

Report to	<b>Planning Committee</b>
Date	<b>12 August 2021</b>
By	<b>Director of Planning</b>
Local Authority	<b>Winchester City Council</b>
Application Number	<b>SDNP/21/01712/FUL</b>
Applicant	<b>Mr S Fowler</b>
Application	<b>Change of Use from Use Class Sui Generis - Scrapyard to Use Class B2 - General Industrial to enable the creation of a soil cleaning and concrete crushing facility</b>
Address	<b>Unit 3, Morestead Farm, Morestead Road, Morestead, Hampshire</b>

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**Recommendation: That planning permission be refused for the reasons as set out in paragraph 10.1 of the report.**

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### **Executive Summary**

This application seeks planning permission for the change of use of the site from scrap yard (sui generis class use) to general industry class B2 for waste management purposes, consisting of soil cleaning and concrete crushing. The proposed development is considered to accord with the broad strategy on locating waste management sites in the Hampshire Minerals and Waste Plan, in that it is adjacent to a strategic road corridor.

However the proposed development fails to meet the first purpose of designation of the National Park, as it would not enhance landscape character and relative tranquillity as required in the Local Plan.

The site is in a sensitive area, adjoining a racecourse horses training facility and in proximity to a number of dwellings. Having examined the submitted information, officers are concerned that the proposed activities could lead to dust pollution impacts on nearby uses and amenities, and that mitigation measures proposed are not practically implementable. The application has not demonstrated that no undue detrimental harm would be caused to neighbours. In the absence of robust information, it is considered that conditions are not an appropriate mechanism and would not make an unacceptable development acceptable. A reason for refusal is therefore recommended in this regard.

Furthermore, insufficient information has been submitted to demonstrate that the proposal would conserve and enhance existing nearby priority habitats (deciduous woodland) and no measures towards biodiversity net gain are proposed. Therefore, a third reason for refusal is proposed in respect of these matters.

This application is placed before committee due to the level of local interest.

### **I. Site Description**

- I.1 The application site comprises a rectangular compound of approximately 800 square metres within Morestead Farm, which is an existing established scrap yard (sui generis use class).

Vehicular access is available via Morestead Road (C Road) and 150 metres of driveway that leads to the compound. It is also sited approximately 3 kilometres away from the M3 road, as it passes near Winchester.

- 1.2 The application site is located approximately 100 metres from the nearest dwelling (north of the site at Morestead Farm Stables) and approximately 120 metres from the nearest dwelling to the south east of the site (Morestead Hill House and other dwellings further south along Morestead Road). The site is in its majority surrounded by the existing scrap yard at Morestead Farm, excepting the eastern boundary which abuts paddocks used in association with Morestead Farm Stables, which is an established equestrian site for training of racecourse horses. This equestrian facility surrounds the scrap yard on three sides. It includes 60 stables, staff accommodation, sand school and horse walkers, amongst others.
- 1.3 There is dense tree and hedgerow vegetation along Morestead Road, as well as a line of trees along the western boundary of Morestead Farm. The high level of vegetation surrounding Morestead Farm makes the application site well-contained and not prominent to public views. Morestead Down Local Wildlife Site is located approximately 250 metres to the east of the site. There is also a strip of deciduous woodland along Morestead Road of approximately 20-30 metres wide and over 3 kilometres in length that forms part of the green infrastructure network.
- 1.4 The site falls within landscape character area A5: East Winchester Open Downs as classified in the South Downs Landscape Character Assessment 2020 (SDLCA). A public bridleway (no. 17) runs in a north-south direction approximately 500 metres west from the application site. A public footpath (no. 2) branches off Morestead Road towards the south east, approximately 300 metres to the east of the site. No views of the site can be clearly achieved from these public routes.
- 1.5 Morestead Farm is located within Dark Night Sky area EI(b) Transition Zone. This is also an area of medium-low level of relative tranquillity as shown in the SDNP Tranquillity Study.

- 1.6 A Roman Road runs along Morestead Road.

## **2. Relevant Planning History**

- 2.1 95/33333/FUL Morestead Farm. Use of land as scrap yard and alterations to access. Planning permission granted on 16<sup>th</sup> May 1995.
- 2.2 85/00995/OLD Morestead Farm. Use of land as scrap yard, alterations to access. Temporary planning permission granted on 2<sup>nd</sup> December 1995. Expired in April 1992.

## **3. Proposal**

- 3.1 This application seeks planning permission for the change of use of approximately 800 sq. metres of Unit 3 from scrap yard (sui generis use class) to general industry (use class B2) for waste management purposes. The proposed use would entail soil cleaning and concrete crushing.
- 3.2 Waste management within the site would comprise bringing and sorting materials, comprising concrete, soil and stone, storing these in separate bays and crushing these. The site would have a capacity of 50 tonnes of materials at any one time.
- 3.3 The proposed layout includes a concrete crushing area centrally located within the site and materials bays around. The boundary of the site would be formed by a 4 metre high concrete block wall topped with a 1 metre high timber fence along most of the boundary of the site.
- 3.4 Machinery to be used in the regular operation of the site includes a concrete crusher, a screener as well as other loading and transporting equipment (such as leading shovels, 360 material handlers, etc.). The proposed hours of operation are from 8:00 to 16:00 on Monday to Friday, and from 9:00 to 12:00 on Saturdays. The applicant proposes to use the crusher approximately 5 hours per week on an intermittent basis.

- 3.5 The application has been accompanied with a Noise Report, a Dust Management Plan, and a Transport Plan, amongst others, and the applicant has been given the opportunity to provide additional information and responses to the Authority and consultees.

#### **4. Consultations**

##### **4.1 Twyford Parish Council: Objection.**

- Contrary to Policy 29 of the Hampshire Minerals & Waste Plan. Development should be restricted to urban areas along strategic transport corridors. There is no sequential test of other sites in more appropriate locations and no special circumstances to prioritise it.
- Not compatible with Policy SD34 of the Local Plan and not compatible with National Park when compared with adjacent equestrian use, which is more appropriate.
- The noise report focuses on impacts on humans, but does not consider equestrian operations.
- Insufficient details on the precise operation proposals, such as size of machinery.
- Racing stables have special land needs and are wholly compatible with the purposes of the National Park and its landscape, according with Policy SD34 (rural employment), SD23 (recreation facility). The adjacent equestrian operation should be given the protection given by these policies.

##### **4.2 Owslebury Parish Council: Objection.**

- Dust will pollute the air in Morestead and Owslebury, contrary to Policy SD54, as dust particles would adversely affect human health and the natural environment.
- Noise concerns as proposals would require a 5 metres high acoustic barrier. There would be a significant noise impact.
- Adverse impact on the environment and wildlife of the area. Contrary to Policy SD9, it cannot be seen how this proposal will protect rare and priority species. What is the wildlife restoration and creation of the proposal?
- Increase in the amount of Heavy Goods Vehicles (HGV) in and around the villages. Concern as there are already HGVs driving through the village and the proposed increase would cause a problem in light of small roads in the area, which are not for HGV use.
- No other unit benefits from use class B2. Site located outside of the settlement policy boundary and a change to B2 could, without further planning consent, permit a variety of industrial processes through permitted development rights. It could also set a precedent.

##### **4.3 WCC Environmental Health: Comments:**

- WCC initially objected to the proposal raising questions and seeking clarification with regards to noise issues. Following receipt of clarifications, the majority of concerns previously raised were addressed.
- Having been confirmed that the site's use within B2 could be controlled by condition, concerns regarding noise have been addressed.
- No comments are made with regards to dust issues as the Environmental Permit will control and enforce this in respect to potential nuisance.
- No adverse comments regarding contaminated land.

##### **4.4 SDNPA Landscape Officer: Holding objection.**

- Proposals fail to demonstrate the conservation and enhancement of the National Park, in accordance with Purpose 1 and the Local Plan.
- Situated in a highly rural part of the National Park, the proposal has not considered the effect of increased traffic upon rural lanes (physically and perceptual qualities).

- Perceptual qualities are likely to be the main element of landscape affected, but have not been assessed in the Landscape and Visual Impact Assessment (LVIA). Tranquillity is not the same as noise. No lighting is proposed, which is supported.
- Impermeable concrete base avoids contaminants getting into the ground, but it is not clear where washing water and heavy rainfall water will end up. More information on waste water is needed.
- No ecological enhancements or biodiversity net gain is proposed.
- The proposal is likely to generate unacceptable effects upon perceptual qualities. It does not demonstrate it can achieve enhancement of the landscape.

**4.5 Environment Agency:** No objection:

- The applicant will require an environmental permit.

**4.6 HCC Ecology Officer:** Objection:

- The Dust Management Plan does not refer to indirect impacts (e.g. dust) on Priority Habitat (Woodland to the east). Due to close location, indirect impacts are likely and it is considered that insufficient information has been submitted to ensure notable habitats are adequately protected.
- In the absence of sufficient information and mitigation, proposals are considered to be contrary to policy.
- No information in relation to enhancement measures to ensure net gain in biodiversity has been submitted.

**4.7 HCC Highways Officer:** No objection:

- No changes to the access are proposed and there will be negligible changes to trip generation.
- Heavy Goods Vehicles (HGV) would be expected due to the existing land use, therefore there will not be a significant impact on the highway network.
- Large vehicles can ingress and egress the site in a forward gear.

**4.8 SDNPA Planning Policy:** Comments:

- The production of secondary/recycled aggregates is supported by the Hampshire Minerals and Waste Plan (HMWP). Policy 4 of the HMWP regarding protected landscapes is relevant.
- This proposal is outside of the criteria 1 and 2 of Policy 29. Supporting texts refers to other suitable locations including redundant agricultural land and buildings. Part 3 of the policy requires good transport connections to the source and/or market, as well as to justify special need for the location and suitability of the site.
- Proposals should demonstrate the need for the site location in the National Park, connections to the strategic road network and no adverse impacts from vehicle journeys.
- Policy 54 SDLP is key regarding noise and dust. This policy overlaps in part with Policy 29 in terms of suitability of the site. If approved, condition: noise, dust, traffic movements and hours of operation.
- Question whether there are measures to achieve biodiversity net gain and improve ecosystem services (Policies SD2 and SD9 SDLP).
- Parking should be proportional to the scale of the development and understand the demand.

**4.9 Natural England:** No objection.

## 5. Representations

5.1 A total of 103 third-party **objections** have been received. The representations raised the following issues:

### Principle

- Constitutes major development and applicant has not demonstrated any exceptional circumstances to justify permission. It has not demonstrated there is a special need for this location.
- Industrial businesses within the Park are inconsistent with ecology and environment. Concrete crushing is inappropriate in a rural location. Not suitable in the National Park. The area should be protected from this sort of development.
- Will establish an industrial estate which is inappropriate in this area and contrary to the purposes of the National Park. Unsustainable form of development with no justification to override the special qualities of the National Park.
- There is capacity in other established facilities in more suitable areas. There is an established concrete crusher 3 miles away: Spitfire Link.
- The site is already in operation, this application should be retrospective.
- No business plan supports the application to show it is viable.
- The grant of permission would open the way for other B2 industrial uses. It could also set precedent for other units. The application site and all Morestead Farm is sui generis use (scrap yard) and not B2, industrial.
- Not an acceptable use and cannot be made acceptable with mitigation.
- No exceptional circumstances here that would outweigh the harm caused.
- Proposals should be consistent with the Planning Policy Statement 10: Planning for Sustainable Waste Management. Waste should be managed in one of the nearest appropriate installations and be in line with the proximity principle.
- The great weight to be given to the protection of National Parks means that permission must be refused.

### Noise and Air Pollution

- Noise would have a negative impact on people's health and amenity, including nearby residents.
- Air pollution would have a detrimental effect on the health and wellbeing of residents and users of public rights of way.
- Would result in unnecessary impact on local environment in terms of noise, traffic movement and air pollutants.
- The impact on the racehorse stables/ racehorses is a material planning consideration and these impacts have not been assessed: loud noises and other disturbances can be unsafe for horses and staff working with them.
- Air pollution caused by development (vehicles' emissions and dust, including silica particles) would have an impact on horses' health, welfare and performance at the neighbouring race horse training yard, particularly respiratory issues due to increased air pollution. Race horses require an excellent air quality. Staff's safety could also be affected.
- Insufficient vegetation between the site and the stables to mitigate dust.
- Prevailing wind direction in the Dust Management Plan was calculated from a station 20 miles away from the site. Wind changes direction in the area.

- Relying on waste being dampened as required is not a reliable solution to a constant problem. Dust suppression systems are not effective.
- Given the retrospective nature of the application, the neighbour to the north has experienced the dust rising in the air and the noise. It stops them using the garden or keeping windows open.
- Would materials be stored just below the 4 metre-high boundary? How would it prevent dust escaping? There are questions about the layout design and management of site, and no guarantee that no dust will leave the site.
- Noise barriers would be located on three sides of the site only, open to the west.
- Associated vehicles could increase noise and ground vibration.
- Concerns regarding the introduction of potentially hazardous waste onto the site.
- Waste treatment operations should take place in enclosed buildings, not outside
- No suitable mitigation that could make the proposal acceptable in the context of the stables yard.

#### Access and Traffic

- Access is compromised by topography and visibility splays. Dangerous and inadequate access.
- There are already high levels of heavy goods vehicle (HGV) traffic which would be increased.
- Site being unsuitable for large vehicles' access and turning.

#### Landscape and Views

- Will affect the natural beauty of the area, leading to an adverse impact on the character and appearance of the locality.
- The high acoustic barrier would be inadequate and would detract from the landscape.
- The site is visible from the South Downs Way and would be detrimental to the value of the right of way.

#### Other

- Traffic increase and concrete crusher will impact and ruin tranquillity of the area. This is an area of high relative tranquillity.
- Will adversely affect viability of the neighbouring race horse training yard, leading to loss of employment. The enterprise may have to close and move elsewhere.
- Concern with potential expansion of the soil cleaning business if allowed.
- Endangered species must be preserved. Traffic and noise cause impact on habitats and bats.
- No indication on how it will contribute to the restoration and enhancement of existing habitats.
- Increased hard surfaces increases run-off water.
- Ground and water could become contaminated. Dust pollutants in the air could lead to water pollution nearby. Proposals would lead to light pollution too.
- Objectors highlighted the concerns raised by locals in the Owslebury and Morestead Parish Plan: increased traffic, protection of countryside and strategy for industrial development.

- Proposals in breach of policies SD1, SD2, SD4, SD5, SD7, SD9, SD12, SD23, SD25, SD34, SD35, SD45 and SD54 of the Local Plan and policies 1, 4 and 10 of the Minerals and Waste Plan.

## 6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises of the **South Downs Local Plan 2014-2033**, the **Hampshire Minerals and Waste Plan 2011-2030** and the emerging **Twyford Neighbourhood Plan 2019-2033** (December 2020 version, which is under examination and carries limited weight in decision making). The relevant policies are set out in section 7 below.

### National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
  - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is an irreconcilable conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

### National Planning Policy Framework and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect in July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks. It also states that the scale and extent of development within these designated areas should be limited.

### National Planning Policy Framework (NPPF) 2021

- 6.4 The National Planning Policy Framework has been considered as a whole. The following NPPF sections have been considered in the assessment of this application:
- Achieving sustainable development
  - Decision making
  - Building a strong, competitive economy
  - Promoting healthy and safe communities
  - Promoting sustainable transport
  - Making effective use of land
  - Achieving well-designed places
  - Meeting the challenge of climate change, flooding and coastal change
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
  - Facilitating the sustainable use of minerals

### Relationship of the Development Plan to the NPPF and Circular 2010

- 6.5 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered compliant with it.

#### National Planning Policy for Waste 2014

- 6.6 The National Planning Policy for Waste has been considered as a whole. The following sections have been considered in the assessment of this application:

- Using a proportionate evidence base
- Identify need for waste management facilities
- Identifying suitable sites and areas
- Determining planning applications

#### The South Downs National Park Partnership Management Plan 2020-2025

- 6.7 The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies are:

- Policy 1 – Conserve and enhance natural beauty and special qualities of the Landscape
- Policy 2 – Develop landscape-scale initiatives to focus on enhancing ecosystem services
- Policy 3 – Protect and enhance tranquillity and dark night skies
- Policy 57 – Waste hierarchy

#### Other relevant documents

- Owslebury and Morestead Parish Plan 2014-2019
- Dark Night Skies Technical Advice Note (2021)
- Ecosystem Services Technical Advice Note (2019)
- Roads in the South Downs (2015)
- South Downs Landscape Character Assessment (2020)
- Draft Design Guide SPD (July 2021) (as this is currently out to public consultation it has limited weight)

### **7. Planning Policy**

- 7.1 The following policies of the **South Downs Local Plan 2014-2033** are of particular relevance to this application:

- SD1 – Sustainable Development
- SD2 – Ecosystems Services
- SD3 – Major Development
- SD4 – Landscape Character
- SD5 – Design
- SD6 – Safeguarding Views
- SD7 – Relative Tranquillity
- SD8 – Dark Night Skies
- SD9 – Biodiversity and Geodiversity
- SD11 – Trees, Woodland and Hedgerows
- SD16 – Archaeology
- SD17 – Protection of the Water Environment
- SD19 – Transport and Accessibility
- SD21 – Public Realm, Highway Design and Public Art



- SD22 – Parking Provision
- SD25 – Development Strategy
- SD34 – Sustaining the Local Economy
- SD35 – Employment Land
- SD45 – Green Infrastructure
- SD48 – Climate Change and Sustainable Use of Resources
- SD49 – Flood Risk Management
- SD50 – Sustainable Drainage Systems
- SD54 – Pollution and Air Quality

7.2 The following policies of the **Hampshire Minerals and Waste Plan 2011-2030** are of particular relevance to this application:

- Policy 1 – Sustainable minerals and waste development
- Policy 3 – Protection of habitats and species
- Policy 4 – Protection of the designated landscape
- Policy 7 – Conserving the historic environment and heritage assets
- Policy 8 – Protection of soils
- Policy 10 – Protecting public health, safety and amenity
- Policy 11 – Flood risk and prevention
- Policy 12 – Managing traffic
- Policy 13 – High-quality design of minerals and waste development
- Policy 29 – Locations and sites for waste management
- Policy 30 – Construction, demolition and excavation waste development

7.3 The following policies of the emerging **Twyford Neighbourhood Development Plan 2019-2033** are of particular relevance to this application:

- SB2 – Development outside the settlement boundary
- BE1 – Employment and business provision
- LHE2 – Landscape features and views
- LHE6 – Local biodiversity, trees and woodlands
- PO1 – Pollution and contaminated land

## 8. **Planning Assessment**

8.1 The main matters for consideration with regards to the proposal are:

- Background
- Principle of development
- Impact on neighbouring uses and amenities
- Access, traffic and parking
- Views
- Landscape and tranquillity
- Biodiversity and green infrastructure
- Ecosystem services

- Other considerations

#### Background

- 8.2 This planning application is partly retrospective, as some of the physical works that are part of the proposed development have been implemented such as the acoustic barrier and partitions. No operation of the site has commenced beyond a single use of machinery for noise testing purposes.
- 8.3 This is major development for the purposes of the Development Management Procedure Order (waste development). For the purposes of NPPF paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker. The local planning authority considers the nature, scale, localised effects of the development and its location within previously developed land are such that it will not have a significant adverse effect on the purposes for which the area has been designated or defined. This development does not therefore represent 'major development' for the purposes of the NPPF and policy SD3 of the Local Plan.

#### Principle of Development

- 8.4 The Hampshire Minerals and Waste Plan (HMWP) states in Policy 4 that small waste management facilities should not be precluded from National Parks, where they serve a local need, provided that they can be accommodated without undermining the objectives of the designation.
- 8.5 Policy 29 of the HMWP supports the recycling, recovery and treatment of waste on suitable sites in areas along strategic road corridors. Policy 29 considers sites suitable where they are previously developed land and they are of a scale compatible with their setting.
- 8.6 Although not immediately adjacent to a strategic road, it is well connected to the nearest one (the M3), located approximately 3 kilometres to the north via Morestead Road. In light of the direct connection to the M3 road, it is considered that the proposal is sited in an area along a strategic corridor. The site is also previously developed land, as it has been used for decades as a scrap yard. It is of a small scale, of 800 sq. metres and 50 tonnes of materials stored.
- 8.7 This proposal meets Policy SD34 as it is a business that enables recycling of construction materials. Consequently, the proposed development is consistent with policies 4 and 29 of the HMWP with regards to its location, and with policies SD25 and SD34 of the Local Plan.

#### Impact on Neighbouring Uses and Amenities

- 8.8 The existing site has been used for many years as a scrap yard, which is also a form of waste management. Notwithstanding this, both activities are significantly different in terms of their impacts, and those impacts expected from the proposed development are assessed below.
- 8.9 The main concern raised by third parties with regards to this proposal is the relationship of the proposed use and activities with the surrounding environment, and in particular with the residential and equestrian uses nearby. This is due to the site being immediately adjacent to paddocks and facilities at Morestead Farm Stables, and the close distance to dwellings south and north of the site.
- 8.10 Policy SD5 of the Local Plan requires new development to have regard to avoiding harmful impact upon any surrounding uses and amenities. The HMWP (Policy 10) also requires that development should not release emissions to the atmosphere, land or water; have an unacceptable impact on human health; cause unacceptable noise, dust, etc. It also states that potential cumulative impacts and the way waste development relates to existing developments must be addressed to an acceptable standard. The supporting text of Policy 10 also states that impacts on existing surrounding uses should be considered.
- 8.11 This application has been accompanied with a Noise Report. This identifies the potential noise impact of the proposed activities and recommends three mitigation measures: a) silencers fitted to exhausts on both screener and crusher; b) 4 metre high concrete acoustic barriers installed on three sides of the site; and c) an additional 1 metre high timber fence on the acoustic barrier. These have been incorporated in the proposal and have been partially

implemented. The report concludes that the above noise mitigation measures should be sufficient.

- 8.12 Having reviewed the Noise Report and additional information, the Environmental Health Officer considered that, subject to the use being controlled (not open to wider general industry uses), and mitigation measures being in place, noise concerns would be addressed.
- 8.13 The storage, treatment and transportation of inert waste, aggregates and construction materials have the potential to result in significant dust in the area and air pollution. The submitted Dust Management Plan (DMP) outlines sources of dust, receptors that may be affected and how the site would be managed.
- 8.14 Concern is raised with the DMP as it fails to understand the sensitivity of neighbouring uses in its assessment. For instance, Morestead Farm Stables is a sensitive area in very close proximity to the site due to the unique horse racecourse training equestrian use of the farm and several residential units (house and other staff accommodation). This is of special relevance given that the equestrian enterprise is located within the prevailing wind direction as shown on the DMP. Third parties, including professionals in the equine and veterinary industry, have raised concerns with an impact that dust and particulates could cause to the health and performance of race horses at Morestead Farm as well as staff and residents nearby. This is relevant as the application should demonstrate that proposals would not cause a harmful impact on neighbouring uses, which in this case is a mix of equestrian and residential uses.
- 8.15 The DMP states that no dust will leave the site and sets out measures based on this principle. It also states that should these measures fail, operations would cease. The DMP sets out a series of mitigation measures, mainly consisting of: a) concrete barrier on three sides of the site, plus timber fence/netting; b) covering waste when transported; c) a water spray dust suppression system in high activity processing areas and damp down materials where necessary; and d) materials' stockpiles to not to go beyond 4 metres in height.
- 8.16 Dust mitigation also relies on existing vegetation along the eastern boundary, but this is scarce and not within the applicant's control. The DMP establishes that dust emission would be assessed by staff and should be prohibited to cross the boundary of the site, also establishing onerous management rules such as covering dusty waste during high winds, depositing materials at low heights to minimise dust spread, stopping operations in high winds, etc.
- 8.17 There are doubts about the reports submitted as they have not tested impacts from dust and noise from the most sensitive receptors adjacent to the site. Also, the prevailing winds evidence is sourced from a meteorological station that is 23 kilometres distant from the site on different topographical conditions. No assessment has been made on how activities would impact the most immediate equestrian and residential uses, should dust leave the site.
- 8.18 The DMP includes measures to try to address on paper the concerns with regards to air pollution and establishes rules aimed to avoid dust leaving the site, however this is practically impossible to achieve given the openness of the site as it is not physically enclosed. Measures outlined in the application are aimed towards no dust leaving the site, but they do not guarantee this would happen, especially during non-working hours in the absence of staff. The proposed actions are not considered sufficient to meet the 'no dust leaves the site' principle and there are serious doubts on whether the DMP is practically possible to implement and whether it would achieve its goal. There is little or negligible capability to enforce compliance with the DMP. It is not considered that conditioning the DMP would be a way forward to alleviate the impact, and therefore, to make an unacceptable development acceptable.
- 8.19 Consequently, the application has not demonstrated that the activities will not lead to an unacceptable significant negative impact on people's health, amenity and neighbouring uses, having considered all cumulative impacts and the mitigation proposed. It has not been demonstrated that activities would not have a harmful impact upon the surrounding residential and equestrian uses and amenity. Therefore the proposals are contrary to

Policies SD5 and SD54 of the South Downs Local Plan and Policy 10 of the Hampshire Minerals and Waste Plan.

- 8.20 It has been raised by the applicant that the noise and air pollution matters are regulated by the Environmental Permit which is to be granted by the Environment Agency. However, it should be noted that the Environmental Permit is a separate regime from planning which does not consider whether the development is an acceptable use of the land. The SDNPA would require, regardless of the Environmental Permit, proposed developments to demonstrate that the uses are compatible with the surrounding uses and environment of the National Park, causing no harm to these.

#### Access, Traffic and Parking

- 8.21 The Highways Authority was consulted on this application and raised no objection to the proposed change of use as it does not propose changes to the existing access arrangement and there will be a negligible increase in the number of trips. No significant impact on the local highway network and no highways safety issue were identified in the Transport Statement and this is agreed by the Highways Authority.
- 8.22 The site provides sufficient space for large vehicles to access and turn. Parking for staff is available at Morestead Farm and the proposal will not result in parked vehicles on the road.
- 8.23 Proposals would also have a negligible impact on the landscape value of roads in the area, in line with the 'Roads in the South Downs' guide, as the negligible increase in heavy goods vehicles (HGV) traffic would not necessarily increase erosion of verges or change the rural character of Morestead Road. The existing access to Morestead Farm is wide and designed for HGVs, therefore no encroachment into verges or changes to access are expected.
- 8.24 Proposals are consistent with Policies SD19 and SD22 of the Local Plan and Policy 12 of the HMWP.

#### Views

- 8.25 Visually, the site is well contained and no clear views can be achieved from nearby public vantage points due to the existing substantial tree screening around Morestead Farm. Consequently, this development proposal will preserve the visual integrity and scenic quality of the National Park, in line with Policy SD6 of the Local Plan and LHE2 of the emerging Twyford Neighbourhood Development Plan.

#### Landscape and Tranquillity

- 8.26 Policy SD4 of the Local Plan requires for development proposals to conserve and enhance landscape character. It also requires to safeguard experimental and amenity qualities of the landscape. Considering that the application site has already been developed and that there is already an established use as scrap yard, conservation of landscape character is achieved with regards to physical changes to this area.
- 8.27 It is important to note that the first purpose of designation of the National Park is not only to conserve but also enhance the natural beauty, wildlife and cultural heritage of the area. Also, the National Park's special qualities include a rich variety of habitats and tranquil places.
- 8.28 Policy SD7 also states that proposals will be permitted where they conserve *and* enhance relative tranquillity. Where tranquillity values are high, no harm should be caused; where it is low, opportunities towards enhancing tranquillity should be taken.
- 8.29 Tranquillity is considered to be a state of calm, and it is influenced by what can be seen and heard. The site is within an area of medium-low relative tranquillity, which would be eroded by the cumulative impacts of increased levels in noise, dust, traffic and substantial acoustic barriers. Whilst the site is not prominent to public rights of way users, the site's tranquillity value would be harmed and would further reduce it to a lower level of tranquillity. The proposed mitigation measures have been designed towards mitigating noise and air pollution for human health, but the proposal has not taken into account tranquillity as a perceptual characteristic of this local landscape and it fails to enhance it.

- 8.30 It is considered that the proposal would not enhance landscape character and relative tranquillity as required in the Local Plan, therefore being contrary to policies SD4 and SD7.

#### Biodiversity and Green Infrastructure

- 8.31 Policy SD9 of the Local Plan requires proposals to demonstrate that they conserve and enhance biodiversity as well as that they have identified and incorporated opportunities for net gains in biodiversity. The County Ecologist has raised concern with the potential impact that dust and noise could have on the strip of deciduous woodland and the Morestead Down Local Wildlife Site, sited 30 and 250 metres to the east of the site, respectively. The DMP states that dust and particulates have the potential to cause ecological stress within the plant community in these areas, however, given the distance between the site and Morestead Down (250 metres), damage would be mitigated. Notwithstanding this, the DMP does not refer to the 20-30 metres wide woodland strip along Morestead Road and any indirect impacts on this habitat, which is only 30 metres away. This strip is particularly important as it forms part of a woodland feature of over 3 kilometres in length of the green infrastructure network.
- 8.32 In its latest consultation response, the County Ecologist states that indirect impacts (such as dust) resulting from proposals on priority habitats (woodland to the east) have not been assessed by the applicant and that there are no mitigation proposals proposed. Securing a protective green buffer is not possible as the land between the application site and the woodland is not within the applicant's control.
- 8.33 The County Ecologist has also requested biodiversity enhancements, as required by Policy SD9. Net gain could be achieved with active interventions within the application site and the surrounding area, but the proposal does not make this provision and other suitable areas for intervention fall outside of the application site and the applicant's control. Therefore, no biodiversity net gains are secured.
- 8.34 In the absence of sufficient information to assess indirect impacts on woodland habitat, adequate mitigation and a lack of enhancement actions towards biodiversity net gain, this proposal is contrary to policies SD9, SD11 and SD45 of the Local Plan, LHE6 of emerging Twyford Neighbourhood Development Plan and Policy 3 of the HMWP.

#### Ecosystem Services

- 8.35 Policy SD2 of the SDLP relates to ecosystem services and states that development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services.
- 8.36 The proposal will contribute to the sustainable use of materials by recycling materials that otherwise may be disposed elsewhere rather than being re-used. This contributes to the sustainable management of land and materials as well as to reducing carbon emissions.
- 8.37 However, this proposal would also lead to other potential negative impacts in terms of pollution, lack of conservation and enhancement of habitats and impacts on people's health and wellbeing. Having considered both positive and negative impacts, the proposals would be broadly acceptable in ecosystem services terms for the purposes of Policy SD2 but harm is identified in terms of impact on adjacent habitat and this is addressed earlier in this report.

#### Other Considerations

- 8.38 The site is closely located to the Roman Road that follows the line of Morestead Road. This proposal would not directly affect this heritage asset as it is located outside of the application site, and no alterations are proposed to the vehicular access, where it meets with the route of the Roman Road. Therefore, this proposal would not impact archaeological remains.
- 8.39 No adverse comments regarding contaminated land have been raised by the Environmental Health Officer. It is considered that the proposed concrete impervious surfacing of the site will prevent any pollution into the ground.
- 8.40 Surface water would use the existing drainage system already in use at the scrap yard. There would be a 'V' channel drain along the access of the site connecting to a gully that is to be

linked to the existing drainage system. Considering that the site is already a hard surface, the proposed concrete ground would not significantly increase water runoff and any necessary improvement could be secured by condition. No fundamental concerns are raised with regards to flood risk and water pollution as to warrant a reason for refusal.

## **9. Conclusion**

- 9.1 The application has not demonstrated that the activities will not lead to an unacceptable significant negative impact on people and the environment, including the neighbouring equestrian and residential uses, having considered all cumulative impacts and the mitigation proposed. It is considered that the measures towards mitigating air pollution are insufficient to address the concerns raised. These measures are not practically implementable and enforcing compliance with them would be impractical and onerous. Therefore, the proposals are contrary to policies SD5 and SD54 of the Local Plan and Policy 10 of the HMWP.
- 9.2 The application has not demonstrated that it will conserve or enhance the biodiversity of the area. Protection and mitigation of indirect impacts on priority habitats have not been demonstrated, neither have opportunities been taken to provide biodiversity net gain. Consequently, the application is contrary to policies SD9, SD11 and SD45 of the Local Plan and Policy 3 of the HMWP.
- 9.3 Furthermore, in light of the absence of any enhancement of landscape character and its perceptual qualities, in particular the relative tranquillity, it is considered that proposals are contrary to policies SD4 and SD7 of the Local Plan.
- 9.4 Whilst the principle of development is considered acceptable, in light of the above contraventions of policy, this planning application is recommended for refusal.

## **10. Reason for Recommendation**

- 10.1 Planning permission is recommended to be refused for the following reasons:
1. The proposed development, by reason of the cumulative impacts of activities on perceptual qualities and the uncharacteristic scale and appearance of the proposed barriers would fail to enhance the landscape character of the area and the special qualities of the National Park, in particular its relative tranquillity. For these reasons, the proposals are contrary to policies SD1, SD4, and SD7 of the South Downs Local Plan 2014-2033, the National Planning Policy Framework 2021, policies 1 and 3 of the South Downs Partnership Management Plan 2020-2025 and the First Purpose of designation of the South Downs National Park.
  2. Notwithstanding the information submitted, the South Downs National Park Authority is not satisfied that the site can be managed appropriately in a manner that mitigates the air pollution impacts upon adjoining equestrian and residential uses and amenities, given the nature and siting of the proposed development. In this instance, planning conditions would not make the development acceptable. Consequently, the proposed development is contrary to policies SD1, SD5 and SD54 of the South Downs Local Plan 2014-2033, Policy 10 of the Hampshire Minerals and Waste Plan (2013) and the National Planning Policy Framework 2021.
  3. Insufficient information has been submitted to assess the impact that the proposed development could have on the priority habitat of deciduous woodland in close proximity to the site. In the absence of an acceptable assessment and any adequate necessary mitigation, the proposals fail to demonstrate that this habitat would be conserved. Furthermore, the proposal would fail to incorporate opportunities for net gains in biodiversity. The proposal is, therefore, contrary to policies SD9, SD11 and SD45 of the South Downs Local Plan 2014-2033, Policy 3 of the Hampshire Minerals and Waste Plan (2013), Policy LHE6 of emerging Twyford Neighbourhood Development Plan, the National Planning Policy Framework 2021 and the First Purpose of designation of the National Park.

## **11. Crime and Disorder Implication**

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equality Act 2010**

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14. Proactive Working**

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of advice from the SDNPA Senior Development Management Officer and the Environmental Health Officer, the opportunity to provide additional information and revisions to the proposal for the purposes of adding value and to address concerns with the proposals.

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Appendices I. Site Location Map

SDNPA Legal services

Consultees

Background Documents Planning application (documents, representations and consultation responses)

<https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

South Downs Local Plan 2014-2033

[https://www.southdowns.gov.uk/planning/south-downs-local-plan\\_2019/](https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/)

Hampshire Minerals and Waster Plan (2013)

<https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

National Planning Policy Framework (2021)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Twyford Neighbourhood Development Plan Draft (2021)

<https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/twyford-neighbourhood-plan/>

Owslebury and Morestead Parish Plan 2014-2019

<https://www.owslebury.org.uk/the-parish-council/the-parish-plan/>

The South Downs National Park Partnership Management Plan (2020-2025)

<https://www.southdowns.gov.uk/national-park-authority/our-work/partnership-management-plan/>

English National Parks and the Broads: UK Government Vision and Circular (2010):

<https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010>

South Downs Integrated Landscape Character Assessment (2020)

<https://www.southdowns.gov.uk/landscape-design-conservation/south-downs-landscape-character-assessment/south-downs-landscape-character-assessment-2020/>

SDNPA Technical Advice Notes

<https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/technical-advice-notes-tans/>

Design Guide SPD Draft (July 2021)

<https://www.southdowns.gov.uk/public-consultation-design-supplementary-planning-document-spd/>

Roads in the South Downs (2015)

<https://www.southdowns.gov.uk/wp-content/uploads/2015/09/Roads-in-the-South-Downs.pdf>



## Agenda Item 7 Report PC20/21-01 - Appendix I Site Location Map



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