

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	17 July 2013
Title:	Variation of Condition 1 of Planning Permission 09/94536 to Extend the Time Period to 31 December 2025 at Marchwood Quarry, Jacobs Gutter Lane, Marchwood, Southampton SO40 4UD (Application No: 12/99113) (Site Ref: NF172)
Reference:	5044
Report From:	Head of County Planning

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1. Executive Summary

- 1.1. Planning permission was granted for Marchwood Quarry in 1994. Planning permission for importation, storage and recycling of construction waste, including crushing and screening at Marchwood Quarry was permitted on 12 July 2001. The proposed recycling was ancillary to the mineral extraction and waste tipping permitted at the quarry. Consequently the permission for recycling was limited to the same duration as the working and restoration of the quarry. There is a planning application (12/99110) to extend the period for working and restoration at the quarry which is also on the agenda for this Committee.
- 1.2. This proposal is to extend the time for the importation of construction/demolition waste, its storage, processing (including crushing and screening) and despatch as secondary aggregate, by varying the time limit condition of permission 09/94536. These approved processing facilities are on a site of 2.06 hectares located within the Marchwood Quarry site. Whilst mineral extraction from the main site has been completed, it is anticipated that the remaining extraction, infilling and completion of restoration would take thirteen more years and so the associated plant will be required for this period also. The application is not an EIA development.

- 1.3. The main issues are whether the additional length of time is acceptable in terms of the impact on highways safety and amenity and if the restoration of the site is sensitive to the nearby National Park and the high ecological value of the nearby river and marshlands. The key considerations are:
- (a) extension of time to an active quarry to allow sensitive restoration with no adverse impact to New Forest National Park or local landscape (Policies DC2, DC3 and DC12);
 - (b) impacts on highway safety and convenience acceptable as no change to maximum lorry numbers, mostly suitable local roads with transport links and inclusion of a legal agreement for a permissive cycleway (Policy DC6);
 - (c) no disturbance to amenity of local residents as residential properties nearby protected by site layout, physical boundaries and on site management (Policy DC8);
 - (d) no impact on ecology of wet land area SSSI/SAC/RAMSAR/SPA (Policies DC7 and DC10);
 - (e) contributes towards recycling secondary aggregates (Policy S9).
- 1.4. It is considered that an extension of time until 31 December 2025 would enable the waste recycling operations to continue and facilitate the remaining the sensitive restoration of the quarry. Therefore, it is considered that the proposal would be in accordance with the development plan (summary attached) in that it is ancillary plant to an existing quarry site (DC15), where there is the need to complete restoration (DC3 and DC12) and the additional period would not have an unacceptable amenity impact (DC8), highways impact (DC6) or affect sites of nature conservation importance (DC2, DC7, DC10). The proposal would contribute towards recycling secondary aggregates (Policy S9).

2. Site and proposal

- 2.1. Marchwood Quarry is located to the north west of Marchwood village. It lies between the railway line, Trotts Lane and Marchwood Road/Bury Road. To the east and south is residential development. To the west is forested land and to the north is mainly agricultural land. The nearest houses are along Trotts Lane, the nearest one being about 40 metres from the edge of the site.
- 2.2. Access is onto Marchwood Road, and there is an existing lorry routeing agreement directing lorries away from Marchwood Village. The existing access has been specifically designed and built to prevent lorries from turning south east to use Bury Road, so all traffic uses Jacobs Gutter Lane instead.

- 2.3. Eling and Bury Marshes Site of Special Scientific Interest (SSSI), Solent and Southampton Water Special Protection Area/RAMSAR (SPA/RAMSAR) and Solent Maritime Special Area of Conservation (SAC) lie on the other side of Marchwood Road/Bury Road, approximately 150 metres to the east. Approximately 500 metres to the south west is the New Forest National Park (NFNP) border.
- 2.4. Planning permission for importation, storage and recycling of construction waste, including crushing and screening at Marchwood Quarry was permitted on 12 July 2001 (permission 70839). The recycling was ancillary to the mineral extraction and waste tipping already permitted at the quarry. Consequently the permission for recycling was limited to the same duration as the working and restoration of the quarry.
- 2.5. The timescales for the quarry were extended to 31 August 2012, and consequently a similar extension of time for the recycling was requested. A further consent was granted on 13 December 2010 (permission 09/94536), which expired on 31 August 2012 or when the working of minerals and tipping operations at Marchwood Quarry cease whichever is the sooner, under condition 1.
- 2.6. The working of minerals and tipping operations at Marchwood Quarry have taken much longer and so the applicant has applied to extend the working life of the plant to match that requested for the quarry, namely 31 December 2015.
- 2.7. The plant is a minor but useful element of the restoration of the quarry as it enables imported material to be treated to produce suitable soil substitutes and recover the harder fractions of the waste material such as concrete, bricks. In addition to the dry screening unit which is based on site, a concrete crusher is used when needed. The suitable material is then spread by a small bulldozer when infilling takes place. The development is currently limited to no more than 30,000 tonnes of waste being imported per year.
- 2.8. The working hours are from 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturdays. There shall be no working on Sundays.
- 2.9. The proposal is a Schedule 2 development within the EIA Regulations 1995 (as amended) as it is above the threshold for a installations of disposal of waste. Despite the proximity of the ecological designations, the development does not need an Assessment under the Conservation of Habitats and Species Regulations 2010, as Natural England do not deem significant adverse impacts on these designations are likely.

3. Development plan

- 3.1. Hampshire Portsmouth Southampton, and New Forest National Park Minerals and Waste Core Strategy (2007) is the adopted plan. The most

relevant policies are: S8 (Sand and Gravel), DC2 (Sites with International and National Designations), DC3 (Impact on Landscape and Townscape), DC6 (Highways), DC7 (Biodiversity), DC8 (Pollution, Health, Quality of Life and Amenity), DC10 (Water Resources), DC12 (Restoration and Aftercare), DC14 (Landfill) and DC15 (Sand and Gravel).

- 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 Harrison** is not in support of the application, unless a cycle way along Bury Road is provided by the applicant as “the major issue for me is one of highway safety. HGV's that service the quarry contribute to the overall impact on what must surely be one of the most heavily used rural type roads for HGV's in the whole of Hampshire. It is very clear to me that Bury Road is simply too dangerous for cyclists to use and why I have been progressing a project for a safe off road cycle link between Marchwood and Totton. This has involved informal discussions with the landowners and quarry operators. The quarry operators are in an ideal position to help make this cycle route a reality, with the possibility of them supplying materials and plant equipment. I am hoping that they will deliver on their informal indications of a willingness to help”.
- 4.2. **New Forest District Council** have no objection.
- 4.3. The **Environmental Health Officer** at New Forest District Council has no objection subject to noise conditions.
- 4.4. The **Environment Agency** have no objection.
- 4.5. **Natural England** have no objection and state that “given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.”
- 4.6. **Airport Safeguarding** have no objection.
- 4.7. The **Highways Authority** has no objection subject to a cycleway being implemented on the applicants land.
- 4.8. The **Rights of Way Manager** has been consulted but chosen not to respond.

- 4.9. **New Forest National Park Authority** has been consulted but chosen not to respond.
- 4.10. **Marchwood Parish Council** have no objection.
- 4.11. **Totton and Eling Town Council** object as they have concerns regarding HGV movements on Jacobs Gutter Lane regarding environmental issues and safety concerns.

5. Representations

- 5.1. There have been no letters of objection received.

6. Commentary

- 6.1. The principle of mineral extraction and restoration to agriculture for this site has been accepted in the previous planning permissions. The recycling operation is ancillary to this working and progressive restoration of the quarry. However, as in the planning application for the continuation of the quarry (application number 12/99110), the main issue for this application is whether the additional length of time is acceptable.
- 6.2. The safety of Bury Road is a current concern of the Highways Authority and has been raised as a potential source of objection from the County Councillor and Totton and Eling Town Council. In light of this the applicant has agreed to install a permissive cycleway alongside Bury Road, within the restored quarry land. In addition to this, there will be no change to lorry numbers, the lorries should not be using Bury Road in any case due to the legal agreement and the site is linked to good transport links (A326, M27). This has mitigated the highway safety concerns and therefore the highway objections are removed (Policy DC6).
- 6.3. The site is currently well screened by established vegetation on most of the boundary and so operates without harm to the character of the local landscape as there is limited visual impact (Policy DC3). The restoration of the quarry needs to be of a high standard and in keeping with the surrounding landscape, as there are areas of forestry and agriculture near by and the New Forest National Park. Whilst the proposals are suitable in principle, details of enhanced planting around the boundary and restoration schemes are conditioned to ensure the highest quality restoration (Policies DC2 and DC12).
- 6.4. The plant is acceptable as it is ancillary to the quarry working to facilitate restoration and process waste (Policy DC22). The waste coming onto site is only clean, inert material and so does not pose a pollution risk and is in accordance with policy (DC13).
- 6.5. During the time of operation since 1994, there has only been one known complaint by local residents of amenity disturbance. However, this

complaint was not to do with the recycling plant and was quickly resolved and has not reoccurred. The development would not be increasing the scale of the operations, boundaries or activities. It is therefore considered that there will be no disturbance to amenity of local residents as the residential properties nearby are protected by the site layout, physical boundaries and on site management (Policy DC 8).

- 6.6. In summary, the recycling is ancillary to the working and restoration of the quarry and is in accordance with policy as there will be no harm to the environment, highway safety or local amenity.
- 6.7. Should permission for the timescale for the quarry be extended by approving application 12/99110, an extension of time for the recycling is in accordance with policy and should be granted. It is considered that an extension of time until 31 December 2025 would enable the waste recycling operations to continue and facilitate the remaining the sensitive restoration of the quarry. Therefore, it is considered that the proposal would be in accordance with the development plan (summary attached) in that it is ancillary plant to an existing quarry site (DC15), where there is the need to complete restoration (DC3 and DC12) and the additional period would not have an unacceptable amenity impact (DC8), highways impact (DC6) or affect sites of nature conservation importance (DC2, DC7, DC10).The proposal would contribute towards recycling secondary aggregates (Policy S9).

7. Recommendation

- 7.1. That subject to the approval of planning permission 12/99110, permission for the variation of Condition 1 of Planning Permission 09/94536 to extend the time period of completion until 31 December 2025 at Marchwood Quarry, Jacobs Gutter Lane, Marchwood, Southampton SO40 4UD (Application No: 12/99113) be granted subject to the conditions as 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:	no
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	no
Corporate Improvement plan link number (if appropriate):	

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Previous planning permissions under site reference NF172		
Direct links to specific legislation or Government Directives		
<u>Title</u>	<u>Date</u>	

Section 100 D - Local Government Act 1972 - background documents

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

Document

Variation of Condition 1 of Planning Permission 09/94536 to Extend the Time Period to 31 December 2025 at Marchwood Quarry, Jacobs Gutter Lane, Marchwood, Southampton SO40 4UD (Application No: 12/99113) (Site Ref: NF172)

Location

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

CONDITIONS

Timescale

1. The development to which this permission relates shall be for a limited period expiring on 31 December 2025 or when the working of minerals and tipping operations at Marchwood Quarry cease whichever is the sooner.

Reason: To ensure development does not prejudice the restoration of Marchwood Quarry.

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.

Noise and Dust

3. The approved dust suppression measures shall be implemented for the duration of the development.

Reason: To safeguard the local environment and amenity.

4. The approved noise attenuation measures for the concrete crusher shall be implemented for the duration of the development.

Reason: To safeguard the local environment and amenity.

Stockpiles

5. No stockpiles of waste or processed material shall exceed four metres in height.

Reason: To minimise visual impact.

Machinery

6. No machinery shall exceed six metres in height.

Reason: To minimise visual impact.

Highways

7. Measures shall be taken 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.

Hours of Working

8. No heavy goods vehicles shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0700-1800 Monday to Friday and 0700-1300 Saturday. There shall be no working on Sundays or recognised public holidays.

Reason: In the interests of local amenity.

Capacity

9. No more than 30,000 tonnes of waste shall be imported to the site per year. A record shall be kept, and made available to the Waste Planning Authority on request, of the quantity of waste imported.

Reason: To limit the volumes of traffic and environmental impact in the interests of local amenity.

Advice Note

There is a legal agreement which directs lorries away from Marchwood village and is to provide a cycleway.

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

S9 - Recycled and Secondary Aggregates

By 2016, production capacity will be provided for the supply of recycled and secondary aggregates at a rate of 1.7 million tonnes a year, including provision for the reprocessing of 100,000 tonnes of incinerator bottom ash.

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.

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.

DC22 - Additional Plant, Buildings and Minor Development

Additional plant, buildings and minor developments at active minerals and waste sites, or the exploration of minerals (except oil and gas), will be permitted provided, where appropriate, they do not extend the timescale for completion of the development, they are ancillary to the operation of the site or they provide for the co-location of complementary minerals and waste activities.