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INTRODUCTION

- 4.1 It is clear from published guidance that the Government is committed to a plan led system, with the Development Plan forming the basis of all planning decisions. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) confers a presumption in favour of development proposals which accord with the Development Plan, unless material considerations indicate otherwise.
- 4.2 Sub Section 5 of Section 38 also states that, “if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be)”.
- 4.3 This principle has been developed and clarified by subsequent case law¹, which has confirmed that a particular proposal does not need to accord with each and every policy in a development plan; the key issue is that it accords with the overall thrust of development plan policies taken as a whole.
- 4.4 Accordingly, policy and plans play an important role in determining any planning application. At the local level, the Statutory Development Plan for minerals and waste development currently comprises the following document:
- Hampshire Minerals and Waste Core Strategy, 2007
- 4.5 At the national level, planning policy is set out in the National Planning Policy Framework (NPPF). National guidance is translated into more detailed policy through the Development Plan.
- 4.6 Other material considerations relative to the planning application include:
- The emerging Hampshire Minerals and Waste Plan – proposed changes to the submission version, October 2012
- 4.7 Within this section, in addition to the Statutory Development Plan, consideration is given to the key international and national policy documents, together with the National Waste Strategy. The following section addresses the need for the development, which is also a material consideration in determining a planning application.

NATIONAL PLANNING POLICY FRAMEWORK

- 4.8 At the heart of the NPPF is a presumption in favour of sustainable development, which should be taken as a golden thread running through both plan making and decision taking². For decision making, this means:

¹ R v Rochdale Metropolitan Borough Council – [2001] ENV.L.R 22

² Paragraph 14, NPPF

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

4.9 In terms of Sustainable Development, the NPPF identifies three dimensions³: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

4.10 The proposed WHRF is considered to be sustainable for the following reasons:

- Economic – it is responding to a need to provide more permanent, high quality aggregate recycling facilities;
- Social – it is well located so as not to adversely impact on local communities; and
- Environmental – it will protect the environment and support the prudent use of natural resources by recycling waste to produce a high quality secondary/recycled aggregate product.

4.11 Section 13 of the NPPF is about facilitating the sustainable use of minerals and recognises that they are a finite resource so it is important to make best use of them.

4.12 The NPPF therefore requires that local planning authorities take account of the contribution secondary/recycled aggregates can make to supply before considering the extraction of primary materials.

³ Paragraph 7, NPPF

- 4.13 The proposed WHRF will enable Hampshire to deliver their contribution to supporting the delivery of permanent, high quality secondary/recycled aggregate facilities which will reduce the need for primary aggregate extraction.

LOCAL POLICY

- 4.14 A review of the following policy documents and relevant policies have been identified:

Hampshire Minerals and Waste Core Strategy Development Plan Document (2007)

- 4.15 The following policies have been considered in accordance with Scoping Opinion from HCC (please refer to Volume 2b, section 4 page 3 para 1)

Policy S3 – Net Self Sufficiency

- 4.16 This states that Hampshire will be net self sufficient in waste management capacity by 2016 and the proposed development will ensure that capacity is maintained and enhanced.

Policy S9 - Recycled and Secondary Aggregates,

- 4.17 Policy S9 states that by 2016 production capacity will be provided for the supply of recycled/secondary aggregate at a rate of 1.7 mtpa.

- 4.18 The supporting text also confirms that many of the existing plants are temporary and that there is a need to move towards more permanent facilities. In doing this the Plan identifies the criteria for such sites, as follows:

- Large land area;
- Generally open air;
- Good access to roads and urban areas; and
- Located away from residential area.

- 4.19 The proposed development is considered to comply with these criteria and is therefore a suitable location for a permanent secondary/recycled aggregate facility.

Policy S17 - Co-location, Systems and Infrastructure

- 4.20 Policy S17 seeks to ensure that minerals and waste developments should increase resource recovery and efficiency by co-locating compatible uses; the use of reverse logistics for moving materials and the optimisation of waste collection systems.

- 4.21 The proposed development is considered to comply with this policy as the production of secondary/recycled aggregates is considered to be a

compatible use with minerals development and the existing operation is already making maximum use of the backhaul principle to ensure that vehicles are used as efficiently as possible and movements are minimised.

- 4.22 Finally whilst the optimisation of waste collection systems is not strictly relevant the existing facility works closely with the applicants Haulage Park receiving inert waste from there for recycling.
- 4.23 The proposed development is therefore considered to comply with policy S17

Policy DC2 (Sites with International and National Designations),

- 4.24 The Site is not covered by any landscape or ecological designations, however it is adjacent to the Thames Basin Heath's Special Protection Area and approximately 400m from the Castle Bottom to Yately Heath Site of Special Scientific Interest (SSSI). The accompanying Environmental Impact Assessment has confirmed that the proposal is not likely to prejudice the purpose of the designation or have a significant impact on the designated areas as the impacts from the operations i.e. noise and dust will be not be significant.

Policy DC3 (Impact on Landscape and Townscape),

- 4.25 Policy DC3 seeks to protect the distinctive character of landscape and townscape when considering materials and waste developments. The Site is not within a Conservation Area and does not affect the setting of a listed building....It is therefore considered that the proposal will not have an adverse impact on landscape and townscape.

Policy DC6 (Highways),

- 4.26 Policy DC6 states that waste developments will only be permitted if it pays due regard to the likely volume and nature of traffic that would be generated and the suitability of the proposed access to the Site and the road network that would be affected. Whilst the tonnage is proposing to increase, the Site will make maximum use of reverse logistics as required by policy S17 and the Transport Assessment concludes that there would be no adverse impacts on the access and surrounding highway network as a result of the proposed development.

Policy DC7 (Biodiversity),

- 4.27 Policy DC7 states that permission will only be granted for waste developments if due regard is given to the impact on biodiversity. It is considered that the development proposals subject to mitigation proposed within ES chapter 10 Ecological Impact Assessment (EclA) the proposed development does not conflict with this policy.

Policy DC8 (Pollution, health, quality of life and amenity),

- 4.28 Policy DC8 states that waste developments will only be permitted if due regard is given to the pollution and amenity impacts on the residents and users of the locality. The proposed bund (s) will enclose and screen the majority of the site ensuring that future impacts are effectively contained on site and only limited views in to the Site will be available.
- 4.29 It is considered that the benefits of the continuing and upgrading of the production of secondary/recycled aggregates outweighs the limited impacts that would remain.

Policy DC10 and 11 (Water Resources and Flooding),

- 4.30 Policies 10 and 11 consider water and flooding but the assessment work undertaken has not identified any adverse impacts on these interests so no conflict with policy has been identified.

Policy DC13 (Waste Management and Recycling, including Aggregate Recycling Facilities)

- 4.31 Policy DC13 considers the location of waste management facilities and indicates that they will be permitted where the site is an area identified as suitable for waste management uses, has good access and maximises the potential for recycling. The proposed site is considered to be well located to the urban areas of north east Hampshire and the strategic road corridor identified in the emerging Hampshire Minerals and Waste Plan, has good access and will maximise the potential of the site for producing high quality secondary/recycled aggregates.

Policy DC22 - Additional Plant, Buildings and Minor Development

- 4.32 The additional plant proposed as part of this development is a necessary element of improving the quality of the secondary/recycled aggregate and is therefore to be supported.

Draft Hampshire Minerals and Waste Plan – proposed changes to the submission version (October 2012)

- 4.33 This plan is not yet adopted and the Examination in Public is not yet completed so it cannot yet be awarded full weight in the decision making process. It does provide however a guide to future policy direction within Hampshire and is a material consideration.
- 4.34 Relevant policies include S1 and S2 which cover sustainable minerals and waste development and tackling climate change. By minimising waste, increasing the production of high quality recycled/secondary aggregates and making use of reverse logistics to reduce traffic movements the development is considered to be both sustainable and tackling climate change.

- 4.35 Emerging policies on biodiversity, landscape, heritage, amenity, flooding and traffic have been considered in the adopted Core Strategy and no conflicts with policy have been identified.
- 4.36 Policy 17 looks to develop infrastructure capacity to provide a minimum of 1 mtpa of recycled/secondary aggregate and Policy 18 supports investment and new infrastructure as proposed by this development.
- 4.37 Finally policy 30 on Construction, Demolition and Excavation waste states that development which maximises the recovery of construction, demolition and excavation waste to produce at least 1 mtpa of high quality recycled and secondary aggregates will be supported.
- 4.38 It is therefore concluded that the emerging policy in Hampshire on the recovery of construction, demolition and excavation wastes supports the proposed development.

Hart District Local Plan 1996-2006 (DPD)

RUR 2 & 3 (Development in the countryside)

- 4.39 Policy RUR 2 suggests that development in the open countryside, outside the defined settlement boundaries, will not be permitted unless the local planning authority is satisfied that it is specifically provided for by other policies in the local plan, and that it does not have a significant detrimental effect on the character and setting of the countryside by virtue of its siting, size and prominence in the landscape.
- 4.40 It is considered that the other policies outweigh the open countryside designation and the facility will not have a significant detrimental effect on the character and setting of the open countryside once the screening bund (s) are developed..
- 4.41 Policy RUR 3 suggests that developments in the countryside which are provided for by other policies in this plan, will be permitted where:
- (i) The countryside is protected and maintained through the retention, creation or enhancement of features of nature conservation or landscape importance;
 - (ii) Any existing buildings or structures can be retained if of architectural quality;
 - (iii) The site is satisfactorily landscaped to reduce its impact on the surrounding countryside;
 - (iv) The criteria of the specific Policy by which the development proposed may be permitted are also met.
- 4.42 It is considered on balance that the proposed WHRF (subject to all mitigation) is in accordance with the above criteria.

CON 1, 2, 3, 4, 5, 6 (Nature Conservation)

- 4.43 The Hart District Local Plan 2002 contains the following saved policies, which are considered relevant to the protection and enhancement of the natural environment and nature conservation:
- 4.44 CON 1 European Designations. Development that will adversely affect a European designated site, such as a Special Protection Area (SPA) or Special Area of Conservation (SAC) will not be permitted unless there are no satisfactory alternatives and there are imperative reasons of overriding public interest, or, in the case of a SAC supporting priority habitats or species, beneficial consequences of primary importance to the environment (or public health or safety).
- 4.45 CON 2 National Designations. Development that will adversely affect the nature conservation of a SSSI or NNR, directly or indirectly, would only be permitted where it can be subject to conditions that prevent damaging impacts to wildlife habitats and other natural features of importance; or where other material considerations are sufficient to override the nature conservation interest.
- 4.46 CON 3 Local Designations. Development that will adversely affect the nature conservation value of a SINC will only be permitted where other material considerations outweigh the importance of the site for local nature conservation.
- 4.47 CON 4 Replacement and Habitats. Permitted development that is likely to have a material adverse effect on features of nature conservation interest in protected sites (CON 1 - CON 3 above), to protected species or their habitats (CON 5), would reduce that adverse effect, where practicable to do so, by the provision of adequate replacement habitat on site or other appropriate location.
- 4.48 CON 5 Species Protected by Law. Planning permission would not be granted for developments that would have a significant adverse effect on protected species or habitats unless there are conditions or planning obligations entered into requiring the developer to take steps to secure their protection.
- 4.49 CON 6 Heathlands. Development proposals likely to cause significant harm to existing or former heathland habitats, either directly or indirectly would not normally be permitted.

Harts District Local Plan: Core Strategy 2011 – 2029 (Pre-submission version), November 2012

- 4.50 The pre-submission version of the Harts District Local Plan Core Strategy is to be submitted to the Secretary of State in early spring 2013, and subject to the Plan being found sound, the Council estimates it adoption in the summer of 2013. Once formally adopted, policies CON 1 – CON 6 (above) would be superseded by policies CS 17 and CS 18.

- 4.51 CS 17 Biodiversity: Protection of designated sites of international, national, and local importance. Where development should avoid:
- fragmenting existing habitats and support the creation of coherent ecological networks;
 - retain, protect and enhance, notable ecological features of conservation value, such as habitats that are important for buffering or connectivity, and habitats that offer feeding or breeding sites of local importance to populations of protected or targeted species;
 - avoid net loss of existing biodiversity and where possible produce net gain through designing in opportunities for wildlife and ensuring any adverse impacts are avoided where possible. If adverse impacts cannot be avoided they should be appropriately mitigated, with compensation used only as a last resort; and
 - protect and strengthen populations of protected species
- 4.52 Policy CS 18: Thames Basin Heaths Special Protection Area. Presumption in favour of sustainable development (Policy CS 1) does not apply where a development requires an Appropriate Assessment under the Habitats Directive. New developments, either alone or in combination with others, that is likely to have a significant effect on the Thames Basin Heath SPA would be refused. Development that is likely to have a significant adverse effect on the SPA would need to demonstrate that adequate avoidance/mitigation measures for any potential adverse effects are to be put in place.