

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	15 June 2016
Title:	Application for the amendment of Condition 4 (vehicle movements), Condition 14 (landscape) and Condition 15 (site layout) to Planning Permission BDB/75034 at Basingstoke Anaerobic Digestion Facility LTD, Kennel Farm, Dummer, RG23 7LW. (Application No. 16/00322/CMA) (Site ref: BA170)
Reference:	7598
Report From:	Head of Strategic Planning

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1. Executive Summary

- 1.1 This proposal seeks to amend three conditions of planning permission [BDB/75034](#) at Basingstoke Anaerobic Digestion (AD) Facility. Planning permission was granted on 12 March 2012 for the construction and operation of an anaerobic digestion facility to handle food waste and agricultural slurries, and the creation of an access track to connect the site to an existing highway entrance. The conditions of this permission to be varied are: Condition 4 (vehicle movements), Condition 14 (landscape) and Condition 15 (site layout). The main changes proposed are:
- an increase in permitted traffic from a maximum of 22 HGV movements per day (averaged over a one month period), to a maximum of 38 HCV (rather than HGV) movements per day (waste deliveries and digestate exports);
 - the inclusion of an emergency lagoon in place of a bund as required by the Environment Agency to meet permitting requirements; and
 - alterations to the layout and timing of screen planting as a result of the introduction of the lagoon.
- 1.2 The amendment of these conditions will regularise the development and provide more effective conditions for the Waste Planning Authority to control the operations.
- 1.3 The main issues covered in this report are the impacts of an increase in traffic on the local residential and rural roads and the altered layout and landscaping scheme.
- 1.4 The site already has permission for a waste management facility in the countryside and so the principle of a sustainable development, its location, its design, the need for the development and its contribution to climate change

mitigation and adaptation have already been established in accordance with relevant planning policies at that time (relevant Planning Policy Statements, the Hampshire Minerals and Waste Core Strategy (2007) and the Basingstoke and Deane Local Plan 1996 – 2011). This variation has been considered against the relevant national policy and the policies of the adopted Hampshire Minerals and Waste Plan (2013) and the Basingstoke and Deane Local Plan 2011 to 2029 (2016). It is considered on balance that the proposed amendments to the conditions would be in accordance with the Development Plan (Hampshire Minerals and Waste Plan (HMWP) (2013)). The variations would not have a significant adverse impact on local amenity (Policy 10), highway safety (Policy 12) and would not have an adverse impact on local ecology (Policy 3) or increase flood risk (Policy 11). They would not have a significant adverse impact on the character of the area (Policy 13) or cause a significant loss of visual amenity to the local area and footpaths (Policies 5 and 10). Therefore it is the view of the Waste Planning Authority that when taking into consideration the Development Plan as a whole, planning permission should be granted.

1.5 Committee site visits were held on 3 and 31 May 2016.

2. The Site

2.1 Appendix D of this report provides a location plan. The site is north of Farleigh Wallop, to the south of Basingstoke. The site is within the area known as 'The Carousel Dairy' and is located on the Portsmouth Estate on farmland. A private haul road provides access to the site from the link road over the M3. This link road joins the nearby housing estate to Farleigh Wallop (B3046). The M3 lies 700 metres to the north of the site, running north-east to south-west.

2.2 The surrounding landscape slopes broadly south-east to north-west. The site is surrounded by higher ground to the north-east, south-east and south-west.

2.3 The nearest residential dwellings are located at Manor Farm which is approximately 280 metres to the south east and Kennel Farm, 580 metres to the north-west of the site. The residential areas of Beggarwood and Hatch Warren are located approximately 1km to the north and are separated from the site by the M3.

2.4 The existing site is immediately surrounded by large arable agricultural fields. Areas of ancient woodland lie between these fields; approximately 300 metres to the south of the site lies the ancient woodland of Inwood Copse, 250 metres to the north of the site and adjacent to the haul road lies Sullenger's Copse, 130 metres to the west of the site lies Shortwood's Copse and beyond this lies Kempshott Copse- which is also designated as a Site of Importance for Nature Conservation (SINC).

2.5 Dummer footpaths 7 and 10 are both approximately 700 metres to the west of the site. Nutley Lane is approximately 1.2km to the south west. Dummer Greenlane Byway (BOAT) 11 is over 1.5km to the south of the site.

2.6 There is an existing site liaison panel associated with the site which was establishment following the grant of planning permission [BDB/75034](#).

3. Planning History

- 3.1 Application ([BDB/75034](#)) for the demolition of existing agricultural buildings, the construction and operation of an anaerobic digestion (AD) facility to handle food waste and agricultural slurries, and the creation of an access track to connect the site to an existing highway entrance was granted permission, subject to the completion of a legal agreement ([Section 106](#)) for a highways contribution, on 12 March 2012. The applicant for this application was the Carousel Renewables Limited which was part of the Portsmouth Estate.
- 3.2 The intention of the original planning application was to use agricultural waste as feed stock for the AD facility and in return the majority of the digestate produced by the AD facility was to be used on the Portsmouth Estate as fertiliser.
- 3.3 The permission involved the construction of a new building for biodegradable waste reception and shredding, four liquid waste reception tanks, three cylindrical digester tanks, three cylindrical after-storage tanks, one buffer tank, piping to convey material from the waste reception building to the tanks, a vent stack, flare and a containerised generator.
- 3.4 The site can be permitted to accept 40,000 tonnes of waste per annum. The types of waste were suggested as waste food (such as waste from household collections, commercial enterprises, restaurants and supermarkets), fats/oils and agricultural waste (liquid slurries and animal feed). To date, no agricultural slurry has been processed by the AD facility. The site does not receive digester feed stuffs from sources outside the UK.
- 3.5 The digestate produced in the AD facility is used as an agricultural fertiliser on the Portsmouth Estate and elsewhere. Between April 1st 2015 through April 21st 2016, 3,541 tonnes of digestate had been supplied to the Portsmouth Estate. The applicant has been working towards the digestate being accredited as PAS110 which will make the digestate a product. This is on schedule to be achieved by the end of September 2016. The applicant states that the Portsmouth Estate has confirmed that they will take more digestate from the plant to fertilise their land from when [PAS110 accreditation](#) (industry specification for quality fertiliser) is achieved. At that point, it is expected that the tonnage received by the Portsmouth Estate will increase.
- 3.6 Through the continual nature of the anaerobic digestion process, energy production operates 24 hours a day producing around 1.25 megawatts per hour (i.e. 1,250 kilowatts per hour) of renewable energy. This is enough to provide green energy to power around 2,500 homes. A typical 'steady state' figure in the region of 930,000 kilowatts per month is an indicative figure.
- 3.7 A [Section 106](#) legal agreement (dated March 2012) for the applicant to pay a Highways contribution was part of the original permission ([BDB/75034](#)). This sum was identified to contribute specifically to the maintenance and improvement works required as a result of vehicles associated with the development passing along Woodbury Road. This financial contribution has been collected but has not been used to date by the Highways Authority for

highway improvement works. This contribution is restricted to: 'Structural inlay, structural overlay, refreshing of anti-skid, refreshing of lining or any other works or further works which may be required as a result of vehicles associated with the Development passing along Woodbury Road.' This contribution expires on 12th November 2022. It has been noted by the Highway Authority that some of the anti-skid does need refreshing, so the area office will be notified to take this forward.

- 3.8 The construction of the AD Plant was completed in October 2013 with full production from the end of May 2014. Since the full operation of the site, the following are of note in terms of the outcomes of monitoring of the permitted site.

Date	Issue	Actions / outcomes
December 2013 (during construction of the site)	Minor breach on layout flagged during routine monitoring (Minor changes to layout within the plant site, in particular relocation of buffer tank and flare stack, and addition of a fire fighting water)	Rectified via Non Material Amendment application received April 2014 and approved 22/05/2014.
January 2014	Breach on lighting noted (previous problems related to temporary lighting during construction).	Amended reduced lighting scheme submitted April 2014 and approved on 10/12/2014.
January – August 2014	Two category of breaches recorded (outside the permitted hours and routing not being in compliance with the approved Traffic Management Scheme).	The applicant took remedial action later. 11 traffic complaints investigated, 6 found to be related to the AD plant.
August 2014- October 2014	Several complaints received about out of hours movements and vehicles queuing on the access road	HCC issued a formal warning letter to operator (19.08.14). In September 2014, HCC became aware that this out of hours traffic was digestate leaving the site and not waste being imported. This was in breach of the traffic conditions, specifically condition 4. However operator disputed this. Both sides accepted that the wording of some of the conditions was not as clear as it could have been. Tamar agreed to restrict the digestate movements to the same hours and route as the waste imports. No further traffic complaints recorded.

October 2014, February 2015	Minor breach on landscaping flagged during routine monitoring.	At a meeting with Tamar 4 June 2015, Tamar confirmed they wished to remedy all breaches by making an application to vary the existing permission. Application submitted 26 January 2016 (application currently under consideration).
February 2015	Breach on layout (EA requirement for greatly increased lagoon capacity) resulting in a further breach of the landscaping scheme was also recorded during routine monitoring.	
April 2015	HCC requested detailed HGV figures. Figures received in April 2015 confirmed that the site had been in breach of condition 4.	
July - September 2015	5 incidents of breaching lorry routing agreement were substantiated by HCC.	A letter to Tamar (dated 15.09.15) regarding breaches of routing threatened formal enforcement action under the Traffic Management Scheme.
April 2016	1 incident of breach of lorry hours has been investigated and substantiated	HCC issued a breach of condition notice (dated 6 May 2016) (BCN/2016/0017)

3.8 In line with the advice note on the decision notice for planning permission [BDB/75034](#), the applicant has obtained a postcode which is specific to the site. Previously the site's postcode was RG25 2HR. It is now RG23 7LW.

4. The Proposal

- 4.1 This application is for the amendment of conditions 4 (vehicle movements), 14 (landscape) and 15 (site layout) of planning permission [BDB/75034](#). The variation of conditions helps to regularise and strengthen the conditions noted.
- 4.2 The development approved under planning permission [BDB/75034](#) included a landscaping scheme which reinforced local screening vegetation and woodland to reduce visual impact from distant receptors. However, during construction of the facility a lagoon was introduced to the western part of the site to meet Environment Agency permitting requirements, in place of a bund.
- 4.3 The lagoon increased the storage capacity on site in case of an emergency spillage of waste/digestate and was completed in 2014. The lagoon was constructed in accordance with Environment Agency standards but did not form part of the permission granted.
- 4.4 This has affected the layout of the site (condition 15) and the landscaping (condition 14), and as a result the development is not in accordance with the approved plans. A variation of these conditions is therefore required to regularise the development.

- 4.5 The revised proposals submitted with this planning application take account of the lagoon location and provide a modified landscape strategy.
- 4.6 The main changes in the layout and landscaping are the:
- inclusion of an emergency lagoon on the western boundary;
 - loss of planting to the western boundary;
 - loss of planting to the northern boundary; and
 - introduction of an additional 170 alder trees on the western side and planting within the site boundary fence.
- 4.7 Since the site has been in operation, the way organic waste is delivered into the site has also changed. This has resulted in additional smaller vehicles being used and a subsequent increase in traffic movements. Market changes have meant that more loads are arriving at the lower end of the volume scale and this has led to a need to increase the permitted vehicle movements to account for flexible load volumes and future changes. In addition, the intention of the original planning application was to use the majority of the digestate produced on the Portsmouth Estate. This has not been the case and in reality the majority of the digestate produced has been exported off site to other locations. This has been due to the fact that the estate cannot take the volumes of the digestate produced and that currently they will not accept the grade of digestate being produced.
- 4.8 This increase over the permitted vehicle movements is over the permitted number of traffic movements. Therefore, the applicant wishes to amend Condition 4 from a “maximum of 22 HGV movements per day, averaged over a one month period, may enter or leave the site on any working day” to a “maximum of 38 HGV movements per day, averaged over a one month period, may enter or leave the site on any working day.” It should be noted that following further discussions, the conditions recommended are not in the precise form proposed by the applicant upon submission of the application and the proposed conditions put forward by the Waste Planning Authority use the term HCV (Heavy Commercial Vehicle), rather than HGV (Heavy Goods Vehicle) as the former has a recognised definition (vehicles over 3.5 tonne unladen).
- 4.9 The proposal is not an EIA Development under the [Environmental Impact Assessment Regulations 2011](#) and an Environmental Statement has not been submitted.

5. Development Plan

- 5.1 When granting planning permission for this facility in 2012, the proposal was considered against the relevant policies at the time namely the Hampshire Minerals and Waste Core Strategy (2007), the Basingstoke and Deane Local Plan 1996 – 2011 and relevant Planning Policy Statements (PPS) (PPS22 (Renewable Energy), PPS7 (Sustainable Development in Rural Areas) and PPS4 (Planning for Sustainable Economic Growth)). The site already has permission for a waste management facility in the countryside and so the principle of a sustainable waste development, its location, its design, the need for the development and its contribution to climate change mitigation and

adaptation has been established in accordance with the relevant planning policies at the time.

5.2 All of these planning policy documents have been superseded by the new national policy and more recently adopted local planning policy documents. The variation of the 3 conditions has therefore been considered against the following policies.

5.3 The following policies are considered to be relevant to this planning application to vary conditions 4, 14 and 15.

(a) **National Planning Policy Framework (NPPF) (2012)**

- (i) Paragraph 17 - core land-use planning principles which should underpin decision-taking: and
- (ii) Paragraph 28 - the promotion of the development and diversification of agricultural and other land-based rural businesses to support a prosperous rural economy.

(b) **National Planning Policy for Waste (2014) (NPPW)**

- (i) The NPPW demonstrates an ambition for the “delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy”. It also states that “waste planning authorities should consider the likely impact on the local environment and on amenity which in particular includes the suitability of the road network and the extent to which access would require reliance on local roads”.

(c) **National Waste Planning Practice Guidance (NWPPG)**

- (i) Paragraph 7 deals with the questions of self-sufficiency and proximity to waste sources, focusing on effective and efficient use of capacity. The NWPPG recognises economies of scale and flexibility as important values.
- (i) Paragraph 47 states that in the case of waste disposal facilities, applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy. If the proposal is consistent with an up to date Local Plan, there is no need to demonstrate ‘need’.

(d) **Hampshire Minerals & Waste Plan (HMWP) (2013)**

- (i) The most relevant HMWP policies to the variations proposed are:
 - Policy 3: Protection of habitats and species;
 - Policy 5: Protection of the countryside;
 - Policy 9: Restoration of minerals and waste developments;
 - Policy 10: Protecting public health, safety and amenity;
 - Policy 11: Flood risk and prevention;
 - Policy 12: Managing traffic; and
 - Policy 13: High-quality design of minerals and waste development.

(e) [Basingstoke and Deane Local Plan 2011 to 2029 \(2016\)](#)

(i) The most relevant policy is Policy EP4 – Rural Economy

6. Consultations

6.1 **Councillor McNair Scott** has been involved in discussions with the applicant and the Waste Planning Authority and has raised concerns on behalf of the local residents.

6.2 **Dummer Parish Council** has made the following points:

The application form requesting amendment to the planning conditions has been completed incorrectly. The applicant has failed to be a good neighbour as they have not changed the postcode of the site to avoid vehicles intended for the plant arriving at the residential properties at Kennel Farm as recommended in the 'Notes to Applicant' under the original permission. Few of the claims made at the time of the original application have proved correct:

- The local area has not been able to provide the volume of waste required;
- The digestate has proved unsuitable for pasture land;
- It has not been possible to spread digestate 12 months of the year leading to large peaks of activity in August and September;
- The site has created odour either from the waste or from gas vented from the generator;
- Vehicle movements have been higher than anticipated due to the need to ship digestate to other areas;
- The bund and lagoon area have had to be increased due to the EA requirements; and
- Requirements were modified after the Harper Adams University Anaerobic Digester leak in February 2013.

Dummer Parish Council OBJECTS to the amendment to Condition 4 to allow greater number of vehicle movements, an increase from 22 to 38.

1. Condition 4 limits the number of HGV movements to 22 per day. Tamar's own records show that this Condition has been breached in multiple months since the site has been operating. The applicants have shown themselves incapable of sticking to any condition on vehicle access to this site. Until they can demonstrate that they can consistently operate the site with the current restrictions they should not be allowed an increase in vehicle movements.
2. The original planning application stated that the 30,000 tonnes of food waste used annually would be from local sources e.g. hospitals, hotels and supermarkets. Our understanding is that waste is coming from sources a long distance from the site including the Isle of Wight. This negates the green objectives of the installation.
3. The planning application for the site was granted on the applicant's assurance that all the digestate produced by the site would be used on Portsmouth Estate land throughout the year and be transported by "farm vehicles". However experience has proved that due to bad weather, the state of arable crops and the fact that digestate cannot be used on pasture used for grazing that this is not possible. Because there is inadequate storage and digestate cannot be spread on the land it has been necessary to ship large

amounts of it out of the site through Hatch Warren since the site commenced operation.

4. Hours of working – conditions 2, hours of operation, and 3, limits during school term times, restrict hours when vehicles are permitted to enter or leave the site. This is to protect the amenity of residents and the safety of children attending nearby schools. In practice HGVs have been recording using Woodbury Road and Long Cross Lane during these hours and waiting on adjacent roads to enter the site when allowed.

5. This application proposes to increase the permitted number of HGV movements from 22 to 38 per day - averaged over a month – a 73% increase. The fact that this is an average over the month allows for significantly higher peaks for short periods. Experience since the plan opened is that these peaks occur during August and September, immediately after harvest when spreading of digestate can go ahead using very large tankers. This is a time when school children are on holiday and in the streets of Hatch Warren as they travel to Beggarwood Park and the playing fields or events at Hatch Warren Community Centre. An increase in volume of traffic and in a corresponding danger to children during the school holidays would be a perverse result of the amendment to Condition 4.

6. The application claims that the increased number of 38 HGVs per day will be processing the same volume - 30,000 tonnes annually - and that it will be delivered in smaller HGVs. However there is nothing in the planning consent or application that requires them to use smaller lorries. The proposed increase in lorry movements is highly likely to be used simply to increase the amount of waste input, and correspondingly the amount of digestate that has to be transported from the site. The amendment of Condition 4 should be REFUSED.

Dummer Parish Council OBJECT to the revised Condition 14 to amend approved landscaping layout.

7. The application does not take account of the fact that the site is visible from Dummer footpath 10, and Dummer BOAT 11, Nutley Lane and does not provide sufficient screening to preserve the views from these footpaths. The bund and planting should be increased to preserve the amenity of the public rights of way.

8. The width of the planting to the north of the sites greater than that what was proposed in the original application due to the increase in the area of the lagoon. A greater depth of screening should be provided to the north and west of the site to preserve the amenity of residents of residential properties at Kennel Farm.

Dummer Parish Council COMMENTS on Condition 15 to amend approved site layout to incorporate lagoon that has been constructed to Environment Agency requirements. Dummer Parish Council welcomes the increase in the area of the lagoon to implement new EA requirements since it will prevent flooding and pollution of the surrounding fields and mitigate the impact of any spillage on the occupants of residential properties at Kennel Farm. Finally, the Parish Council notes that the site has still not achieved the required standard of operation required to meet the British PAS110 Standard.

Dummer Parish Council urges HCC to refuse the amendment to Condition 4 and to enhance the planting required by Condition 14.

Further comments have been received as follows:

There are two aspects to the application we see before us:

1.a (Condition 15) The first is environmental and is retrospective. The bund and planting has been replaced by a lagoon.

1.b (Condition 14) The need for adequate planting to provide screening equivalent to that proposed in the original application. I have made requests at Liaison Meetings for Portsmouth Estate to allow the screening on their land to provide mitigation of the detrimental impact on the landscape of this development.

2. (Condition 4) The impact of the increase in traffic movements on Woodbury Road and on the residents of Kennel Farm and their children.

This development falls well short of the objectives stated in the original application:

1. The source of waste is not as was stated
2. The use of the digestate is not as was stated
3. An education facility has never been realised
4. Failure to create a bund with associated planting does not provide adequate screening of the plant and protection of the local landscape
5. The operator has been unable to conform to the restrictions on the number, timings and routing of traffic
6. Despite claims that the plant would be odourless neighbours frequently suffer from the emissions from the plant
7. The existing signage has a detrimental urbanising impact on the rural setting of Kennel Farm and new proposed signage will exacerbate this urbanising impact.

8. The applicant has applied to have a different Post Code but this code is shared by Kennel Farm House and other residential buildings with the result that online mapping applications indicate that the plant is in the farmyard and that couriers frequently deliver to the Farm House.

This development has failed to meet its aspirations and is an unneighbourly intrusion in the countryside.

An extended area of planting equivalent to the original area should be established and traffic movements should be no greater than the number permitted by the original approval.

6.3 **Farleigh Wallop Parish Meeting** has no comment.

6.4 **Basingstoke and Deane Borough Council** has no objection subject to the condition as recommended by the applicant and Conditions 2, 3, 9 & 10 of BDB/75034 remaining effective and operational on the activities at the site.

- 6.5 The **Environmental Health officer** at Basingstoke and Deane Borough Council has no objection. Having reviewed the above I have no adverse comments to make. I concur with the view that the increase in vehicle movements is unlikely to result in any significant adverse impact on nearby residents.
- 6.6 The **Environment Agency** has no objection.
- 6.7 The **Highway Authority** has no objection subject to a number of conditions (see integral Appendix B) to limit size, number of movements and use of local roads.
- 6.8 **Strategic Planning Policy** has provided information on how the site relates to the [Hampshire Minerals & Waste Plan \(2013\)](#) and its associated relevant policies including policies 3, 5, 7, 8,10,11 and12,.
- 6.9 The **County Archaeologist** has no objection.
- 6.10 The **County Ecologist** has no objection.
- 6.11 The **County Landscape Architect** has no objection.

7. Representations

- 7.1 As of 1 June 2016, there have been 92 representations received, including a letter highlighting those concerns of the local residents from the local Member of Parliament, the Rt Hon Maria Miller. There have been objections and concerns voiced by Councillor Burgess, Councillor T Reid and Councillor Bean.
- 7.2 The main issues of concerns and questions raised by representations are given as:
- The applicant has flouted existing restrictions of hours, days, and routing as permitted;
 - There have been frequent breaches of both traffic route (no traffic in Long Cross Lane) and numbers and no enforcement by HCC;
 - HGVs can move along Woodbury Road during school times which is not acceptable as it is dangerous due to the proximity of the school (Danebury Road);
 - Deliveries of waste are coming from over 20 miles away already (Kent, East Anglia and Midlands), increasing greenhouse gases and not making it a sustainable proposal;
 - Basingstoke & Deane Borough Council does not use the site for waste disposal;
 - Application should have a weight limit on the HGVs used;
 - Roads are not built for HGV traffic with traffic calming measures as it is residential not industrial area;
 - Damage to mini roundabout at Danebury and Woodbury Road due to HGV use as road is too narrow. There are too many HGVs already in Hatch Warren and so dangerous for pedestrians and cyclists;
 - Why cannot Beggarwood Lane be used as the travel route?;

- Residential area will expand with new houses and add to pressure on roads as small vehicles conflict with buses and HGVs;
- Community Centre in Long Cross Lane and access to Woodbury Park via Woodbury Road mean high number of pedestrians crossing and cyclist put in danger;
- Improvements to the chicane in Woodbury Road have not been undertaken;
- The proposal should include the installation of a pedestrian crossing;
- As the site cannot stack vehicles, they will cause congestion and chaos on local roads when there are increased numbers to deal with, as the roads cannot deal with what they already have;
- HGVs produce emissions harmful to local residents, noise and vibrations;
- Frequent reported instances of nuisance from emissions also results in no action;
- Noise from traffic keeps those awake that work nights and need to sleep during the day;
- The proposal should include a night shift;
- There should be a link from the M3 directly to the site to take traffic off the local roads;
- Mitigations given in earlier consent have not been delivered;
- The resident's liaison panel is organised by Tamar and does not hold Tamar to account;
- Smell from plant blighting lives of those residents at Kennel Farm;
- Local residents do not benefit from this proposal;
- The digestate is not being kept to farm land but being transported over roads;
- Site and activities will expand drip by drip;
- Drivers of HGVs are above the speed limit;
- In the last twelve months, what weight of slurry in tonnes has the Basingstoke Anaerobic Digester received from the Portsmouth Estate;
- In the last twelve months, what weight of digestate in tonnes has the Basingstoke Anaerobic Digester supplied to the Portsmouth Estate;
- When was the lagoon at the Basingstoke AD site completed;
- Do Tamar as a UK company accept any digester feed stuffs (i.e. materials fed into the anaerobic digester process) from sources outside of the United Kingdom for use in any of their UK sites; and
- Devalue prices of local houses.

7.3 The above issues will be discussed and addressed within the following commentary, except where identified as not being relevant to the decision. In respect to this the impact of a development on the value of local houses does not constitute a material planning consideration.

8. Commentary

Policy context

8.1 As explained above, this development already has planning permission to operate as an anaerobic digester, primarily taking in food waste and agricultural slurries to produce digestate. When granting planning permission for this facility

in 2012, the proposal was considered against the relevant policies at the time namely the Hampshire Minerals and Waste Core Strategy (2007), the Basingstoke and Deane Local Plan 1996 – 2011 and relevant Planning Policy Statements. As the site already has permission for waste management uses in this location, the principles, the location, the design, the need and the developments contribution to climate change mitigation and adaptation have been established in accordance with the relevant planning policies at the time.

- 8.2 The site is also safeguarded as a waste site under Policy 26 (Safeguarding waste infrastructure) of the adopted [Hampshire Minerals & Waste Plan \(2013\)](#).
- 8.3 The submission of the application to vary a number of the original permission's conditions means that the Waste Planning Authority has had the opportunity to review all the conditions of the earlier permission and consider them against newly adopted national and local planning policy which has all been adopted since the original proposal was permitted. As a result it is recommended that a new condition to remove the development should the use cease is included in any approval. This is in accordance with policies 5 (Protection of the countryside) and 9 (Restoration of minerals and waste developments) of the adopted [Hampshire Minerals & Waste Plan \(2013\)](#) and is commonly applied to waste management developments in the countryside in Hampshire.
- 8.4 The compliance with the majority of the relevant policies is discussed in detail in the remaining parts of this section

Highways impact

- 8.5 There have been concerns raised by a large number of the public as well as statutory representatives regarding the increase of traffic as proposed by varying condition 4 (vehicle movements). This issue has been considered at length and the applicant has provided comments to respond to all these points raised in the objection letters. These comments can be seen in '[Response to Consultations](#)' document (1518/PS03 rev 01 dated 20/04/16) which was made available for the public to view and is attached for easy reference.

Previous assumptions under BDB/75034

- 8.6 The [Transport Statement](#) for the [original planning application](#) suggested the plant would operate on 40,000 tonnes per annum (tpa) of organic waste of which 30,000 tonnes of food waste would be imported to site per annum. This was further broken down to:
- three typical delivery loads per annum of 12,500 tonnes at 20 tonne loads;
 - 12,500 tonnes at 10 tonne loads;
 - 5,000 tonnes at 5 tonne loads; and
 - the other 10,000 tpa would be agricultural slurries from the surrounding farm estate.
- 8.7 Allowing for an anticipated working day of 0700 to 1800 Monday to Friday and 0800 to 1300 Saturdays, with no deliveries on Sundays or recognised Bank Holidays, and with additional restrictions on delivery times during the school

term to reduce potential conflicts at the start and end of the school day, the [Transport Statement](#) surmised that 21 HGV vehicle movements per day would be sufficient. To allow for a small margin of difference and flexibility a Condition (Condition 4) was applied to the permission setting a maximum 22 HGV vehicle movements per day, averaged over a one month period.

Current situation

- 8.8 The applicant has provided information stating that there are now market changes which have resulted in more loads arriving at the lower end of the volume scale (smaller vehicles) to the site. This has led to a need to increase the permitted vehicle movements to account for flexible load volumes and future changes and to comply with planning restrictions.
- 8.9 In addition, unfortunately, the original calculations and corresponding planning conditions did not take into account the export of digestate. This is in part because the original planning application strategy suggested that the local estate would receive all of the digestate. The strategy now has to be adapted as the facility is in production and the digestate management and has been passed to a 3rd party. The change in management will include spreading on the Portsmouth Estate and a proportion of transportation to local farming nodes using the road network. Where the transportation is using the road network to take digestate away from the local estate this will be within the controlled vehicle movements.
- 8.10 The new condition suggested by the applicant proposed 38 HGV movements per day. On a daily basis this is an increase of 16 vehicular movements, or a 73% increase. This represents an average vehicle movement of two extra vehicles per hour based on the proposed additional 16 movements, or less than four per hour for the total of 38 movements. Out of these 38 movements, only 4 HCVs carrying digestate will be allowed to turn right towards Farleigh. HCV movements include vehicles over 3.5 tonne un-laden.
- 8.11 The [Transport Statement](#) submitted with the original [planning application](#) demonstrated that the proposals would result in an increase of average traffic flows along the agreed one mile route from the site to the A30 of 0.6%. The increase proposed by this planning application will add a further 0.5% to the overall flows as measured at the time of the original planning application. Traffic Count data from Woodbury Road (just north of the roundabout junction with Cliddesden Lane) taken in June/July 2015 shows that for the width and type of road, Woodbury Road is operating within capacity (as set out and defined by the Highways Agency's Design Manual for Roads and Bridges (DMRB) advice note for urban roads). The additional 8 vehicles per day (16 movements) associated with this proposal will have a minimal impact on the capacity of Woodbury Road. Whilst the large numbers of objections received are noted, it is the opinion of the Highway Authority that the additional movements are well within normal daily fluctuations of traffic volumes and do not represent a material impact, and so are acceptable.
- 8.12 Accident statistics for the last 5 years (up to end of February 2016) show there have been 2 accidents, neither of which involved HCVs and both were

classified as 'slight'. The first was at the junction between Woodbury Road and Long Cross Lane and involved a car colliding with a cyclist. The second was at the Woodbury Road roundabout junction with the A30 and involved a car being hit from behind by another car on the approach to the roundabout. Therefore, is the view of the Highway Authority that the proposed increase will not cause significant adverse impact on highway capacity, road safety or amenity for other road users and/or local residents.

- 8.13 From a review of this data, the Highway Authority is satisfied that there are no existing accident patterns or trends resulting from the existing use of the site and this situation is not likely to be exacerbated by the proposal to increase the number of vehicle movements. Accordingly, it is not necessary for carriageway width or analysis of the local roundabouts to be considered in this application as the impacts of the types of vehicles were assessed at the time of the original application and the local residential roads network found to be suitable.

Recommended highway controls

- 8.14 The planning process cannot directly control vehicles on the public highway by way of planning condition. HGV traffic is legally allowed to use surrounding roads such as Woodbury Road and the planning permission cannot impose conditions limiting the use of the public highway. Conditions cannot be imposed which directly seek to manage traffic movements on the public highway. However, the planning process can impose conditions to indirectly manage traffic associated with the development proposals such as limiting the total throughput of material, number of vehicles, the times at which vehicles may enter and leave the site and a Traffic Management Plan which places the responsibility of managing drivers of the HCVs and their use of the road with the operator. Such conditions are aimed at indirectly managing traffic levels on the local road network.

- 8.15 Whilst the Waste Planning Authority supports the submission of the planning application to address the excess number of vehicles above the permitted 22 movements as set out under planning permission [BDB/75034](#), the recommended approval as set out in this report does not replicate exactly that which was requested by the applicant. There has been a series of negotiations to arrive at a set of conditions included in this report that balance the needs of the permitted operation against those of protecting the local community and the environment.

- 8.16 The key highway points of this recommended approval are:

- Maximum input of the site to be 40,000 tonnes per annum (new condition);
- Maximum total HCV vehicular movements of 38 per day instead of a monthly average;
- Maximum 4 HCV vehicular movements per day carrying digestate are permitted to turn right out of the site towards the local farm estate (new condition);
- No HCVs to enter or leave the site except between the hours of 0700 and 1800, Monday to Friday, between 0800 and 1300 Saturdays, and no movements on Sundays or recognised Bank Holidays;

- No HCVs shall enter or leave the site, or make use of Woodbury Road (new wording), between the hours of 0815 and 0900 and 1500 and 1545 Mondays to Fridays during school term;
 - Improved enforcement as simplification of vehicle type references;
 - Improved enforcement as simplified maximum vehicle limits per day;
 - Only one access/egress point allowed (new condition);
 - An updated Traffic Management Plan which confirms how this information is communicated to drivers. (new condition); and
 - Site to be restored to countryside if use /energy production ceases (new condition).
- 8.17 The comments received in relation to the level of HCV movements and waste being imported into the site are noted. To ensure that the development remains true to the scale and expected output of digestate, a new condition to limit the tonnage of waste received at the site is recommended. This is for a maximum throughput of 40,000 tonnes per year, in line with the Environment Agency permit for the site. It is hoped that this condition will give reassurance to residents who shared concerns that the “site and activities will continue to expand”. This will also ensure that the plant cannot arrive at a situation where it is operating entirely at the maximum permitted vehicle movements being entirely made up of only the largest types of vehicle.
- 8.18 The traffic movement data supplied by the applicant in the additional information (attached in Appendix E) indicates that the average number of vehicles will only be up to 30 at non-peak times. The suggested figure of 38 movements allows for a variation in productivity and allows for transport of digestate on a regular basis, which was not taken into account within the original conditions under permission [BDB/75034](#).
- 8.19 In light of the further information, supporting evidence for their calculations, and to apply controls over the traffic using the rural roads to the south of Basingstoke; a new additional condition has been recommended by the Waste Planning Authority that only allows a maximum 4 HCV vehicular movements per day carrying digestate to turn right out of the site towards the local Portsmouth estate.
- 8.20 In summary of this point, there are two proposed conditions to directly replace Condition 4. Both these conditions change the focus of vehicle type from HGV to HCV. This was felt to be important as the term HGV excludes smaller good vehicles, which are now known to be commonly used for the importation of the waste to the site, and so need including in the controls. References to vehicle types throughout the [BDB/75034](#) permission varied (HGVs, farm traffic), and there were a number of terms for the Hampshire County Council monitoring and enforcement officers to contend with when monitoring the site. These new and altered recommended conditions remove the confusion by only referring to HCVs (vehicles over 3.5 tonne un-laden). The Waste Planning Authority recognises that this allows for farm traffic of unknown quantities but this is acceptable to the Highway Authority and will be outside the permitted HCV movements. However, the site is within a rural area and agricultural vehicles cannot be controlled if they do not form part of this planning application. The new condition also allow the Waste Planning Authority to request records of

movements to and from the site, as part of the monitoring of the permissions associated with the site.

- 8.21 The objections received from local resident's relating to lorries associated with the development flouting the existing restriction of hours, days and the prescribed lorry routing detailed in the permission are noted. The main cause of concern is in relation to the local school. This issue has been closely examined, in particular that lorries moving along Woodbury Road during school times is not acceptable, as it is perceived as dangerous by residents due to the proximity of the school at Danebury Road. As detailed above, the accident record shows that there have not been any accidents involving HGVs or school aged children along Woodbury Road. In addition, the traffic management features of the road currently in place, serve to slow traffic as it passes along the length of the road. The footways on the east of Woodbury Road are wide and set well back from the carriageway from the junction with Danebury Road (where St Mark's School is located) to the junction with Cliddesden Lane. There is a central island feature between the junctions of Danebury Road and Long Cross Lane which provides a pedestrian route from St Mark's Primary school on the east side of Woodbury Road, across to the school park and stride site at Hatch Warren Community centre. It is also understood that there are two School Crossing patrols on Woodbury Road. Overall, the Waste Planning Authority has been advised that the Highway Authority does not have any objection to HCVs travelling along Woodbury Road on safety grounds, even during 'school run' times.
- 8.22 Even though the Highways Authority would not have any objection to the removal of the condition restricting the times at which lorries can enter Woodbury Road, in response to the concerns raised by residents the applicant asserts that this new planning application is part of an overall management review to provide better control of such issues going forward. The operator has also agreed to provide further driver briefings to ensure the timing restriction related to school drop-off / pick-up is applied to the use of Woodbury Road via the approved [Traffic Management Plan](#) (attached as Appendix H), in addition to arriving and leaving the site entrance. The Waste Planning Authority recognises this as an issue and has further tightened the controls on the lorry routing, by highlighting this requirement in a proposed revised condition (condition 4) to restrict HCVs entering or leaving the application site between the hours of 0800 and 0900 and 1500 and 1545 Mondays to Fridays during school term time, increasing the prohibited time by a further 15 minutes in the morning. The proposed new condition will restrict the HCVs making use of Woodbury Road during 0815 and 0900 and 1500 and 1545 Mondays to Fridays during school term time. This restriction is enforceable by the Waste Planning Authority as the [Traffic Management Plan](#) would form part of the permission if planning permission is granted and be referenced in the conditions. This means if the operator is not actively complying with the Traffic Management Plan, the Waste Planning Authority could serve a breach of condition. The applicant has requested the marginal difference in time for operational reasons but the change would still be effective in increasing the buffer time where it is more likely that HCVs will not be travelling along Woodbury Road.

- 8.23 In addition, the following measures have been put forward by the applicant to address these issues:
- The installation of a new electronic weighbridge system is planned to be in place by the end of June 2016;
 - A new weighbridge operator was in post since 16 May 2016;
 - CCTV monitoring of the facility began in 2014;
 - CCTV can now be accessed and viewed by Waste Planning Authority during opening hours;
 - Closing the AD Plant site gates during the restricted times began in May 2016;
 - Widening the restricted times from 0815-0900 to 0800-0900; and
 - Re-induction of all HCV drivers using the site.
- 8.24 To strengthen control of this issue, condition 2 of permission BDB/75034 has also been altered marginally to refer to HCVs, rather than 'vehicles'. The term 'vehicles' was vague and led to delays in establishing if the development was complying with the condition or not. HCVs which include HGVs (Heavy Good Vehicles) and those vehicles of a smaller category but larger than a car, would still be constrained to enter or leave the site only between the hours of 0700 and 1800, Monday to Friday, and between 0800 and 1300 Saturdays, with no movements on Sundays or recognised Bank Holidays. This condition also restricts the operation of the site to these hours, which will protect the amenity of local residents and any users of the surrounding countryside. The proposed vehicle movements applied for in the variation are based on the applicants operating model and will enable optimum flexibility coupled with optimum means to measure compliance within the planning system. There has been a suggestion that the development should have a planning restriction for an upper weight limit on HCVs, in order to reduce the impact of traffic on local roads. However, the applicant states that any restriction on maximum vehicle size would not have this desired result as although smaller vehicles will be utilised in the future, this does not fully replace the need for larger vehicles. Restrictions by maximum gross weight (for example to a medium sized lorry) will unnecessarily limit operational flexibility and could serve to further increase required vehicle movements.
- 8.25 The approved [Traffic Management Plan](#) reinforces the agreed lorry routing and acceptable times for using these roads and will be enforced through its inclusion in proposed conditions 5 and 6. This plan will confirm how this information is communicated to drivers. It will also provide suggested places for waiting on and off site, to take into account the practicalities of drivers not being able to use Woodbury Road at school times and to avoid causing traffic congestion or accidents elsewhere nearby. It is suggested that the document can be periodically reviewed as required by the Waste Planning Authority in consultation with stakeholders and the established site liaison panel.
- 8.26 The fears and concerns of local residents in relation to congestion are noted. However, the evidence which was supplied to the Waste Planning Authority by the applicant and from the Highway Authority does support the assertion that the proposal will not cause 'chaos and congestion' as feared by residents. Average vehicle movements will be two-four per hour and therefore multiple

vehicles associated with the development are not likely to be on Woodbury Road at the same time. Woodbury Road is some 0.8miles long so a vehicle travelling at 15mph will be on Woodbury Road for approximately 3-4 minutes. Concerns were also raised that HCVs would disrupt the local highway network by queuing on the highway. The site layout does not make allowance for a significant number of vehicles to 'stack' and therefore arrival and departures will be reasonably distributed through the permitted times. Typical offload turnaround time is 15 minutes (from weighbridge approval coming in to weighbridge approval exiting the site) and there is sufficient waiting and passing opportunity on the site and on the private access road from the site to the highway, for vehicles to overlap during this time frame. The likelihood of these vehicles meeting on the highway or forming queues is therefore considered to be limited.

- 8.27 It is acknowledged that planning permission ([15/00905/RES](#)) for 310 homes was granted under reserved matters at land at Kennel Farm, Winchester Road by Basingstoke and Deane Borough Council in September 2015. It is also acknowledged that the recently adopted [Basingstoke and Deane Local Plan 2011 to 2029 \(2016\)](#) includes a site allocation for 1,000 homes at the Beggarwood Golf Course between Beggarwood and Junction 7 of the M3. It is anticipated that this development will commence construction from 2020, subject to planning permission. Surrounding development is a source of concern for current residents as they fear that this will add to the pressure on local roads with the increase of small vehicles coming into conflict with service vehicles and lorries. However, before issuing approval for planning permission [15/00905/RES](#) and any subsequent application at Beggarwood Golf Course, the Borough Council had and will have to take into account the existing safeguarded waste development as the site is safeguarded under Policy 26 (Safeguarding - waste infrastructure) of the adopted [Hampshire Minerals & Waste Plan \(2013\)](#). The Borough will also need to consider the cumulative impacts of further housing and associated traffic for both of these housing developments. The Highway Authority is aware of the permitted and anticipated residential developments in this locality and considered potential cumulative impacts when considering the variations and has raised no objection.

Other traffic issues raised in representations

- 8.28 There have been queries in the responses from the public questioning why Beggarwood Lane is not used as the agreed route for HGV movements. [Detailed studies of the road network and potential routes for vehicular movements](#) associated with the facility were supplied for evaluation by the Waste Planning and Highways Authority as part of planning permission BDB/75034. The outcome of this was the preferred routing along Woodbury Road. This would not have been agreed by the Highway Authority if the road capacity was insufficient, roads unsuitable or the safety of other users was compromised. Whilst there are access points to the local Community Centre, Woodbury Park playing fields and school, the existing agreed access route has a significant margin from road edge to any dwellings. In most cases there are garden fences and landscaping which helps to reduce impacts from noise and vibration etc. In terms of Beggarwood Lane, this was discounted as an option

for lorry routing as it is unsuitable due to several sharp bends and a substantial amount of housing closer to the road than is the case on Woodbury Road.

- 8.29 A suggestion to have a night shift has been made to the operator in some objection letters, as it may help spread the distribution of lorry movements over a greater period of time. However, the applicant states that there is no benefit in the plant operating under these conditions. Also, it is accepted that any night time HCV movements would likely cause greater disturbance as they will then be outside general traffic flows and so more discernible to sleeping residents.
- 8.30 There have been concerns raised from residents over harmful emissions from lorries and associated noise, dust and vibrations. However, the Environmental Health Officer has been consulted and has raised no objection to variation of the conditions in planning permission [BDB/75034](#). There are wheel washing measures already in place on site and these will continue to be in force as required by condition. The applicant has responded to the points raised by objections by stating that all vehicles are subject to road safety checks to ensure they are roadworthy and commercial operators are more likely than private individuals to ensure their vehicles are maintained to a suitable standard. Therefore emissions will be within acceptable standards. The proposal is considered to be in accordance with Policy 10 (Protection of public health, safety and amenity) of the adopted [Hampshire Minerals & Waste Plan \(2013\)](#).
- 8.31 Drivers going above the speed limit have also been raised as a concern in some representations. Whilst this is not always in connection to the development, as the drivers could be on the wider estate site for another operation or activity, the applicant admits this is not a matter that the applicant can have control over, other than providing driver briefings about the approved access route and safe driving. HCV vehicles operate with significant measures of recording activity and whilst it is not in a driver's interest to exceed the speed limit, the Waste Planning Authority recognises that this will happen at times for any contractor. Any breaches of the speed limit would be considered to be a police matter.
- 8.32 Similarly, drivers of lorries are being held responsible for damage to the mini roundabouts and concerns over safety for pedestrians and cyclists are raised by residents. Whilst this concern is understood, as the use of the route has been approved by the Highway Authority, it is down to individual drivers to be responsible for their use of the road and application of the Highway Code.
- 8.33 Questions have been asked as to why there are no visible highway improvements on the roads as a result of planning permission [BDB/75034](#). As detailed in the report above, at the time of granting the original approval a [Section 106 agreement](#) was entered into and the original applicant paid a substantial 'Highways Contribution' as part of that process. This sum is specifically identified as a contribution to maintenance and improvement works required as a result of vehicles associated with the development passing along Woodbury Road. This financial contribution will be used by the Highway Authority as part of a wider scheme of improvements in this area at such time

as feasible. No works have been undertaken to date and this is not a delay for which the applicant is responsible.

- 8.34 The introduction of a new junction from the M3 to provide a link direct to the site has been suggested by some representations. Whilst this would be a matter for the Highways Agency and not the Highway Authority, the cost of implementing such a proposal would be far too prohibitive to be a reasonable requirement as there are no grounds to require the applicant to install highway infrastructure themselves based on the proposed increase in vehicle movements.
- 8.35 In conclusion it is considered that the impact on the highway capacity, road safety and amenity of local residents and users of the locality would not be detrimental, and so the proposal as recommended with amended conditions is in accordance with policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the adopted [Hampshire Minerals & Waste Plan \(2013\)](#).

Proximity of food waste sources

- 8.36 The proximity of the site to its sources of waste was considered when the site was originally granted planning permission ([BDB/75034](#)). However the comments received in representations in relation to the proximity of the waste sources which are being imported into the site are noted and clarification has been sought on this issue. The Waste Planning Authority is mindful that the commercial haulier contracts will mean that any 'vehicle branding' suggesting a particular region that the vehicle operates from, does not necessarily relate to the particular load being delivered to the site. The majority of food waste processed at the facility will be 'local' but it is possible for some deliveries to be from a distance. For example, if a particular product is removed from supermarkets due to a food safety issue this may be of such a volume that it needs to be distributed to a number of food waste recycling facilities over a wide area to avoid disposal to landfill. This information and comments made by residents raise the issue of sustainability, as reusing waste and producing energy is offset against carbon footprint of the transport.
- 8.37 Whilst there is support within the [Hampshire Minerals & Waste Plan \(2013\)](#) for anaerobic digestion, all the elements of the proposal need to be assessed against the adopted plan and a key component of this particular development is the 'green credentials'. It is understood that the original planning application expected to use local food waste to produce digestate for local fertiliser and there are concerns that this is not the case. Whilst proximity of waste source to waste facility would always be encouraged to reduce transport miles, this can not always be the case as the commercial nature of the food waste industry will dictate an economical distance for transportation of food waste.
- 8.38 The notion of 'local' can be difficult to define. However, part of the [Hampshire Minerals & Waste Plan \(2013\)](#) vision states that the plan is "Aiming for Hampshire to be 'net self-sufficient' in waste management facilities whereby it can accommodate all the waste that arises, whilst accepting there will be movements into and out of the area to facilities..." (paragraph 2.25). This is echoed and expanded upon by paragraph 7 of the NWPPG as it deals with the

questions of self-sufficiency and proximity to waste sources. It focuses on effective and efficient use of capacity and recognises economies of scale and flexibility as important values. As such, the movement of food waste within Hampshire can be acceptable when considered in balance with other relevant policies of the [Hampshire Minerals & Waste Plan \(2013\)](#) and the sustainability of the proposal is determined on more than the one element of fuel and emissions.

Environmental impacts

- 8.39 Since this application was received by the Waste Planning Authority, a complaint has been received over odour arising from the site. There have also been earlier incidents. Whilst the Waste Planning Authority recognises this as an issue for the operator to address, it is not a material consideration for this planning application, as it is not related to the proposed variations of landscape, layout or vehicle movements. Any offensive odour needs to be reported to the Environment Agency as this issue is covered under the Waste Permit.
- 8.40 As mentioned previously, there is now an emergency lagoon on the western boundary of the site which is not permitted under the original site layout under planning permission [BDB/75034](#). The lagoon has been installed following permitting requirements by the Environment Agency. The new lagoon does not expand the site footprint and or alter the management of surface water run off. It was also a requirement of the Environmental Permit issued by the Environment Agency. As a result, the Environment Agency has no objection to the proposal. The variations are not considered to cause an increase in flood risk or surface water in accordance with Policy 11 (Flood risk and prevention) of the adopted [Hampshire Minerals & Waste Plan \(2013\)](#).
- 8.41 In addition the lagoon will result in an increase in the protection of surrounding local ecology of the ancient woodlands, one of which is also a Site of Importance for Nature Conservation. The proposal is therefore considered to be acceptable under Policy 3 (Protection of habitats and species) of the adopted [Hampshire Minerals & Waste Plan \(2013\)](#).

Visual impact and landscape

- 8.42 Some concerns were raised about the potential visual impact of the development on the surrounding area and the users of the nearby footpaths as the site will be more prominent than expected before.
- 8.43 The installation of the lagoon noted above has resulted in a loss of planting on the western boundary of the site, where the land designed for a bund and planting is now part of the lagoon. However, there is still sufficient planting within the site boundary fence along the edges of the lagoon and an enhanced planting mix to include 170 additional alder trees planted to screen the digesters further within the site from the surrounding area and nearby rights of way. The small triangle of field planting to the north-west under planning permission [BDB/75034](#) has been completed. This has matured, bolstering the screening for the site and limiting views from beyond the woodland. The trees

along the western boundary outside of the fence line in Manor Farm are mature and also provide adequate screening in this area.

- 8.44 There has been some loss of planting to the northern boundary but this is not significant in the landscape, as there are still mature trees to adequately screen the development on this aspect. In addition, a small area of additional planting is included in the new scheme which stretches out beyond the original planting area.
- 8.45 The planting to infill gaps to the south western side of the haul road by Kempshott/Shortwood Copses (as shown on the approved planting scheme under planning permission [BDB/75034](#)) have been completed and are not included in the new scheme as part of this variation.
- 8.46 The planting to north western side of the haul road by Sullenger's Copse is underway and approximately 10% was completed in February 2016. This will close the gap on the northern boundary created by a field hedge gap. During late summer 2016, the remaining areas of Sullenger's Copse will be planted up and so have not been illustrated in the new plan.
- 8.47 In relation to the concerns raised about an adverse visual impact on the users of footpaths in the surrounding area, the site will still be completely surrounded by adequate planting and the overall landscape strategy takes into account distant visual receptors, local visual amenity, and respects the local ecology. The amount of planting is of a similar order and type to the original approved scheme, whilst the locations are slightly amended to account for various issues.
- 8.48 Therefore the planting proposal included in the application is considered an acceptable alternative to the previously approved details. It would not have a significant adverse impact on the character of the area or visual amenity from footpaths in the area, in accordance with paragraph 17 (b) of the NPPF as well as policies 5 (Protection of the countryside) 10 (Protection of public health, safety and amenity) and 13 (High-quality design of minerals and waste developments) of the adopted [Hampshire Minerals & Waste Plan \(2013\)](#).

Other issues

- 8.49 Digestate taken from the site in August and September 2015 was a source of complaint to local residents and did generate more traffic than anticipated in the original application ([BDB/75034](#)), being above the permitted vehicle movements. This was cited as an exceptional period in the operations history by the applicant and there is not expected to be a repeat of those circumstances. However, the simplification of the proposed conditions would remove some of the confusion that occurred at that time, allowing more efficient enforcement action and avoiding delays if a similar situation were to occur. An acceptable increase of permitted vehicles movements would enable the operator the opportunity to use more vehicles without breaking their planning restrictions. The amount of traffic using the residential roads would still be marginal with the proposed increase, as some of the extra traffic would be for digestate collection and be required to exit right OUT of the site.

- 8.50 There are objections raised by local residents and Councillors to this application as there have been occasions where the operations have not complied with the planning conditions associated with planning permission [BDB/75034](#). This is detailed in the planning history of this report. The Waste Planning Authority recognises the distress this has caused. However, the applicant is seeking to regularise planning permission [BDB/75034](#) by way of these variations and previous breaches of conditions cannot be taken into account when considering the acceptability of this proposal. Potential conditions are measured against the [six tests](#) as detailed in the paragraph 206 of the [National Planning Policy Framework](#) and viewed against the proposal in line with paragraph 203.
- 8.51 There are concerns that the existing site liaison panel and the planning enforcement system do not hold Tamar Energy to account as they organise the panel. However, it is typical that liaison panels in Hampshire are organised by the operators, as whilst the Waste Planning Authority encourages community engagement in this way, there are not the resources to facilitate them. It is through this existing panel that the current issues have been raised and measures are now being proposed to address them. The role and use of the liaison panel has therefore been highlighted to the applicant and the Waste Planning Authority will continue encourage and support the panel in the future.
- 8.52 The comment that the site now shares a Post Code with a residential property (Kennel Farm House) is noted but not a material planning consideration and has no relevance when considering this proposal.
- 8.53 The devaluation of prices of local houses has also been raised as a concern but this is not a material planning consideration and cannot be taken into account when considering this proposal.

9. Recommendation

- 9.1 That planning permission shall be GRANTED subject to the conditions listed in integral Appendix B.

Appendices:

Integral Appendix A – Corporate or Legal Information

Integral Appendix B – Conditions

Integral Appendix C – Annexe to Reasons for Conditions

Appendix D - Location Plan

Appendix E – Proposed Site Layout Plan

Appendix F – Proposed Planting Scheme Plan

Appendix G – Response to Consultations' document (1518/PS03 rev 01 dated 20/04/16)

Appendix H - Traffic Management Plan 1518/PS02 rev 06 (1 June 2016)

Other documents relating to this application:

<http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=17007>

RefRpt/7598/KS

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):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:	
The proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste planning authority.	

Other Significant Links

Links to previous Member decisions:		
<u>Title</u> http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=14768	<u>Reference</u> BDB/75034	<u>Date</u> 12/03/2012
Direct links to specific legislation or Government Directives		
<u>Title</u>	<u>Date</u>	

Section 100 D - Local Government Act 1972 - background documents

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

<u>Document</u>	<u>Location</u>
None	

CONDITIONS

Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

Tonnage

2. There shall be no more than 40,000 tonnes per year of waste delivered to the site.

A written record of tonnage entering the site associated with the permission hereby granted shall be kept onsite and shall be made available to the Waste Planning Authority for inspection upon request.

Reason: In the interest of the amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

Hours of Working

3. No waste shall be handled on site and no HCVs (vehicles over 3.5 tonne un-laden), shall enter or leave the application site, except between the hours of 0700 and 1800, Monday to Friday and between 0800 and 1300 Saturday. There shall be no waste handled and no movements on Sunday or recognised Bank Holidays.

Reason: In the interests of local amenity and highway safety in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

4. Notwithstanding condition 3 above, no HCVs (vehicles over 3.5 tonne un-laden) shall enter or leave the application site between the hours of 0800 and 0900 and 1500 and 1545 hours Mondays to Fridays during school term time, in accordance with the approved Traffic Management Scheme (1518/PS02 rev 06, dated 1 June 2016).

Reason: In the interests of local amenity and highway safety in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

5. Notwithstanding condition 3 above, no HCVs (vehicles over 3.5 tonne un-laden) shall make use of Woodbury Road between the hours of 0815 and 0900 and 1500 and 1545 hours Mondays to Fridays during school term

time, in accordance with the approved Traffic Management Scheme (1518/PS02 rev 06, dated 1 June 2016).

Reason: In the interests of local amenity and highway safety in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

6. The Traffic Management Scheme (1518/PS02 rev 06, dated 1 June 2016) shall be implemented as approved and retained in place thereafter.

Reason: In the interests of local amenity and highway safety in accordance with Policies 10 (Protecting public health, safety and amenity) and Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

Highways

7. There shall be a maximum of 38 HCV movements (vehicles over 3.5 tonne un-laden) (19 movements in and 19 movements out) on any working day in relation to the site. Records of vehicle movements to and from the site and the times of entry and departure shall be kept and made available for inspection at the request of the Waste Planning Authority.

Reason: In the interests of local amenity and highway safety in accordance with Policies 10 (Protecting public health, safety and amenity) and Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

8. A maximum of 4 movements of HCVs (vehicles over 3.5 tonne un-laden) carrying digestate may leave the site turning right on any working day. Records of vehicle movements to and from the site and the times of entry and departure shall be kept and made available for inspection at the request of the Waste Planning Authority.

Reason: In the interests of local amenity and highway safety in accordance with Policies 10 (Protecting public health, safety and amenity) and Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

9. The access junction to the site shall be maintained as approved (Plans 11011/105 Rev A and 11011/106 Rev B dated 11/06/12) for the duration of the development.

Reason: In the interest of local amenity and highway safety in accordance with Policies 10 (Protecting public health, safety and amenity) and Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

10. Visibility splays of 4.5 metres by 160 metres at the junction of the access road with the public highway shall be kept free from obstacles for the duration of the development.

Reason: In the interest of highway safety in accordance with Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

11. The haul road shall be maintained as detailed on plan E001-04-02Rev2 (approved under BDB/75034) for the duration of the development.

Reason: In the interests of securing an appropriate access road to in the interest of highway safety in accordance with Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

12. All vehicles entering and leaving the site shall use the haul road as detailed on plan E001-04-02Rev2 (approved under BDB/75034).

Reason: In the interest of highway safety in accordance with Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

13. The wheel cleaning measures in the Vehicle Management Strategy (E004-01 dated November 2011 approved under planning permission BDB/75034) shall be maintained for the duration of the development. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.

Reason: In the interest of highway safety in accordance with Policy 12 (Managing Traffic) of the Hampshire Minerals and Waste Plan (2013).

Landscape

14. The landscaping scheme hereby approved (Proposed Planting Scheme (1518 / P103 Rev P1) shall be implemented within the first planting season following the date of this permission. Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The scheme shall be implemented as approved.

Reason: In the interests of visual amenity and in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013).

15. The portal framed waste reception building shall remain clad in profiled steel sheeting. The digesters and associated plant shall remain grey in colour (RAL7038) and remain in perpetuity.

Reason: In the interests of visual amenity and to secure a satisfactory development that is in keeping with the local character and in accordance with Policies 10 (Protecting public health, safety and

amenity) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013).

Storage

16. There shall be no outside storage of waste.

Reason: To protect the amenities of the area in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

Lighting

17. The lighting scheme as detailed in drawing E004-01 Lighting (approved under BDB/75034 shall be maintained for the duration of the development 26/04/12.

Reason: In the interests of local amenities and in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

Restoration

18. At such time as the development is no longer used for the purpose hereby approved, ceases to operate effectively or the development fails to produce renewable energy for a continuous period of six months or more, the anaerobic digestion facility including the buildings and associated plant, infrastructure, underground equipment, associated machinery and waste shall be removed from the site and the land restored back to agricultural use. The restoration details for the site shall be submitted within three months of the cessation of use for written approval by the Waste Planning Authority. The restoration shall be completed in accordance with the approved details within six months of approval.

Reason: To prevent the retention of a development in the countryside that is no longer providing a benefit in sustainability terms and contributing to reducing the reliance on fossil fuels and offsetting the associated environmental impacts in accordance National Planning Policy Framework and Policies 5 (Protection of the countryside) and 9 (Restoration of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

Plans

19. The development hereby permitted shall be carried out in accordance with the following approved plans and particulars: 1518 / P101 Rev P1, 1518 / P102 Rev P1, 1518 / P103 Rev P1 E001-04-01, E001-04-02Rev2, E001-04-04Rev1, E001-04-06Rev1, E001-04-07Rev 1, E001-04-09Rev2, E001-04-10Rev3, E001-04-11, E001-04-SRLRev2, E001-04-14 Rev1, 1518 / P102 Rev P1, P103 Rev P1, Traffic Management Plan (1518/PS02 rev 06, dated 1 June 2016).

Reason: For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant

In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner based providing pre-application advice to the Developer, seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.

For the purposes of matters relating to this decision Heavy Commercial Vehicles (HCVs) are defined as vehicles over 3.5 tonne un-laden)

The site liaison panel established following the grant of planning permission BDB/75034 shall continue between the applicant, local residents and other interested parties.

As agreed by the operator, further driver briefing will be provided to ensure the timing restriction related to school drop-off / pick-up is applied to Woodbury Road in addition to arriving and leaving the site entrance.

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

Hampshire Minerals & Waste Plan (HMWP) (2013)

Policy 1 – Sustainable minerals and waste development

The Hampshire Authorities will take a positive approach to minerals and waste development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Minerals and waste development that accords with policies in this Plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the proposal or the relevant policies are out of date at the time of making the decision, the Hampshire Authorities will grant permission unless material considerations indicate otherwise, taking into account whether:

- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

Policy 2 – Climate change – mitigation and adaptation

Minerals and waste development should minimise their impact on the causes of climate change. Where applicable, minerals and waste development should reduce vulnerability and provide resilience to impacts of climate change by:

- a) Being located and designed to help reduce greenhouse gas emissions and the more sustainable use of resources; or
- b) Developing energy recovery facilities and to facilitate low carbon technologies; and
- c) Avoiding areas of vulnerability to climate change and flood risk or otherwise incorporate adaptation measures.

Policy 3 – Protection of habitats and species

Minerals and waste development should not have a significant adverse effect on, and where possible, should enhance, restore or create designated or important habitats and species.

The following sites, habitats and species will be protected in accordance with the level of their relative importance:

- a) internationally designated sites including Special Protection Areas, Special Areas of Conservation, Ramsar sites, any sites identified to counteract adverse effects on internationally designated sites, and European Protected Species;
- b) nationally designated sites including Sites of Special Scientific Interest and National Nature Reserves, nationally protected species and Ancient Woodland;
- c) local interest sites including Sites of Importance for Nature Conservation, and Local Nature Reserves;
- d) habitats and species of principal importance in England;
- e) habitats and species identified in the UK Biodiversity Action Plan or Hampshire Authorities' Biodiversity Action Plans.

Development which is likely to have a significant adverse impact upon such sites, habitats and species will only be permitted where it is judged, in proportion to their relative importance, that the merits of the development outweigh any likely environmental damage. Appropriate mitigation and compensation measures will be required where development would cause harm to biodiversity interests.

Policy 5 – Protection of the countryside

Minerals and waste development in the open countryside, outside the National Parks and Areas of Outstanding Natural Beauty, will not be permitted unless:

- a) it is a time-limited mineral extraction or related development; or
- b) the nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location; or
- c) the development provides a suitable reuse of previously developed land, including redundant farm or forestry buildings and their curtilages or hard standings.

Where appropriate and applicable, development in the countryside will be expected to meet highest standards of design, operation and restoration.

Minerals and waste development in the open countryside should be subject to a requirement that it is restored in the event it is no longer required for minerals and waste use.

Policy 9 -Restoration of minerals and waste developments

Temporary minerals and waste development should be restored to beneficial after-uses consistent with the development plan.

Restoration of minerals and waste developments should be in keeping with the character and setting of the local area, and should contribute to the delivery of local objectives for habitats, biodiversity or community use where these are consistent with the development plan.

The restoration of mineral extraction and landfill sites should be phased throughout the life of the development.

Policy 10 – Protecting public health, safety and amenity

Minerals and waste development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts.

Minerals and waste development should not:

- a) release emissions to the atmosphere, land or water (above appropriate standards);
- b) have an unacceptable impact on human health;
- c) cause unacceptable noise, dust, lighting, vibration or odour;
- d) have an unacceptable visual impact;
- e) potentially endanger aircraft from bird strike and structures;
- f) cause an unacceptable impact on public safety safeguarding zones;
- g) cause an unacceptable impact on:
 - i) tip and quarry slope stability; or
 - ii) differential settlement of quarry backfill and landfill; or
 - iii) subsidence and migration of contaminants;
- h) cause an unacceptable impact on coastal, surface or groundwaters;
- i) cause an unacceptable impact on public strategic infrastructure;
- j) cause an unacceptable cumulative impact arising from the interactions between minerals and waste developments, and between mineral, waste and other forms of development.

The potential cumulative impacts of minerals and waste development and the way they relate to existing developments must be addressed to an acceptable standard.

Policy 12 – Managing traffic

Minerals and waste development should have a safe and suitable access to the highway network and where possible minimise the impact of its generated traffic through the use of alternative methods of transportation such as sea, rail, inland waterways, conveyors, pipelines and the use of reverse logistics. Furthermore, highway improvements will be required to mitigate any significant adverse effects on:

- a) highway safety;
- b) pedestrian safety;
- c) highway capacity; and
- d) environment and amenity.

Policy 13 – High-quality design of minerals and waste development

Minerals and waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and townscape.

The design of appropriate built facilities for minerals and waste development should be of a high-quality and contribute to achieving sustainable development.

Policy 25 – Sustainable waste management

The long-term aim is to enable net self-sufficiency in waste movements and divert 100% of waste from landfill. All waste development should:

- a) encourage waste to be managed at the highest achievable level within the waste hierarchy; and
- b) reduce the amount of residual waste currently sent to landfill; and
- c) be located near to the sources of waste, or markets for its use; and / or
- d) maximise opportunities to share infrastructure at appropriate existing mineral or waste sites.

The co-location of activities with existing operations will be supported, where appropriate, if commensurate with the operational life of the site, and where it would not result in intensification of uses that would cause unacceptable harm to the environment or communities in a local area (including access routes), or prolong any unacceptable impacts associated with the existing development.

Provision will be made for the management of non-hazardous waste arisings with an expectation of achieving by 2020 at least:

- 60% recycling; and
- 95% diversion from landfill.

Policy 26: Safeguarding - waste infrastructure

Waste management infrastructure that provides strategic capacity is safeguarded against redevelopment and inappropriate encroachment unless:

- a) the merits of the development clearly outweigh the need for safeguarding; or
- b) the waste management infrastructure is no longer needed; or
- c) the waste management capacity can be relocated or provided elsewhere and delivered; or
- d) the proposed development is part of a wider programme of reinvestment in the delivery of enhanced waste management facilities.

The infrastructure safeguarded by this policy is illustrated on the Policies Map and identified in 'Appendix B - List of safeguarded minerals and waste sites'.

Policy 27 – Capacity for waste management development

In order to reach the objectives of the Plan and to deal with arisings by 2030 of:

- 2.62mtpa of non-hazardous waste;
- 2.49mtpa of inert waste;
- 0.16mtpa of hazardous waste.

The following minimum amounts of additional waste infrastructure capacity are estimated to be required:

- 0.29mtpa of non-hazardous recycling capacity; and
- 0.39mtpa of non-hazardous recovery capacity; and
- 1.4mt of non-hazardous landfill void.

Proposals will be supported where they maintain and provide additional capacity for non-hazardous recycling and recovery through:

- a) the use of existing waste management sites; or
- b) extensions to suitable sites:
 - i) that are ancillary to the operation of the existing site and improve current operating standards, where applicable, or provide for the co-location of compatible waste activities; and
 - ii) which do not result in inappropriate permanent development of a temporary facility and proposals for ancillary plant, buildings and additional developments that do not extend the timescale for completion of the development; or
- c) extension of time to current temporary planning permissions where it would not result in inappropriate development; or
- d) new sites to provide additional capacity (see Policy 29 - Locations and sites for waste management).

Policy 28 – Energy recovery development

Energy recovery development should:

- a) be used to divert waste from landfill and where other waste treatment options further up the waste hierarchy have been discounted; and
- b) wherever practicable, provide combined heat and power. As a minimum requirement the scheme should recover energy through electricity production and the plant should be designed to have the capability to deliver heat in the future; and
- c) provide sustainable management arrangements for waste treatment residues arising from the facility.

Policy 29: Locations and sites for waste management

1. Development to provide recycling, recovery and/ or treatment of waste will be supported on suitable sites in the following locations:

- i. Urban areas in north-east and south Hampshire;
- ii. Areas along the strategic road corridors; and
- iii. Areas of major new or planned development.

2. Any site in these locations will be considered suitable and supported where it:

- a. is part of a suitable industrial estate; or
- b. has permission or is allocated for general industry/ storage; or
- c. is previously-developed land or redundant agricultural and forestry buildings, their curtilages and hardstandings or is part of an active quarry or landfill operation; or
- d. is within or adjoins sewage treatment works and the development enables the co-treatment of sewage sludge with other wastes; and
- e. is of a scale compatible with the setting.

3. Development in other locations will be supported where it is demonstrated that:

- a. the site has good transport connections to sources of and/or markets for the type of waste being managed; and
- b. a special need for that location and the suitability of the site can be justified.

The Basingstoke and Deane Local Plan 2011 to 2029 (2016)

Policy EP4 – Rural Economy

To support the rural economy, development proposals for economic uses in the countryside will be permitted where they:

- a) Are on previously developed land; or
- b) Are for a change of use or conversion of a suitable permanent building; or
- c) Are for a replacement building that is not temporary in nature or for an extension to an existing building, provided that the proposal should not require substantial rebuilding, extension or alteration, and should not result in the requirement for another building to fulfil the function of the building being converted or replaced; or
- d) Enable the continuing sustainability or expansion of a business or enterprise, including development where it supports a farm diversification scheme and the main agricultural enterprise; or
- e) Are for a small-scale new business, provided it is not in an isolated location.

All development proposals must be well designed and of a use and scale that is appropriate to the site and location when considering:

- f) landscape, heritage and environmental impacts;
- g) the accessibility of the site;
- h) the impacts on the local highway network including the type of traffic generated, the appropriateness for the rural roads and the impact on their character; and
- i) the need for residential accommodation on site.

Development proposals that result in an increase in HGVs on C and U class roads, or a significant increase