

UPDATE PAPER

Northern Area Planning Committee

Date: Thursday 5th December 2019

Time: 5.30 p.m.

Venue: UPPER GUILD HALL, HIGH STREET, ANDOVER

**Northern Area Planning Committee – 5th December 2019
Update Paper**

The purpose of the report is to provide information on planning applications which has been received since the agenda was printed.

Report of Head of Planning

1. Background

- 1.1 Reports on planning applications are prepared for printing on the agenda some 10 days before the date of the Committee meeting but information and representations received after that time are relevant to the decision. This paper contains such information which was received before 10.00am on the date of the meeting. Any information received after that time is reported verbally.

2. Issues

- 2.1 Information and representations are summarized but the full text is available on the relevant file should Members require more details. The paper may contain an officer comment on the additional information, amended recommendations and amended and/or additional conditions.

7. **18/00936/FULLN (REFUSE) 06.04.2018** **10 – 89**
SITE: Bourne Park Airfield, Bourne Park Estate,
HURSTBOURNE TARRANT

CASE OFFICER: Emma Jones

8. **Waste to Energy Harewood Incinerator (OBJECTION)** **90 - 129**
SITE: Land to the west of the Raymond Brown Waste
Solutions, A303 Enviropark, Drayton Road, **BARTON**
STACEY

CASE OFFICER: Samantha Owen

APPLICATION NO.	18/00936/FULLN
SITE	Bourne Park Airfield, Bourne Park Estate, Hurstbourne Tarrant, SP11 0DG, HURSTBOURNE TARRANT
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1.0 **VIEWING PANEL**

- 1.1 A Viewing Panel was undertaken at the site on the 4th December 2019. Councillors attending the Viewing Panel were:

Cllrs Matthews, Brooks, Lodge, Andersen, Watts, Burley, North.

2.0 **AMENDMENTS**

- 2.1 Additional information has been submitted by the applicant since the main agenda report was prepared in respect of demonstrating nutrient neutrality (refer to paragraphs 8.13-8.18 of the main agenda report and the second reason for refusal). This includes grazing agreements in relation to the field at the western end of the existing runway, to demonstrate its agricultural use, and a revised plan clarifying the curtilage of the proposed dwelling to enable the associated nitrogen load to be calculated, which is included in this update paper. An updated Nitrate Neutrality Technical Note has been submitted to incorporate this information. As set out further in section 4.0 below, the second recommended reason for the refusal of the application as detailed in the main agenda report has been amended to reflect this.

- 2.2 The applicant has also submitted a letter from Falcon Aviation Ltd (the occupiers of the application site), which sets out the following;
- “We have taken great care to remain neutral in this application and do not wish to be viewed as opposing it;
 - At no time have we written or emailed an objection to the Planning Officers;
 - To clarify, Falcon Aviation Limited have only one full time employee, all others are self-employed contractors”.

3.0 **REPRESENTATIONS**

- 3.1 **1 x letter**; Comments from Stoke Hill Farm, summarised as follows;
- There have been recent events of low flying and noise disturbance from Bourne Park. There is a full CAA investigation. These incidents are regular and increasingly frequent. We suffer noise disturbance several times a week and sometime so devastating it is frightening. However, I am often in London or away from home. Equally I do not spend my time waiting outside for a “helicopter breach incident”. Nor do I have witnesses ready and waiting and nor do I have a camera to hand. The helicopters appear and disappear before we have time to react. Consequently I cannot report all incidents;

- It is important to understand the devastating noise and fear when gazelle helicopters fly overhead. Sometimes (but not always) so low it feels like it is coming “in the window”. My family and friends are regularly frightened. We cannot speak inside our own home. The danger of flying below the lawful height is clear and defined. There is an accident waiting to happen;
- The most recent incident occurred at 16.50 on 24th October 2019 when Gazelle helicopter number ZB627 flew over my house at approximately 150 feet. This is extremely serious. You will be aware that flying below 500 feet above any property over a mile away from the landing site is unlawful under aviation regulations. The aircraft flew from 200 feet down the hill below my house rising to clear the trees by perhaps 20 feet above my house. This was incredibly dangerous and we were all terrified. My livestock and horses went berserk. It can only be assessed as a near miss. There are witnesses. There is video footage. The ground staff has admitted on video that they made a “mistake”. The pilot admitted he was flying below 200 feet. There is now a CAA and IET full investigation;
- There is collateral damage to livestock and horse. I have received no apology or admission from anyone connected to Falcon Aviation;
- Falcon Aviation claim they have had no incidents reported in 14 years. If this was the case why, 2 years ago, did the directors of the airfield suspend the pilot who flew below the regulation height over my house? Why did Falcon Aviation give me a case of wine with an admission and an apology in respect of this low flying incident? The incident was investigated by the CAA. Their statement is clearly inaccurate as CAA records will show and my email records. There are many other documented incidents.

4.0 **PLANNING CONSIDERATIONS**

4.1 **Biodiversity and pollution**

Paragraphs 8.13-8.18 of the main agenda report set out details in respect of the requirement for it to be demonstrated that the proposed development would be nitrate neutral. It was set out within the main agenda report that information that had been submitted identified the application site (approx. 23.8 hectares as identified by the submitted red edged site location plan) as being lowland grazing, which lead to a conclusion that there would be a net deficit in the nitrogen load as a result of the development, meaning that mitigation would not be required to achieve nutrient neutrality. Given that the application site has been used as an airfield for in excess of 10 years, further clarification was requested from the applicant in respect of the purported agricultural use. Information has been submitted identifying the western most field within the application site as having been in use for grazing, and grazing agreements have been submitted to verify this. It is proposed that 1.26 hectares of this field (separated into two areas) would be taken out of agricultural use in perpetuity, and these areas are already shown to form part of the submitted proposed landscaping scheme, and would have trees and hedgerows planted on them. When taking into account the proposal to take 1.26 hectares of land within the application site out of agricultural use in perpetuity, the LPA has calculated that

the proposed development, which would create a new urban area of 0.8 hectares, would result in a negative budget of 2 kg of Total Nitrogen per year. As a result, the proposal would not serve to produce additional nitrates entering the Solent Water SPA avoiding any adverse impact.

- 4.2 However, informal officer discussions have taken place with Natural England, and there are concerns in respect of the appropriateness of the proposed nitrate mitigation measures, and in particular, the ribbon of land along the west, north, and eastern boundaries of the aforementioned field. Natural England have expressed that in terms of the enforceability of any mitigation, and securing it in perpetuity, it is appropriate to require a more noticeable reduction in the agricultural land, that will be easier to recognise in the future, taking into account that this land is required to be secured for the duration over which the development is causing effects, which is generally 80 - 125 years (as per Natural England advice). This would also provide more certainty that the loss of a more concentrated area of land (as opposed to being more widely distributed around the site boundaries) would actually remove an associated nitrogen load. Thin strips of land as proposed, and in particular those located tightly adjacent to field boundaries, may have a lower nitrogen load as a result of their potentially limited use. In addition, the areas of land being proposed as nitrate mitigation are already being proposed to provide ecological and landscape enhancements at the site, and this land therefore should not be "double counted" to provide mitigation for a separate issue. Different maintenance and management techniques may also be required in respect of the nitrate mitigation land compared to that of the ecological and landscape proposals. The nitrate mitigation areas should therefore be provided separately.
- 4.3 Notwithstanding this, there would appear to be sufficient agricultural land within the application site, in particular at this western part of the site, to be able to set aside the required amount of nitrate mitigation land through other means than by the areas currently being suggested and which already form part of the overall proposed landscaping scheme for the site. The applicant has confirmed that they would be willing to consider other options in respect of providing nitrate mitigation at the site.
- 4.4 If planning permission were being recommended, and in the event that an acceptable nitrate mitigation scheme were being proposed, the Local Planning Authority would be required to carry out an appropriate assessment in accordance with the Habitats Regulations, followed by consultation with Natural England in respect of this. A legal agreement would also be required in order to secure the proposed nitrate mitigation scheme in perpetuity. As the proposal is not acceptable with regard to other material considerations, and given that an appropriate nitrate mitigation scheme has not been submitted at this time, and that an appropriate assessment, consultation with Natural England, and the completion of a legal agreement have also not been carried out, a reason for refusal on this matter is still included in the recommendation, albeit an amendment to that included within the main agenda report.

4.5 **Planning balance**

The Design and Access Statement submitted with the application sets out that *“the proposal will deliver...a comprehensive scheme of landscaping and ecological enhancements”*, and that *“significant amounts of additional soft landscaping/woodland planting are proposed in and around the site...as well as softening the impact of the proposed development, it will also reinforce the existing landscape structure of the site, and presents significant benefits from an ecological point of view”*. It is concluded within the submitted D&A Statement that *“there are significant landscape and ecological benefits being put forward that clearly go beyond what you would expect for an application of this nature”*, and that *“this is clearly a case where the benefits outweigh the harm”*.

- 4.6 It is set out within the Council’s Landscape Officer’s consultation response that the re-siting (as shown on amended plans submitted during the consideration of the application) has resulted in the new dwelling and associated buildings being more tucked behind existing woodland copses, screening it from most views from the Public Rights of Way to the north, west and south, and that the new dwelling and associated buildings would be less visible in this new position. It is also set out that the removal of the existing buildings at the site (aside from one which contains a bat roost) would have a minor positive impact as they do not enhance the landscape. It is concluded that the proposed reconnection of the wooded parcels offers a small ecology and landscape benefit over time.
- 4.7 It is reinforced at paragraphs 8.26-8.27 of the previous Officer report to the Northern Area Planning Committee (provided at appendix A of main agenda report) that replacing the existing buildings at the site with a dwelling and outbuildings in a different location would have a neutral landscape impact. It is also set out that the proposed tree planting would provide additional screening once mature, which confirms that existing screening is already in place at the site. It is advised that public views of the proposed development would be completely removed as a result of the revised position of the new buildings, and therefore not as a result of any additional planting.
- 4.8 The Hampshire County Council Ecologist has confirmed within their consultation response that the key ecological feature at the site is a maternity roost for brown long-eared bats in one of the existing buildings. The building in which this is located would be retained as part of the proposals, and therefore the proposal would conserve the biodiversity interests at the site. Whilst the HCC Ecologist identifies that the proposals would also include extensive biodiversity enhancements, particularly extensive areas of new woodland/tree planting, which, as set out within the previous Officer report to NAPC, would connect existing copses which are Sites of Importance for Nature Conservation (SINC’s), there is no indication that the proposed development would cause harm to these features such that these biodiversity enhancements are required to make the development acceptable, and that they are proportionate to any harm. Indeed the HCC Ecologist confirms within their consultation response that great crested newts, reptiles and dormice are unlikely to be effected by the development. A representation received from the TVBC Leisure service (as set out at paragraph 6.1 of the main agenda report) relates to a wider project,

and does not identify any specific harm relating to the development under consideration.

4.9 It is well established in law that the test of a material consideration is whether it serves a planning purpose. As can be seen from the above, it is considered that in this case, landscape and ecological benefits provided by the proposed landscaping scheme are not required as mitigation for the development under consideration. As such, they do not mitigate harm arising from the proposed development and thus do not serve a planning purpose in this context. Therefore the Committee are strongly advised not to resolve to grant planning permission on this basis.

4.10 **Other matters**

Issues raised by a third party in respect of aviation noise, low and unsafe flying would be dealt with by the Civil Aviation Authority (CAA) and are not land use considerations that fall under planning control.

5.0 **RECOMMENDATION**

REFUSE for the reason:

- 1. The application has not demonstrated that the current activity is causing, or could cause significant harm to the character of the area or the amenities of residents. Furthermore, the application has not explored other business activities or demonstrated that the displaced uses of an un-evidenced environmental problem would not be displaced to another location. The application is therefore contrary to policy LE10 of the Test Valley Borough Revised Local Plan DPD.**
The proposal would result in the unjustified loss of an employment site and would result in an isolated dwelling in the countryside contrary to policy COM2 of the Test Valley Borough Revised Local Plan DPD.
The proposal would result in the loss of a noise source where there are anecdotal accounts that noise from the site is having adverse impacts. The proposal would also deliver significant ecological and landscape enhancements through new planting. However, these material considerations do not outweigh the conflict with an up-to-date development plan.
- 2. The proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. In the absence of an acceptable nitrate mitigation scheme and the completion of an appropriate assessment, consultation with Natural England, and a legal agreement securing any acceptable nitrate mitigation scheme in perpetuity, it is considered that it has not been demonstrated that the proposed development would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, and the application is contrary to policies E5 and E8 of the Test Valley Borough Revised Local Plan 2016 and the Conservation of Habitats and Species Regulations 2017 (as amended).**

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**

SITE	Land to the west of the Raymond Brown Waste Solutions, A303 Enviropark, Drayton Road, Barton Stacey, Andover, SO21 3QS
PROPOSAL	A Waste to Energy Facility comprising a twin line facility (i.e. two boiler and flue gas treatment lines) capable of processing a total of up to 500,000 tonnes of waste per annum (tpa), with a gross electrical generating capacity of up to 65 MW. The facility would generate hot gases that in turn are used to produce steam for use in a steam turbine to generate electricity.
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1.0 INTRODUCTION

1.1 In paragraph 1.2 of the main Agenda report it was anticipated that consultee responses from Hampshire County Council (HCC) would be available. The case officer has contacted HCC for copies of these however we have been informed that these are not yet available for this Council to consider.

2.0 REPRESENTATIONS

2.1 Three further representations have been made, 1 from unknown address and two separate representations from 42 Micheldever Road, Whitchurch.

2.2 The representations object on the following grounds;

- Over-sized, dangerously toxic inappropriate facility.
- Wrong to suggest waste from other counties should come here to poison our air quality and our precious greenfield sites.
- Emissions from the dual stacks, though with statutory safety limits do emit pollutants that may not be dispersed so will deposit on local countryside and rivers.
- Concern about impact on Test through life of facility. The river Test flows for over 35km to Southampton and is a recognised important chalk stream and is a designated SSSI which could be put at risk by the development.
- Have residents and businesses lower down the Test likely to be affected by the Incinerator been consulted?
- Impacts on the underlying chalk aquifer which supplies drinking water to the local population.
- Concern about impact of pollution from HGV traffic on local land and rivers.
- Additional 416 traffic movements; site is close to junction of A303 with the A34 both roads are well used, safety concerns with increase in traffic load.
- There has been a fatal accident involving a HGV as recently as 12th

November 2019.

- Enormous size of the building and emissions is totally out of keeping with rural location.
- Detrimental impact on the beauty and tranquillity of the area.
- As the facility deteriorates over its life, what will emissions etc. be like, what will be the cumulative impact?
- The way the consultation was organised made it difficult to comment.
- This is not the place for an Industrial Incinerator.

3.0 **AMENDED RECOMMENDATION**

No Change.