wood recycling centres: 'Given the quantities of flammable material fire is a significant safety, environmental and economic risk.'

The Parish is concerned that a fire on site would be difficult to contain and would easily spread to the neighbouring woods. There is no mains water on site. The existing earth banks on the proposed site are already providing environments for a wide variety of species as they revert back to nature. Their value as a wild life habitat alongside the conservation area greatly outweighs any advantage that the industrial recycling process could bring which is unlikely to have anything other than a negative impact on biodiversity.

- (xv) **Treloar School** - this site lies either side of Hen and Chicken Hill. The Parish understands that a planning application for the Treloar site will shortly be made and that this will involve the renovation and repurposing of a number of buildings, the demolition of others and the construction of approximately 60 new dwellings. The parish considers this will almost certainly double the size of Upper Froyle over the next few years and that this increase in population should be a material consideration with regard to this current waste application for West End Farm.

The parish states that EHDC **Guidelines for the Treloar School** make frequent reference to the high quality of the landscape setting of Upper Froyle; the sensitivity and uniqueness of the village setting which lies immediately to the east of the lorry route. An updated description of the Upper Froyle Conservation Area is in preparation. The **Guidelines** make it absolutely clear that no development will be permitted outside the settlement boundary. New developments on the Treloar site which may include a country club will draw in others who wish to enjoy the countryside. This will benefit the local economy. Froyle is a significant tourist destination. The annual gardens open day brings in a thousand visitors many of who return to the area to enjoy the countryside.

- (xvi) **Froyle Parish Plan** – the Parish states that a recent survey (June 2012) of residents of Froyle, conducted as part of the development of a Parish Plan with a response rate of over 90%, makes it very clear that residents value the surrounding countryside very highly (80%), attractive views (79%) and the peace and tranquillity (70%). Anxiety was expressed about pedestrian safety and the damage done to rural lanes by heavy vehicles (88%).

The parish states that if the committee are minded to agree the application then the following should be attached to the permission:

- A S106 agreement which provides for real and identifiable safety improvements at the A31 junction
- The provision of a footpath to ensure pedestrian safety at all points along the lorry route

- A road condition survey to ensure any damage to the roads do not have to be repaired at public expense
- The monitoring of vehicle movements at the A31 junction and sanctions for any breaches of the agreed lorry route for example crossing over the A31.
- The provision of tarmac passing places on Hen and Chicken Hill.
- A review after 2 years with full community engagement and full details of how this review will be conducted and the process by which permission will be extended or terminated.
- The site should operate in accordance with Publicly Available Specification (PAS 111:2012) to ensure effective management of the site and to reduce the risks of fire and contamination.
- The size and weight of the lorries visiting the site shall be limited to 20 tons and the weights shall be monitored along with the movements. The speed of vehicles shall be limited to 10mph on the haul route and 5mph along the right of way and where the haul route crosses the right of way.

6.3. **Environmental Health Officer** states that it has reviewed the information that has been provided to support the application which includes a dust assessment and noise impact assessment. The site already has permission for a waste handling operation. The proposed operation is similar in nature to the previous use with the main differences being the type of material to be handled and the type of equipment to be used. Environmental Health has received no complaints regarding the previous green waste operation. The information that has been submitted to support the application demonstrates the proposed use is unlikely to significantly impact the amenities of the surrounding area. The Environmental Health Officer concludes that no objection is raised to the proposed change of use subject to conditions regarding hours of working; dust suppression and no external lighting being attached to any permission if the County Council is minded to grant:

6.4. **East Hampshire District Council** raises no objection to the proposal.

6.5. **The Environment Agency** has assessed the proposal and raises no objection.

6.6 The **Highways Authority** raises no objection to the proposal. It states the existing permission includes a condition to restrict the number of HGV movements per day to 16 (8 in and 8 out) and the new proposals do not seek to increase this level of trips. Therefore there will be no net impact on the highway network as a result of this application. The site is accessed from a private road and it is not proposed to change any of the access arrangements. Accident data in the vicinity of the site over the last five years indicates that the operation of the site has had no adverse impact on road safety.

6.7 **Rights of Way** raise no objection to the principle of the proposal. Froyle Footpaths Nos 15 and 27 would be affected as part of each would be used as the haul route. Rights of Way state that it has no objection to this proposed change of use as it is very similar in character to the extant permission, F22111/028/CMA. It would, however, wish to see applied,

similar conditions to those applied to that permission, in respect of the public footpaths affected.

Namely, Conditions 14, 19 and 20 which required :-

- i) the provision and maintenance of an alternative permissive route parallel to and south of Froyle FP27. This should be a grass headland path, which should be mowed as necessary throughout the growing season.
- ii) the surfacing and subsequent maintenance of the surface of those sections of Froyle Footpaths Nos 15 and 27 to be used as the haul route.
- iii) the provision and maintenance of suitable signage warning drivers of the nature of the haul road and the presence of walkers on it.

7. Site Visit

7.1 On Monday 28 January 2013 Members of the Regulatory Committee visited the site using the proposed haul route constructed in part under the existing permission. Members witnessed the site (which was closed and non-operational) and its agricultural and rural surroundings including the residential properties on Colthouse Lane, an isolated property to the south of the haul route and those properties situated on the western fringes of the village. They observed use of public footpath 27 and noted those sections of the footpath that would also be used as a haul route. A ransom strip of grass was highlighted by officers to Members that runs south of footpath 27, which was secured under a planning condition on the existing permission as an alternative permissive path to that section of footpath 27 used as a haul route. The wear and tear on the haul route along footpath 27 was pointed out to members and it was explained that details for the surfacing and associated maintenance of footpath 15 and 27 (where it was to be used as a haul route) was approved by way of a condition on the existing permission. The built Conservation Area and Listed buildings near the haul route in Upper Froyle were pointed out to members as being partly along Colthouse Lane. The SINC adjacent to the site was also noted. Members accessed the site haul route from the 'Hen and Chicken' junction via Ryedown Lane and so used the same access route from the public highway subject of the existing lorry routing secured by a Section 106 agreement attached to the existing planning permission.

8 Representations

8.1 Nine letters of objection from local residents have been received to the application the grounds for which are summarised below:

- (i) Departure from planning policy
- (ii) Highway safety impacts
- (iii) Completely different to farm agricultural waste operation
- (iv) Direction of wind not taken into account in noise submission nor the height of the site above sea level compared to level of village.
- (v) Conflict with walkers on Pilgrims Way and St Swithuns Way footpath

- (vi) Adverse dust impacts- including caused by lorries on haul route to residents along haul route and to users of Rights of Ways
- (vii) No past complaints from existing permission as was seasonal and also operations stopped.
- (viii) Treloar campus development will generate more traffic.
- (ix) Do not wish to see pavements down to Hen and Chicken as detract from rural character of area but there would be a danger to pedestrians.
- (x) Large sewage (pungent liquid fertiliser) lorries and spreading ceased under the existing agricultural permission but would resume under current proposal.
- (xi) Current agricultural use is not industrial therefore land is not Previously Developed Land (PDL) under the Core Strategy Definition. It does also not comply with NPPF definition of PDL
- (xii) Conflict with Rights of Way
- (xiii) Noise- green waste is softer when shredded than all categories of waste wood; noise from lorries going along haul route past houses on the route.
- (xiv) Visual impact and rural character
- (xv) Will not benefit village of Froyle nor the agricultural land in any way
- (xvi) Amenity and Tranquillity – impact on amenity value of the area , including landscape views from footpaths and its associated current tranquillity.

9. Commentary

9.1 The key issues raised by the proposal, are :

- (i) Compliance with Policy.
- (ii) Highway Safety and associated environmental and amenity impacts of traffic.
- (iii) Amenity impacts by way of noise and dust to local residents.
- (vi) Impacts on rural character of the area including landscape and tranquillity Impacts.
- (v) Impacts to users of the Rights of Way adjacent to and within the alignment of the haul route.
- (vii) Impacts on the Sites of Importance for Nature Conservation.
- (viii) Conservation Area and listed buildings.
- (ix) Planning History.

- 9.2 The current permitted use of the land is for an agriculturally related green waste operation. The sole purpose of which is to shred green waste and plough it back into the agricultural land as an organic fertiliser – replacing the spread of sewage sludge.
- 9.3 The limited footprint of the site reflects the nature of the existing permission linked to the farm estate. The site has no mains electricity or mains water or sewage connection.
- 9.6 The County Council, as Waste Planning Authority, acknowledges that the site, of small footprint, exists and it is served by a haul route through the farm. It also notes the site is permitted with mobile buildings for an agricultural purpose and that the plant (no longer on site) was powered by portable generators and water stored on site as necessary - which for the sustainable and organic shred and spread operation it was supporting, was considered acceptable at the time this permission was granted in 2008.
- 9.7 Case law indicates that an existing permission may be a material consideration in determining an application. However, a decision maker is also entitled to consider the reasons why that permission had been granted, and to look at whether there had been a special need to prompt an exception to policy on that occasion - 'General Education Limited v Secretary of State for the Environment [1993] PLR64.
- 9.8 It is the view of the County Council as Waste Planning Authority that the application subject of this report is quite a different proposal to that which currently has planning permission. Exception was made by Members to grant the existing permission in the countryside because the sole purpose of importing green waste was to provide an alternative organic and more sustainable means to fertilising the arable land which did not produce a strong odour (as the sewage sludge did) and which also had the benefit of supporting the principle of recycling.
- 9.9 In light of this, Members would, if they so wish, be entitled to look at this application in isolation of the existing permission – in other words look at it 'afresh' and determine it in accordance with policy.
- 9.10 The County Council, as Waste Planning Authority, considers the basis of the Hampshire Core Strategy 2007 is not to encourage commercial waste sites to operate in an isolated rural location such as this and one where access is by a long haul route clearly visible in the countryside from a range of public view points and where part of the haul route shares historic and regularly used public rights of way and which also passes adjacent to residential properties and the edge of a conservation area in a currently tranquil setting.
- 9.11 Objections and concerns raised by the Parish Council, the local member and public on highway safety are noted including the future proposals for the Treloar site for housing. The comments of the applicant are also noted in this regard. The Highway Authority is aware of all the issues raised but as traffic is not increasing in numbers it considers that there is no highway safety issue with regards the application subject to conditions and a new Section 106

agreement to secure lorry routing and a financial contribution. It is also noted that the District Council raises no objection to the application. However, there is the need to consider the wider issues including the environmental impact of traffic on the public rights of way and residents along the haul route. It is considered that the traffic generated would impact on the character of the conservation area, on the users of the footpaths and on the amenity and quality of life of nearby and adjacent residents.

- 9.12 The NPPF states that Planning decisions should aim to identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason and avoid such noise giving rise to significant adverse impacts on quality of life as a result of new development. Sustaining and enhancing heritage assets such as Conservation Areas and Listed Buildings through new development is also an issue as in this case the haul route, also a public footpath in part, runs through a Conservation Area. This would in the County Planning Authority's view, not only adversely impact on the character of the conservation area but also on the enjoyment of those visiting and living in the immediate area.
- 9.13 The site itself is in an isolated rural position, higher than the village of Upper Froyle, bordered on two sides by Round Wood, a Site of Importance for Nature Conservation. It is considered that the long access route to the site - part of which is also public footpaths - mean that lorries will be highly visible as they traverse across this rural area from a number of public viewpoints especially in winter from mid afternoon when head lights would be required both to clearly see the haul route and to identify and walkers on the haul route. It is also considered that the noise of vehicles going up and down the sloping lorry route will also impact on the tranquillity of the area. An agricultural operation is one thing – a farming estate has a right and a need to fertilise and improve its farmland- agricultural operations may create traffic in their own right but are an accepted part of the rural economy. An independent waste operation in this location is considered to be another matter entirely. The County Council as Planning Authority undoubtedly supports recycling and the need to find suitable and appropriate sites where such permanent facilities can be located.
- 9.14 To conclude it is considered that taking into account, all the information before the County Council at this time, including past case law, the access to the site, the impact on the countryside and the village this is not considered to be an acceptable location for a recycling facility unrelated to the farmland on which it is sited nor the type of location for an independent recycling facility that the County Council would promote as part of its Core Strategy.
- 9.15 In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 the Local Planning Authority have worked with the agent and applicant in a positive and proactive manner. Pre-application discussions were undertaken with the applicant and agent where guidance was provided on planning policy and the key planning issues with clear advice being given on the survey work and level of information required alongside the planning application.

10. Recommendation

- 10.1 That permission for the Change of use from importation, short term storage, shredding and distribution of green waste for use as a soil improver for agricultural benefit to a waste wood shredding operation at West End Farm, Upper Froyle, Alton (Application No: 22111/031) (Site Ref: EH155) be refused planning permission for the following reasons:
- a) The development is contrary to the National Planning Policy Framework 2012 in that the proposed development is not sustainable and does not meet the needs of the present without compromising the ability of future generations to meet their own needs.
 - b) The proposed development is contrary to Policy DC8 of the Hampshire Portsmouth & New Forest National Park Minerals and Waste Core Strategy 2007 in that there would be an unacceptable adverse noise, dust and pollution impact by HGV traffic using Colthouse Lane to the amenity and quality of life of those residents residing in properties fronting or backing onto Colthouse Lane and to the amenity of users of footpath No 15 and 27 where sections of those footpaths also form part of the site haul route.
 - c) The proposed development is contrary to policies DC 3 of the Hampshire Portsmouth Southampton & New Forest National Park Minerals and Waste Core Strategy (2007) in that there would be a an adverse impact on the existing tranquil farmland landscape character caused by the development - in particular from the regular daily movements of associated HGVs accessing and egressing the site via the haul route which is also for part of its length statutory public Rights of Way .
 - d) The proposed development is contrary to policies DC4 of the Hampshire Portsmouth Southampton & New Forest National Park Minerals and Waste Core Strategy (2007) in that it would impact on the quality and character of the Upper Froyle Conservation Area and Listed buildings at the junction of Ryedown Lane with Colthouse Lane.

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

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

Other Significant Links

Links to previous Member decisions:		
Importation, short term storage, shredding and distribution of green waste for use as a soil improver for agricultural benefit http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=13242	<u>Reference</u> F22111/028 /CMA	<u>Date</u> <u>12.11.2008</u>
Importation, short term storage, shredding and distribution of green waste for use as a soil improver for agricultural benefit http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=13089	Withdrawn	31/07/2007
Direct links to specific legislation or Government Directives		
<u>Title Planning Policy Guidance Note 10</u> <u>NPPF-</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 from importation, short term storage, shredding and distribution of green waste for use as a soil improver for agricultural to a waste wood shredding operation	County Planning , The Castle, Ashburton West
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=15319	County Planning , The Castle, Ashburton West
Case Law	Room 13, Chief Executives, The Castle, Winchester and County Planning (Ashburton West)

*Annexe to Reasons for Conditions/Refusal
(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

Policy DC1 – Sustainable Minerals and Waste Development

Minerals and waste developments will only be permitted if they meet the standards outlined in Policy S1 and, in appropriate circumstances, are designed and constructed to use water and energy efficiently.

Policy 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.

Policy DC4 – Historic Heritage

Minerals and waste development will be granted if due regard is given to the likely effects on the need to protect and safeguard sites of archaeological, historical, and architectural importance, and the settings of these sites.

Policy 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.

Policy 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 Principle Importance for Biodiversity, Regionally Important Geological Sites and Local Nature Reserves) shall only be permitted if the merits of development outweigh the likely impact.

Policy 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 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 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.

East Hampshire District Local Plan

GS3

The countryside, defined as the area outside settlement policy boundaries, will be protected for its intrinsic character and beauty. Planning permission will not be granted for development within it unless all the following criteria are met:

- a. it is necessary for farming, forestry, countryside recreation, small scale tourism or any other genuine and proven need for which a countryside location is essential;
- b. it would not harm the overall character, quality, tranquillity and appearance of the countryside;
- c. it would not harm the intrinsic local character of the landscape, sense of place or local distinctiveness; and
- d. the type and volume of traffic generated would not result in danger or inconvenience on the public highway, or harm the rural character of local roads.

Provided that:

- i. the development would not harm the overall character, quality, and appearance of the countryside, which shall be protected for its own sake; and
- ii. the type and volume of traffic generated would not harm the countryside.

IB3

Planning permission for industrial or business development in the countryside will not be permitted unless it is for the reasonable expansion or intensification of an established industrial or business use within an existing site, provided it would not:

- a. result in an over-intensification of use on the site;
- b. harm the character or appearance of the site or of the countryside;
- c. generate traffic of a type or amount inappropriate to rural roads or, requires improvements which would harm the character of rural roads in the area, particularly sunken lanes;
- d. harm the amenity enjoyed by occupiers of nearby properties; or
- e. lead to excessive use of the car.