

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	18 March 2015
Title:	Application for Removal of condition 1 of planning permission 13/10972 (limiting permission to five years) at Newbourne Farm, Rockbourne, Hampshire SP6 3NT. (Application No. 14/11753) (Site ref: NF252)
Reference:	6601
Report From:	Head of County Planning

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1. Executive Summary

- 1.1 This report considers an application to remove condition 1 of the five year temporary planning permission no. 13/10972 so that the whole of the operational use of the land as green waste processing and composting becomes a permanent use of the land– at Newbourne Farm, Rockbourne, Fordingbridge.
- 1.2 The site is located in the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) (designated in 1981) . An AONB ‘s designation is under the National Parks and Access to the Countryside Act 1949. The intent is to secure their permanent protection against any development that would damage their special qualities. The Countryside and Rights of Way (CRoW) Act 2000 brought in new measures to help protect AONB’s further and confirmed that the landscape qualities of National Parks and AONB’s are equivalent. The Cranborne Chase AONB Management Plan states that its special qualities include its diversity, distinctiveness, sense of history and remoteness, dark night skies, tranquillity and undeveloped rural character. It adds that “ The setting an AONB is the surroundings in which the area is experienced. If the quality of the setting declines, then the appreciation of the AONB diminishes. The construction of high or expansive structures; or a change generating movement, noise, odour, vibration or dust over a wide area will affect the setting....views are one element of setting .”

- 1.3 Planning permission no. 13/10972 – which the application subject of this report proposes to vary by removal of condition 1 - was granted in November 2013 for the variation of planning permission no 12/98401 regarding operating capacity, traffic movements and days of operation; and part proposed and part retrospective permanent extension to the site and its , operational area for use as green waste processing and composting. It included increasing the waste capacity from 15,000 tonnes to 25,000 tonnes per year. A five year temporary permission was granted.
- 1.4 Condition 1 of this permission which is now proposed to be removed states:
- “The development hereby permitted shall be for a temporary period of five years from the date of this permission after which time the site shall revert to the development permitted under planning permission numbers 12/98401 and 13/10234 (or as subsequently amended or superseded).
- Reason: To comply with Section 91(as amended) of the Town and Country Planning Act 1990 and to establish if the development can be accommodated without undermining the objectives of the Camborne Chase and West Wiltshire Downs AONB”
- 1.5 The site originated from a Certificate of Lawfulness for processing of green waste granted in 2006 for just over 2000 tonnes per year. It has increased through further permissions to composting and to the current temporary capacity of 25,000 over the past eight years.
- 1.6 The applicant states that it is now over a year since the increased capacity was authorised.. The applicant states he has not been made aware of any complaints during this period. The applicant considers the site is well managed and that all of the HGV traffic generated is routed to the north away from the village of Rockbourne in accordance with the current permission.
- 1.7 National Planning Policy Guidance (2014) highlights that “ In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question.”

The main issues raised by the permanent proposal are:

- i) **Impact on AONB** - can the development be accommodated without undermining the objectives of the AONB designation (Policy 4) and the setting of the Scheduled Ancient Monument (Policy 7).
- ii) **Amenity impacts** to local residents by way of noise, traffic and odour and to recreational users of the AONB (Policy 10).

iii) **Adequacy of time period over which the site has been monitored**
(since permission was granted in 2013 to assess impacts on the AONB)

- 1.8 The local member, Councillor Edward Heron, states that whilst he would have preferred another year before the applicant applied to remove the condition, apart from one or two lorries failing to adhere to the routing agreement (which has been taken up with the applicants), he states he has received no complaints about the site or concerns about the impact of the increased capacity.

Rockbourne Parish Council does not wish to make any comment on the application. No objections have been received from the Environment Agency, Highway Authority or Environmental Health Officer subject to conditions. The Cranborne Chase AONB object on the incremental expansion of the site over the years and how it affects the tranquillity and purpose of the statutory AONB designation. The AONB 'strongly recommends' that the existing condition remains in force.

- 1.9 The key questions to be asked are - whether one year of monitoring post permission is adequate to demonstrate that the additional capacity and associated changes approved in 2013, would have no significant impact upon local amenity and the special qualities of the AONB for which it was designated AONB in which is located and whether granting permission would be consistent with current government guidance and the Development Plan .
- 1.10 Having considered all the information , and taking into account current Development Plan policy, and the National Planning Policy Framework (NPPF), it is considered that even though it would be desirable to have a longer period of monitoring ,then due to there being no public objections received to the application nor any complaints over the past 14 months (to the County Council or the Environment Agency) since permission was granted – that there is no justifiable planning reason to refuse the application. Accordingly it is recommended that permission be granted.

Reasons for decision

- 1.11 It is considered that the development is in principle a sustainable waste proposal (Policy 1, 25) and that the site has not been the cause of complaint since permission number 13/10972 was granted. It is considered the development , subject to mitigation, would not cause any significant amenity nor visual impacts that would prejudice the designation of the Cranborne Chase AONB (Policy 4, 10) . The development is a rural business , provides for local employment, and it's compost is used locally on agricultural land within the Cranborne AONB area and therefore does provide for local needs (Policy 4). The Highway Authority considers there are no significant highway safety issues associated with the proposed road network or lorry routing (Policy 12) and considers it has good transport connections to the sources of/and/or markets for the type of waste being

managed (Policy 29). It is considered there are no significant environmental impacts of traffic caused by the development that prejudice the designation of the Cranborne chase AONB. On balance it is recommended that there are no justifiable planning reasons based on policy to recommend refusal of the application.

2. Site and proposal

- 2.1. The site, as shown on the attached plan, extends across 1.3 hectares of land on what used to be a calf rearing unit but which has diversified under the original agricultural owners into a green waste composting site. The site within the AONB lies approximately 780 metres east of a Scheduled Ancient Monument (SAM) and 130 metres from a public Right of Way. The nearest residential properties are located approximately 155 metres to the north-east of the access and 200 metres north-east of the actual site; 270 metres north-east and east of the site access and approximately 155 metres to the north-west of the haul route and 200 metres north-west of the site. The site is located close to a CPRE zone of high tranquillity along the area of the SAM.
- 2.2 A number of permissions have been granted at Newbourne Farm over the years commencing in July 2006 (87838) when the County Council granted a Certificate of Lawful Use (CLU) for the storage, sorting, cutting-up and chipping of up to 2000 tonnes of green waste per annum.
- 2.3 In December 2010 permission was granted at the site for the continuation of composting as part of green waste processing operation, hard surfacing and ancillary development (10/96302). This permission allowed the importation of up to 8,000 tonnes of green waste per year.
- 2.4 In 2012 a variation of permission was granted to allow an increase to import up to 15,000 tonnes of waste per annum (12/98401) and in 2013 permission was granted for a retrospective egress track from the site to allow a one way access system and other changes at the site (13/10234).
- 2.5 In 2013 permission was granted to increase capacity at the site, the layout, operating conditions and traffic movements (13/10972) for a five year temporary period to enable the environmental and amenity impacts of the development to be monitored and assessed. At the time of the decision there were objections raised on noise, odour, dust and traffic impacts by local residents and objections from the AONB and a complaint record.

For ease of reference a table of the planning history is outlined below.

Application No.	Site Reference	Location	Proposal
14/11753	NF252	Newbourne Farm, Rockbourne, Hampshire SP6	Removal of condition 1 of planning permission 13/10972 (limiting permission to five years)

		3NT	
13/10972	NF252	Newbourne Farm, Rockbourne, Fordingbridge SP6 3NT	Variation of conditions 2, 5 and 6 of planning permission no 12/98401 regarding operating capacity, traffic movements and days of operation; part proposed and part retrospective permanent extension to the site operational area for use as green waste processing and composting.
13/10234	NF252	Newbourne Farm, Rockbourne, Fordingbridge SP6 3NT	Retrospective application for the construction of a track and alterations to existing access for use in conjunction with green waste processing and composting operations
12/98401	NF252	Newbourne Farm, Rockbourne, Fordingbridge SP6 3NT	Variation to composting site and variation of condition 5 of planning permission 10/96302 to increase permitted tonnage of composting material from 8,000 to 15,000 tones per annum at Newbourne Farm, Rockbourne, Fordingbridge SP6 3NT
10/96302	NF252	Newbourne Farm, Rockbourne, Fordingbridge SP6 3NT	Continuation of composting as part of green waste processing operation; installation of underground storage tank; provision of surface mounted weighbridge and portacabin; extension of hard surfacing; removal of existing building.
07/90177	NF252	Land at Newbourne Farm, Rockbourne, Fordingbridge	Application for Certificate of Lawful use for processing green waste
87838	NF252	Land at Newbourne Farm, Rockbourne	Application for certificate of Lawfulness for green waste processing operation (Resubmission)
86715	NF252	Newbourne	Lawful Use Certificate for the

		Farm, Rockbourne, Fordingbridge	processing of green waste
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3. Proposal

3.1 Permission is sought to remove condition 1 of planning permission no 13/10972 so that instead of having a five year temporary permission the site can operate permanently at Newbourne Farm, Rockbourne, near Fordingbridge.

3.2 Planning permission no. 13/10972 - was granted in November 2013 for the variation of planning permission no 12/98401 regarding operating capacity, traffic movements and days of operation; and part proposed and part retrospective permanent extension to the site and it's operational area for use as green waste processing and composting. It included increasing the waste capacity from 15,000 tonnes to 25,000 tonnes per year.. A five year temporary permission was granted.

3.3 Condition 1 of this permission - now proposed to be removed - states:

“The development hereby permitted shall be for a temporary period of five years from the date of this permission after which time the site shall revert to the development permitted under planning permission numbers 12/98401 and 13/10234 (or as subsequently amended or superseded).

Reason: To comply with Section 91(as amended) of the Town and Country Planning Act 1990 and to establish if the development can be accommodated without undermining the objectives of the Camborne Chase and West Wiltshire Downs AONB”

3.4 The applicant states that it is now over a year since the increased capacity was authorised , and in addition to the six month period that the applicant states the site was already operating at increased capacity (part retrospectively) prior to permission being granted- it is now stated the site has been operating at increased capacity for 18 months. The applicant states he has not been made aware of any complaints during this period. The applicant considers the site is well managed and that all of the HGV traffic generated is routed to the north away from the village of Rockbourne in accordance with the current permission. The applicant highlights that the reason the County gave for the temporary permission – when he had applied for a permanent permission in 2013 - was to allow the relevant agencies including the County Council - to monitor the site to assess whether any adverse environmental and amenity impact has been caused by the operation of the site and the increased capacity granted in 2013. The

applicant has considered that in the past 12 – 18 months he has demonstrated that an informed judgement can be made that the increased capacity is not causing any adverse environmental impact. The applicant therefore considers that there is no ongoing need for that permission to remain temporary in the circumstances. The applicant also states that in order to comply with Environment Agency pollution and drainage requirements he has had to create an engineered hard standing across the site at a cost of over £120,000.. The applicant adds that in line with government planning guidance, the desire to assess the impact of the development – in this case on the living conditions of local residents over a period of time, is a valid reason for a temporary permission- but- its impact upon the visual character of the area is not – “at least as not as far as the advice in Circular 11/95 was concerned”. The applicant acknowledges that Circular 11/95 no longer exists and the NPPF and NPPG provides for all relevant planning guidance - but the applicant considers that there remains a test of ‘reasonableness’. The applicant adds that current advice on planning conditions states that ‘conditions which place unjustifiable and disproportionate burdens on an applicant will fail the test of reasonableness’.

- 3.5 The applicant has submitted the following record of his lorry loads for 12 months from 1 January 2014:
JAN (166), FEB (184), MAR (245), APR (241), MAY(267), JUN (269), JUL (268), AUG (257), SEP (248), OCT (222), NOV (207), DEC (135)
- 3.6 The applicant has also informed the County Council that the tonnage of waste imported for 12 months from 1 January 2014 was 21,942 tonnes.
- 3.7 The proposal is not an EIA Development under the Environmental Impact Assessment Regulations 2011 and an environmental statement has not been submitted.

4. Development plan

4.1. Hampshire Minerals and Waste Plan (October 2013)

Policy 1: Sustainable minerals and waste development
Policy 4: Protection of the designated landscape
Policy 7: Conserving the historic environment
Policy 10: Protecting public health, safety and amenity
Policy 12: Managing traffic
Policy 13: High-quality design of minerals and waste development
Policy 25: Sustainable waste management
Policy 27: Capacity for waste management development
Policy 29: Locations and sites for waste management

- 4.2 **National Planning Policy Framework (March 2012)** is a material consideration. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development unless other material considerations dictate otherwise. With

regards also to development in AONB and Countryside the NPPF refers including:

Paragraph 115 that “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”

Paragraph 116 of the NPPF - “Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

Paragraph 123 of the NPPF also states that planning policies and decision should: “identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.

4.3. National Planning Policy for Waste (2014) (Extract summary)

When determining waste planning applications, waste planning authorities should:

- “consider the likely impact on the local environment and on amenity
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located; and
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced; “

4.4 National Planning Practice Guidance (March 2014)

“Following the decision of a local planning authority to grant planning permission subject to conditions, a developer may consider taking the following actions if they do not wish to be subject to a condition:

Some or all of the conditions could be removed or changed by making an application to the local planning authority under section 73 of the Town and Country Planning Act 1990. In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question.”

4.5 Cranborne Chase AONB Management Plan (2014-2019)

“Forming part of the extensive belt of chalkland that stretches across southern central England, the Cranborne Chase AONB¹ is a landscape of national significance. Its special qualities include its diversity, distinctiveness, sense of history and remoteness, dark night skies, tranquility and undeveloped rural character.....Agriculture and its associated businesses are still a significant employer together with commercial forestry and limited mineral extraction....The setting of an AONB is the surroundings in which the area is experienced. If the quality of the setting declines, then the appreciation and enjoyment of the AONB diminishes. The construction of high or expansive structures; or a change generating movement, noise, odour, vibration or dust over a wide area will affect the setting. As our appreciation of the relationships between neighbouring landscapes grows, so our understanding of what constitutes the setting continues to evolve..... Views are one element of setting, being associated with the visual experience....The primary purpose of AONB designation is ‘conserving and enhancing the natural beauty of the area’³..... In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry and other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of economic and social development that in themselves conserve and enhance the environment.”

The AONB Vision – it wants to achieve:

1. Conserving and enhancing Outstanding Landscapes
2. Conserving and Enhancing living and Working landscapes
“ We want the sustainable management of our rural land. This will meet the demand for food, fuel and other produce in ways that conserve and enhance the landscape character of the AONB and deliver increased public benefits.
We want a thriving rural economy that will sustain the landscape and ensure economic and social wellbeing.”
3. Conserving and enhancing Special landscapes to enjoy

5. Consultations

- 5.1. **The local member Councillor Heron** states he recalls the 5 year consent was issued to enable a long enough period for the business to agree commercial contracts but also to allow time to assess the impact of the increased capacity vs the lorry routeing restrictions. Whilst he would have preferred another year before they applied to remove the condition, apart from one or two lorries failing to adhere to the routeing agreement (which has been taken up with the applicants), Councillor Heron states he has received no complaints about the site or concerns about the impact of the additional material.

Given the above, on balance, he raises no objection to the removal of the condition limiting the consent to 5 years, provided that all other conditions including the HGV routeing restrictions remain in place and subject to the Parish Council raising no objections.

- 5.2 **Rockbourne Parish Council** – has been consulted on the application and has no comments to make upon it.

- 5.3. **The Cranborne Chase and West Wiltshire Downs AONB states:**
The location appears to be within the Stour and Avon Tributary Valleys landscape character area, closely associated with the Martin – Whitsbury Downland Hills landscape character area.

The AONB has consistently objected to expansion of this waste site and raises strong objections and states that the 5 year temporary permission should remain. The strong objections it raised at the time of the 2013 permission also still stand.

- 5.4 **Highway Authority** - The Highway Authority raises no highways objections to this application provided that existing conditions relating to mud on road, traffic routing and lorry number restriction remain in force. It adds that a personal injury accident record between 1.11.09 and 31.10.14 on Rockbourne Road and the Wiltshire boundary show there were three accidents all classified as slight and none involved lorries/HGVs or were deemed to be significant to this application.

- 5.5 **New Forest District Council** – raises no objection.

- 5.6 **The Environment Agency** raises no objection to the proposal. In 2013 the Agency noted that Newbourne Farm Composting Limited has an EPR permit (number 102139) issued in 10/02/2011. A variation of this permit was issued on 25/03/2013 that amended the amounts of waste that could be accepted by the site. The total quantity of waste accepted at the site is to be less than 25,000 tonnes a year. The Agency have also conformed in response to this application that the applicant is within his 25,000 tonne waste limit as waste returns from 1 January – 31 December 2014 show 22,094 tonnes.

- 5.7 **Natural England** – states that the site is within close proximity to the Toyd Down and Quarry, and Martin and Tidpit Downs SSSI but does not consider that this application poses any likely or significant risk to its features. It states it would expect the Waste Planning Authority to assess and consider possible impacts to the AONB.
- 5.8 **Environmental Health** raises no objection to this application.

6. Representations

- 6.1. No public or other representations have been made to the proposal.

7. Commentary

- 7.1 The main issues raised by this proposal to remove Condition 1 of planning permission no. 13/10972 relate to the AONB reason for imposing this condition which is : “ to establish if the development can be accommodated without undermining the objectives of the Camborne Chase and West Wiltshire Downs AONB .”
- 7.2 The Cranborne Chase AONB Management Plan states that its special qualities include its diversity, distinctiveness, sense of history and remoteness, dark night skies, tranquillity and undeveloped rural character. It notes that “The setting an AONB is the surroundings in which the area is experienced. If the quality of the setting declines, then the appreciation of the AONB diminishes. The construction of high or expansive structures; or a change generating movement, noise, odour, vibration or dust over a wide area will affect the setting....views are one element of setting .”
- 7.3 The key issues for consideration are therefore considered to be :
- i) **Impact on AONB** - can the development be accommodated without undermining the objectives and special qualities of the AONB designation (Policy 4) and the setting of the Scheduled Ancient Monument (Policy 7).
 - ii) **Amenity impacts** to local residents by way of noise, traffic and odour and to recreational users of the AONB (Policy 10).
 - iii) **Adequacy of time period over which the site has been monitored** (since permission was granted in 2013 to assess impacts on the AONB)
- 7.4 Other key issues considered at the time planning permission no. 13/10972 was granted in November 2013 , in line with the National Planning Policy Guidance (NPPG), are not being reconsidered as part of this application.

These issues are:

- **Small scale sustainable development for local needs** – it was considered that evidence was presented at regulatory Committee in November 2013 to show the development does provide for local needs as the compost is spread across local agricultural land (Policy 4) and there is a need for the additional capacity (Policy 27) and is it located near to the sources of waste or markets for its use (Policy 25). Environment Agency returns for year January – December 2014 have also demonstrated the waste capacity the site has taken during this period - over 21,000 tonnes is within the Environmental Permit restriction of 25,000 tonnes.
- **Highway safety impacts** (Policy 12)- subject to existing highway related conditions being carried forward by any permission hereby granted such as the lorry routing , the control of mud on road and the lorry number restriction, the Highway Authority raise no objections to the proposal on highway safety grounds..
- **Pollution of groundwater** (Policy 10) – this issue, in accordance with national planning guidance is controlled by an environmental permit issued by the Environment Agency that ensures the site complies with environmental protection ensures in this regard. It is noted the Agency raise no objection to the proposal.

Impact on AONB

7.5 The existing permitted composting site slopes downhill and partly at a lower level to the north-east behind the applicants existing house adjacent to the composting site. It is not easily viewed from the public right of way that runs nearby the site to the east and south/south-west. However, there is a section of the footpath to the east where clear glimpses of the existing stockpiles in the south west corner of the site can be seen. In 2013 this is where, when the main site is working, banging of metal could be heard and also odour was noticed by a Hampshire County Council officer walking the footpath.. However, it was also noticed in 2013 that when walking to the south along the footpath the odour and the noise diminished until it was no longer apparent. There was minimal odour noticeable when members visited the site in 2013 and there have been no complaints regarding odour in at least 14 months. The Agency are satisfied that the applicant is complying fully with the environmental permit which includes odour control. In 2013 there was some uncertainty about how noise generated in the south west 'extension area', when added to existing noise, would affect the tranquillity of the AONB and the recreational enjoyment of users of the footpath. The strong objections raised by the Cranborne Chase AONB are acknowledged. There is a SAM to the south-west of the site, and at the time of the decision in 2013 it was considered that the required mitigation by way of earth bunding, /hedgerow and woodland planting (conditioned on the existing permission) would be unlikely to impact significantly upon the setting of the SAM (Policy

7)- but would help screen the site from its surroundings. The applicant has undertaken planting following the grant of planning permission in 2013. With relation therefore to the special qualities of the AONB the Environmental Health Officer has raised no objections on amenity issues which include noise, dust and odour referred to in the AONB Management Plan as being issues that can adversely impact on the AONB.

- 7.6 Regarding the issue of impact on the tranquillity of the AONB there was in 2013 an element of uncertainty because it was only in November 2013 that temporary permission was given to allow waste to be accepted on Bank Holidays and Sundays. It was considered in 2013 that a temporary permission would enable noise, odour and numbers of traffic movements during peak times to be monitored along with any complaints that may be received so that the long term impact of the proposal could be fully established. At the time it was considered a temporary permission would enable the pattern of movements to be monitored over the temporary period and this could also be assessed in terms of impact against other noise complaints received during any temporary period that may be granted as a way of establishing the environmental impact of the proposal. The applicant has demonstrated that he has kept his traffic movements within the permitted number restrictions, and no complaints have been received about noise and the environmental impact of the traffic along the permitted lorry route. The objections of the AONB are absolutely understood but the effectiveness and compliance with the existing conditions and no evidence of complaint to any organisation involved in regulating the site suggests that the development as permitted is not having any significant impact on the reason for designation of the AONB and its special qualities. It is therefore considered that the proposal to remove condition 1 complies with Policy 4 of the MWDP (2013).

Amenity impacts

- 7.7 It is noted that no representations have been received to this proposal to make the temporary permission permanent. As can be seen from the planning history the majority of the site has a permanent permission. The 2013 permission gave a temporary permission for an extension area and amongst other elements- allowed the whole of the site to operate at an increased capacity. It is also noted that the Environmental Health Officer raises no objection to the application and the Environment Agency has confirmed that it has received no breaches to the waste permit nor any public complaints since November 2013. The County Council has on record one formal complaint received in summer 2013 relating to one lorry that was alleged to have not complied with the existing lorry routing. The Parish Council and local member have also not raised objection to the proposal although it is noted that Councillor Heron would have preferred a further year of monitoring to take place before a permanent permission is granted. The amenity issues are also linked to the wider issues of the AONB and the special qualities of the designation as also raised by the AONB officer and as previously evaluated in this commentary. The Regulatory Committee minutes of November 2013 record that the applicant has stated " If

permanent permission was granted, the applicant volunteered to not import waste on Sundays and Bank Holidays. ” . On balance it is considered that subject to this offer by the applicant being reflected in the conditions, of any permission that may be granted, as the development has not generated any amenity complaints or issues over the last 14 months, accordingly, it is considered the proposal to remove condition 1 to make the existing operation permanent complies with Policy 10 of the MWDP (2013) .

Adequacy of time period over which the site has been monitored since permission was granted in 2013

- 7.8 In November 2013 permission was granted for a temporary period of five years to enable monitoring of potential environmental impacts such as traffic, noise, impact on the tranquillity and character of the AONB and odour (which were the cause of complaint at that time) to be monitored and assessed. It is now fourteen months approximately since permission was granted and the applicant has submitted this proposal to make the development permanent by requesting removal of the condition 1 (limiting the development to five years). The County Council notes therefore that the development has only been operating across two peak seasons (Summer and Autumn) of one year and whilst it is noted no objections or complaints appear to have been received in this first year, it would have supported the applicant operating longer before a request for permanency was submitted so that further monitoring could take place to assess any impacts the development could cause over different weather conditions -as summers for example - do vary between hot and dry and hot and humid, as indeed do local wind directions. However the County Council has a duty to determine the application before it. The Waste Planning Authority has taken legal advice and it is considered, based on the information before it at the time of drafting this report, that there is no valid planning reason to refuse this application on the grounds that it has only implemented its 2013 permission for 14 months and not 5 years or a longer period..

8. Summary

- 8.1. The NPPF clearly states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 8.2 The NPPF highlights there are three dimensions to sustainable development - economic, social and environmental - and that these should be sought jointly and simultaneously through the planning system. The NPPF also highlights that plans and decisions need to take local circumstances into account so that they respond to the different opportunities for achieving sustainable development in different areas. One of the core planning principles of the NPPF is ‘to drive and support sustainable economic development to deliver the ... business... and thriving local places that the

country needs. Every effort should be made objectively to identify and then meet the ...business... and other development needs of an area and respond positively to wider opportunities for growth.” The NPPF adds this is to be achieved whilst taking “account of the different roles and character of different areasrecognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. ‘

- 8.3 It is considered that this rural business which provides compost to improve fertility and quality of local agricultural land , predominantly within the Cranborne AONB, is a principle referred to also in the AONB management Plan as it states that one of its three key aims is ‘Conserving and enhancing Living and Working Landscapes’. This aim refers to the AONB wanting “ the sustainable management of our rural land . This will meet the demand for food fuel and other produce in ways that conserve and enhance the landscape character of the AONB and deliver increased public benefits. We want a thriving rural economy that will sustain the landscape and ensure economic and social well being” . The AONB Management Plan clearly states: “ In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry and other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of economic and social development that in themselves conserve and enhance the environment.”
- 8.4 It is considered that the development is in principle a sustainable waste proposal (Policy 1, 25) and that the site has not been the cause of complaint since permission number 13/10972 was granted. The Environment Agency state that the applicant has complied with the environmental permit for the site and that the site is within the waste capacity permitted. The Environmental Health Officer has raised no objection on amenity grounds and the applicant has submitted evidence to demonstrate lorry movements over the past 12 months have been within the permitted restriction. It is understood that the compost is used locally on local farms in the area and thus does provide for local needs . It is noted that the site does provide employment for local people. The Highway Authority considers there are no significant highway safety issues associated with the proposed road network or lorry routing and considers it has good transport connections to the sources of/and/or markets for the type of waste being managed .. On balance it is recommended that there are no justifiable planning reasons to recommend refusal of the application.

9. Recommendation

- 9.1. That permission for Variation of condition 1 of planning permission no. 13/10972 (limiting permission to five years) at Newbourne Farm, Rockbourne, Fordingbridge SP6 3NT (Application No: 14/11753) be granted subject to the conditions listed in Integral Appendix B.

RefRpt/6601/JD

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

Hampshire safer and more secure for all:	Yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	Yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	No
Corporate Improvement plan link number (if appropriate):	
OR	
<p>This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:</p> <p>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.</p>	

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=13069	07/90177 (CLU)	6/9/07
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=14543	10/9632	16/12/10
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=14992	12/98401	26/6/12
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=15412	13/10234	25/5/13
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=15638	13/10972	26/11/2013
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.)

DocumentLocation

<http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=16258>

County Planning , Elizabeth Ct. 2,
West First Floor

Removal of condition 1 of planning permission 13/10972 (limiting permission to five years) (14/11753)

CONDITIONS

Commencement

1. The development hereby permitted shall be implemented within 3 years of the date of this permission and operated strictly in accordance with the plans, specifications, documents, and particulars granted under planning permission no. 13/10972 carried forward by this permission and /or subsequently amended by this permission through the conditions hereby attached.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990; to provide local residents with notice and to enable the Mineral Planning Authority to monitor the development.

Hours of Working

2. Unless otherwise agreed in writing by the Waste Planning Authority no heavy goods vehicles shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0800-1800 Monday to Friday and 0800-1300 Saturday. No importation of waste shall take place on Sundays or recognised public holidays ,nor shall any other operations or processing related to the development I take place on Sundays or public holidays.

Reason: In the interests of local amenity.

Types of Waste

3. No waste shall be deposited at or imported into the site except green waste.

Reason: In the interests of environmental protection.

Highways

4. For the duration of the development measures shall be taken to clean vehicles leaving the site to prevent mud and spoil from being deposited on the public highway. These approved measures shall be implemented before the development commences. Once the development has been commenced, these measures shall be used by all vehicles leaving the site and maintained in good working order for the duration of the development. No vehicle shall leave the site unless it has been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.

Reason: In the interests of highway safety.

5. No more than 540 total vehicle movements in or out of the site for the purposes of permitted green waste processing and composting operations shall take place within any calendar month, and no more than 6,250 vehicle movements shall be permitted to occur in any calendar year. A daily record of lorries entering and leaving the site shall be kept at the site and made available to the Waste Planning Authority on request.

Reason: In the interests of highway safety and to minimise impacts on local amenities.

6. Within one month of the date of this permission a traffic routing plan shall be submitted to and approved by the Waste Planning Authority in consultation with the Highway Authority to ensure that all HGV traffic accessing and egressing the site does so from the north via the A354. The agreed details shall be implemented for the duration of the operations.

Reason: In the interests of highway safety.

Composting Limits

7. The annual throughput of the composting material for the site shall not exceed 25,000 tonnes and records shall be made available to the Waste Planning Authority upon request to enable the tonnage to be monitored.

Reason: In the interests of local amenity and the reasons for designation of the Cranbourne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

Materials

8. No stockpiles of green waste or processed material shall exceed five metres in height (from base to apex) on the main site and no higher than four metres on the extension area the subject of this permission.

Reason: In the interests of local amenities.

9. The external materials of the portacabin shall be dark grey/green in colour and shall be maintained appropriately for the duration of the permission.

Reason: To secure a satisfactory development.

Landscaping

10. The landscaping approved under planning permission no. 13/10234 for the northern and southern boundaries of the access tracks shall be implemented and maintained as approved. 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.

11. Within one month of the date of this permission a scheme of hedgerow and/or woodland landscaping for the site using native hedgerow species to screen the site when viewed from the Public Right of Way to the south and south east shall be submitted to the Waste Planning Authority for approval in writing and thereafter implemented in accordance with that permission and maintained for the duration of the 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: This landscaping will add to the biodiversity and character of the area and therefore is not dependent on whether the development continues under a new permission after this temporary permission has expired or not. It is in the interests of the character of the AONB.

12. Within one month of the date of this permission a scheme of environmental management for the site shall be submitted to the Waste Planning Authority for approval in writing and thereafter implemented as approved for the duration of the development. The scheme shall include monitoring to mitigate, manage and monitor the noise and odour emanating from the site and include monitoring points. A monitoring report shall be submitted to the Waste Planning Authority after each 12 month period hereby permitted. Data shall also be made available to the Waste Planning Authority upon request when necessary, for example if a complaint is received and needs to be investigated by the Waste Planning Authority and associated agencies.

Reason: In the interest of local amenities and to assess whether the development can be accommodated without undermining the objectives of the Cranbourne Chase and West Wiltshire Downs AONB designation.

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

HAMPSHIRE MINERALS AND WASTE LOCAL PLAN (adopted 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. 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 National Planning Policy Framework taken as a whole; or

Specific policies in that Framework indicate that development should be restricted.

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: 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; nationally designated sites including Sites of Special Scientific Interest and National Nature Reserves, nationally protected species and Ancient Woodland; local interest sites including Sites of Importance for Nature Conservation, and Local Nature Reserves; habitats and species of principal importance in England; 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 4 - Protection of the Designated landscape

Major minerals and waste development will not be permitted in the New Forest or South Downs National Parks, or in the North Wessex Downs, the Cranborne Chase and West Wiltshire Downs, and Chichester Harbour Areas of Outstanding Natural Beauty (AONBs), except in exceptional circumstances. In this respect, consideration will be given to:

the need for the development, including in terms of any national considerations; the impact of permitting, or refusing the development upon the local economy; the cost and scope for meeting the need outside the designated area, or meeting the need in some other way; and whether any detrimental effects on the environment, landscape and / or recreational opportunities can be satisfactorily mitigated.

Minerals and waste development should reflect and where appropriate enhance the character of the surrounding landscape and natural beauty, wildlife and cultural heritage of the designated area.

Minerals and waste development should also be subject to a requirement that it is restored in the event it is no longer needed for minerals and waste uses.

Small-scale waste management facilities for local needs should not be precluded from the National Parks and AONBs provided that they can be accommodated without undermining the objectives of the designation.

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: Release emissions to the atmosphere, land or water (above appropriate standards); Have an unacceptable impact on human health; Cause unacceptable noise, dust, lighting, vibration or odour; Have an unacceptable visual impact; Potentially endanger aircraft from bird strike and structures; Cause an unacceptable impact on public safety safeguarding zones; Cause an unacceptable impact on: Tip and quarry slope stability; or Differential settlement of quarry backfill and landfill; or Subsidence and migration of contaminants; Cause an unacceptable impact on coastal, surface or groundwaters; Cause an unacceptable impact on public strategic infrastructure; 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 11 - Flood Risk and Prevention

Minerals and waste development in areas at risk of flooding should: not result in an increased flood risk elsewhere and, where possible, will reduce flood-risk overall; incorporate flood protection, flood resilience and resistance measures where appropriate to the character and biodiversity of the area and the specific requirements of the site; have site drainage systems designed to take account of events which exceed the normal design standard; not increase net surface water run-off; and if appropriate, incorporate Sustainable Drainage Systems to manage surface water drainage, with whole-life management and maintenance arrangements.

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: highway safety; pedestrian safety;

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: highway safety; pedestrian safety; highway capacity; and environment and amenity.

Policy 13 – High-quality design of materials 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 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:
 - 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

Integral Appendix

- 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 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.

Policy 30 - CDE waste development

Where there is a beneficial outcome from the use of inert construction, demolition and excavation waste in developments, such as the restoration of mineral workings, landfill engineering, civil engineering and other infrastructure projects, the use will be supported provided that as far as reasonably practicable all materials capable of producing high quality recycled aggregates have been removed for recycling.

Development to maximise the recovery of construction, demolition and excavation waste to produce at least 1mtpa of high quality recycled/secondary aggregates will be supported.