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Date

23 October 2020

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Dear Sir/Madam,

**Development of an Energy Recovery Facility and Associated  
Infrastructure at Alton Materials Recovery Facility, A31, Alton GU34 4JD**

**Town and Country Planning (Environmental Impact Assessment)  
Regulations 2017 - Regulation 25 request for further information and  
evidence in respect of an Environmental Statement.**

We refer to the planning application and Environmental Statements (ES) submitted to Hampshire County Council (33619/007) (HCC) in connection with the above proposed development.

It is important to note that this Regulation 25 response is only based on the consultation responses received by the Waste Planning Authority to date. Where any further responses are received, the applicant will be notified, with any further requests under Regulation 25 or for further areas of clarification identified.

As recently discussed, this Regulation 25 response does not include matters concerning landscape and visual effects and air quality. These will be the subject of a further Regulation 25 response to be sent out separately.

**Further information hereby formally requested under Regulation 25**

In accordance with Regulation 25 of the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) and following public consultation of the application and the ES, we are writing to request further information, set out by relevant ES chapter, considered by the County Council to be necessary to enable the full and proper consideration of the likely environmental effects of the proposed development. In all instances, we refer

Director of Economy, Transport and Environment  
Stuart Jarvis BSc DipTP FCIHT MRTPI

you back to the main responses from the consultees for more detailed information on the requests being made. This response summarises the information required to assess the potential impacts of the proposal, by theme due to the overlap in some areas between responses. The further information required is *highlighted*.

## **1. INTRODUCTION AND BACKGROUND**

### *ES Vol.1 Section 1.0 & Planning Statement*

With reference to Paragraph 1.2 '**The Need**' (and directly linked to the submitted supporting **Planning Statement**), further information is needed to demonstrate that the proposed facility - a waste management development associated with 'Recovery' in the established waste hierarchy - accords fully with the County Council's Minerals and Waste Plan (2013), specifically Policy 28 'Energy recovery development', which states:

*"Energy recovery development should:*

- a. be used to divert waste from landfill and where other waste treatment options further up the waste hierarchy have been discounted;"*

Whilst the need for energy recovery development to divert waste for landfill is a sustainable method of waste management, these facilities must avoid using waste that could be recycled, reused or minimised. The submission has relevant information on heat provision and management of residuals, but insufficient information on waste sources.

Whilst the overall expected waste capacity gap in the next decade is around 400,000 tonnes per annum, amongst other facilities, this could partly be served by a further ERF such as this proposed facility within the Hampshire Plan area.

Considering that Hampshire has three active ERFs, a fourth large-scale facility such as that proposed is likely to draw waste from a wider area and may not be able to operate solely on residual waste. The proposed development could therefore impact the provision of recycling facilities and drive waste down the waste hierarchy.

Whilst the proposed development rightly demonstrates its sustainability within the context of using an ERF to divert waste from landfill and after all efforts have been made to ensure the waste going to the ERF is residual (i.e. it cannot reasonably be managed higher up the waste hierarchy), the proposal does not make it clear how it will ensure that this is indeed the case.

An assessment of the sources of waste that this proposal would handle may also reveal that waste will be drawn from other planning areas, which may mean that their local plans (including any waste plans) may be of relevance.

*In order to achieve compliance with Policy 28 (a) the development proposal would need to significantly clarify the steps taken to ensure the waste processed will be genuinely diverted from landfill and demonstrate that the waste input will consist of materials unable to be processed higher up the waste hierarchy. This further information will need to address the issues of potential overprovision of recovery capacity in Hampshire and potential for impacts on the provision of recycling.*

*The ES should be updated to include an assessment against the above policy related information (in conjunction to the submitted Planning Statement, which should also be updated).*

## **2. ALTERNATIVES**

### *ES Vol.1 Section 3.0*

Concerns have been raised about the lack of assessed alternatives in the submission, specifically those related to the choice of this site and location with no consideration of any others. This is shared by the County Council. Provision for this assessment of alternatives was specified as a requirement within the Council's Scoping Opinion issued 27 September 2019.

This locational criterion usually includes justification of the siting of a built waste management facility such as this and the numerous factors involved in the selection of a proposed location. These types of facility are usually, but not exclusively, within or adjacent to commercial/industrial settings that in turn are usually, but not exclusively, located within or adjacent to urban areas and/or on previously developed land as a preference. Rural or countryside locations are commonly, but not exclusively, required because of a rural or countryside need.

Schedule 4 of the EIA Regulations 2017 identifies the information for inclusion in an ES, of which paragraph 2 requires: *"A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects"*.

Within Hampshire, examples of such a site would be the consented Energy Recovery Facility on land at Chickenhall Lane in Eastleigh (planning permission S/13/73507 (approved in November 2014). This was implemented but not brought into use. Other relevant examples are the locations of the three permitted and operational Energy Recovery Facilities located in Portsmouth, Marchwood and Chineham respectively.

Supporting Schedule 4 of the EIA Regulations 2017, Paragraph 5.36 of the Hampshire Minerals and Waste Plan (HMWP) (2013) states that *“where the source of waste for a facility may arise from a range of geographic locations, the impact of developing a network of smaller facilities, rather than one larger central facility, should be assessed with respect to the likely transport impacts of both options on congestion, emissions, communities and sites of historic or ecological importance. It is also important that potential cross-boundary impacts and cumulative impacts of minerals and waste development with other local developments are considered”*.

Whilst Paragraph: 041 Reference ID: 4-041-20170728 (revised May 2020) in the Government’s National Planning Practice Guidance (PPG) on EIA states that *“the EIA Regulations 2017 do not require an applicant to consider alternatives”*, it subsequently adds that *“if it has been specified that alternatives should be considered within a Scoping Opinion, then they should be”*.

It remains the County Council’s opinion that this criterion is a fundamental matter, as stipulated within the Council’s Scoping Opinion issued 27 September 2019. Therefore, this information is still needed to allow a reasonable conclusion on the likely significant effects of the development to be made, based on the submitted EIA (and ES), and complying with the EIA Directive.

*Therefore, as the applicant’s choice of site and location was specified as a requirement to be included as per the Council’s Scoping Opinion issued 27 September 2019, this does need a fuller explanation to ensure compliance with the 2017 Regulations is demonstrated. The ES should be updated accordingly.*

### **3. LANDSCAPE AND VISUAL EFFECTS**

*ES Vol.1 Section 5.0* - This will be requested within a separate Regulation 25 request.

### **4. ECOLOGY AND NATURE CONSERVATION**

*ES Vol.1 Section 6.0*

Both Natural England and the County Council’s Ecologist raise concerns over the assessment of ecological and nature conservation impacts within the ES. There is some crossover with *ES Vol.1 Section 8.0 ‘Air Quality’*, which will also be requested within a separate Regulation 25 request.

#### **Habitat Regulations Assessment (HRA)**

The County Council’s Ecologist notes that there is currently insufficient information to allow the Planning Authority to undertake the Habitat

Regulations Assessment (HRA). Both the Council's Ecologist and Natural England advise that the proposed development site lies in close proximity to Shortheath Common Special Area of Conservation (SAC) - a European Protected Site - and the Bentley Station Meadow Site of Special Scientific Interest (SSSI).

Whilst it is noted that sufficient information has been provided in the shadow HRA so that the application has provided to start this process, some of the conclusions are quite vague, and there is no detailed mitigation strategy presented to be able of determine with scientific certainty that the impacts will be offset.

***Therefore, the Waste Planning Authority requests further information is required from the application about the mitigation presented in summary (compensatory works of unspecified nature, complexity or timings, with no certainty of delivery for Shortheath Common) in order for the County Council to complete the HRA.***

#### Protected species

The County Council's Ecologist notes that the way that the assessment deals with protected species is confusing and she cannot find anywhere in the documents an assessment of the impacts of the development on the habitats and species with respect to what habitats are being lost, the percentage of available habitat this represents, and how this has driven the various mitigation strategies that have been put forward. Therefore, the Waste Planning Authority requests the following:

#### Dormice

The County Council's Ecologist notes that the dormice surveys have been undertaken in a manner that undermines the conclusion of the dormice survey report (Appendix 6.4) citing:

*“that dormice are not present and will not be impacted by the proposal. Insufficient survey effort has been used but using less than the number of recommended survey tubes, and not covering all of the available habitat on site, or directly adjacent”.*

The County Council's Ecologist further advises that an incorrect method of determining survey effort has been used, with often two visits per month being undertaken, which does not meet standard survey protocol. There is also inconsistency with respect to how this report deals with the likely presence/absence of dormice. The County Council's Ecologist adds:

*“that though they do identify that this is likely field signs of dormice, they conclude absence. Given the difficulties associated with finding field signs of dormice even in a good, well-connected habitat (hence the levels of*

survey effort required), I cannot agree with this conclusion. If these signs were found, the Precautionary Principle should be applied, and presence across all the site should be assumed. The submission (ES volume 1 table 6.5) does appear to be applying the precautionary principle, but appears to be linking the evidence to the wrong part of the site (evidence was found on the southern boundary, but is now stated to be in the north east boundary). Furthermore, we have records of planning applications in and around Alton that have found evidence of dormice, and it is therefore assumed that this whole area is likely to support dormice populations in good numbers. As stated above, there are no calculations of what available habitats are being removed, and therefore the mitigation strategy cannot be judged, though it appears to be insufficient at this stage. It is likely that scrub removal is significant with respect to the available habitat, and therefore the need for a dormice licence should be considered.”

**Therefore, the Waste Planning Authority requests that ES should be updated to include further assessment and an updated mitigation strategy that would be similar in detail to that required for a licence in order to determine the likely impact to dormice under our responsibilities of the Habitat Regulations.**

#### Reptiles

The County Council's Ecologist advises that although the surveys appear to have been undertaken to acceptable standards, key information is absent. They advise “similarly to the response on dormice there is no discussions of the [percentage] of available habitat being removed and subsequently numbers of animals that need to be removed, and therefore impossible to determine whether the mitigation proposed is insufficient.”

They further add that “The mitigation proposed is too vague in terms of deliverability with the locations of the drift fencing and of the receptor site being absent. Without these basic details, we cannot determine whether a translocation effort within the site boundaries will be achievable given the extant population within the site.”

**Therefore, the Waste Planning Authority requests that ES should be updated to include further assessment and an updated mitigation strategy that would be similar in detail to that required for a licence in order to determine the likely impact to reptiles under our responsibilities of the Habitat Regulations.**

#### Biodiversity net gain

The report states that only 1.26% net gain will be achieved by this development, and therefore offsite mitigation measures will be implemented. There is suggestion that other sites within the control of the applicant will be used to implement such measures. This is not explicitly detailed of where,



when or what will be implemented, and therefore no further calculations or understanding of what might be achieved is possible. There is the further discussion of how such measure can be enforced.

*Therefore, the Waste Planning Authority requests that the ES should be updated to include further information on biodiversity net gain (BNG) sites, their selection and availability, and methodologies and schemes for achieving successful biodiversity net gain beyond 1.26% in order for us to determine this planning application. This should also include the terms of implementation and ongoing management agreed which will be enforced through either or both planning conditions and/or a legal agreement.*

The Waste Planning Authority is aware that the applicant's Ecologist is currently discussing the above matters with the County Council's Ecologist.

Further information relating to air quality impacts affecting ecology and nature conservation will be discussed within **5. AIR QUALITY** below.

## **5. AIR QUALITY**

*ES Vol.1 Section 8.0* - This will be requested within a separate Regulation 25 request (and will include linked ecology and nature conservation matters also).

## **6. HISTORIC ENVIRONMENT**

*ES Vol.1 Section 10.0*

Whilst East Hampshire District Council (EHDC) concurs that your submitted assessment methodology and locations assessed for impacts on heritage assets within a 2km distance of the proposed facility are acceptable, its findings are not fully agreed with. Fifteen out of the seventeen heritage assets located within a 2km distance of the proposed facility have been assessed and require no further assessment. Two assets - Bonham's Farmhouse and Fulling Mill - require further and an initial assessment respectively in terms of impacts from the proposed development.

The EHDC response (dated 21 August 2020) states:

*“Bonham's Farm House is Grade II\* listed and at 500m from the proposed development is one of the closest heritage assets. Being Grade II\* the asset is highly significant and the Council recommends that Historic England is consulted as part of any determination made by HCC. The building has architectural, historic and archaeological interest. The architectural and archaeological interest (evidential and aesthetic value) rests in the design and fabric of the building. The immediately surrounding gardens and grounds, and the two surviving associated historic barns form the setting of the listed building, this setting is then largely surrounded by*

*mature trees. This setting makes a positive contribution to the asset's historic heritage value as a high-status farmhouse or house set in large grounds with associated buildings. As a farmhouse, the relationship between Bonham's Farm House and the immediately surrounding farmland also contributes to understanding and appreciating the historic use and development of the site, this wider setting therefore also makes a positive contribution to understanding and appreciating the heritage interest and value of the listed building."*

and

*"It is noted that there is no assessment given in the ES relating to Fulling Mill which is located within 500m of the proposed development. Whilst this is a Grade II listed building due to its location the building warrants assessment with regard to heritage impacts. It is suggested therefore that the ES is amended to assess this heritage asset."*

***The ES should be updated to include an assessment of the two above named heritage assets based on the existing assessment methodologies.***

### **Recommended/Clarification information to be supplied (not requested under Regulation 25)**

As a result of consultation, there are also some elements which require additional information, clarification or comments. We have only sought to highlight the keys areas of concern in this letter. We consider that this will help the application process.

During discussions, we note that it was indicated that you might be preparing responses to the public representations received. Whilst there is no statutory requirement to do this, we would welcome this approach. A single summary document would be helpful for all parties involved.

The following list sets out information that needs to be addressed to consider the application against relevant policy (as required), rather than, or as well as, being required to address issues in the ES. These are set out below:

### **SCHEME DESCRIPTION AND CONSTRUCTION METHODS**

*ES Vol.1 Section 4.0*

#### **Operations/Operating Hours and Vehicle Numbers (4.3.1 to 4.3.4)**

Notwithstanding the absence of a formal objection from technical consultees over operating hours and noting this facility's requirement to be able to recover waste on a 24-hour basis, is there scope for reducing delivery hours being sought?



Numerous local residents, landowners and other interested parties have raised concerns over and objections to the proposed 07:00 to 19:00 hours for the delivery and departure of materials seven days a week, including Bank/Public Holidays (except Christmas Day, Boxing Day and New Year's Day).

Whilst the use of Bank/Public Holidays is often required on an ad-hoc basis, these holidays, Saturday afternoons/evenings and Sundays are not common hours of vehicular use/activity as they have the potential to disturb and disrupt the quality of life of local residents and the local population. The use of external lighting during this time is similarly queried. Please advise.

### **Construction Hours (4.11.6 to 4.11.8)**

As raised above in **Operations/Operating Hours and Vehicle Numbers (4.3.1 to 4.3.4)**, the same question is asked over the proposed 07:00 to 19:00 hours (except Sundays and Bank/Public Holidays) for construction activities over a 3-year period. Please advise.

### **Site Compound and Operative Facilities (4.11.12 to 4.11.21)**

Further to previous discussions, with the main construction compound to be situated on land adjoining the proposed ERF facility (and red line), objections to it being developed using Part 4, Class A 'Temporary Buildings and Uses' of the GDPO (2015) have been raised, notably from the NWI residents group. They contest, despite the environmental impacts associated with this compound having been assessed within the ES and planning application, that these permitted development rights do not apply to this proposed EIA development under Regulation 3 (10) of the GDPO (2015). Please advise.

### **Potential Heat Offtake (4.7.1 to 4.7.2)**

Concerns and questions have been raised over the viability of the facility, based on its relatively remote location, to be able to provide any heat, which is produced as a by-product to the waste recovery process, to users or a heat supply area locally.

Whilst acknowledging that is a matter for the Permitting regime and not the Planning regime, the Environment Agency in responding to this application state:

*"This location limits potential to maximise energy efficiency from the combustion process."*

Whilst it is acknowledged that there are potential large residential development sites along the A31 within the locality, there is no certainty that these will come forward and/or be of a significant enough scale to benefit.

Whilst connectivity problems are noted by Government, the delivery of this alternative and sustainable fuel source (via the Climate Change Act (2008) and supporting guidance) is strongly encouraged. Have any alternative receptor sites/users been investigated and if not, why not? Please advise.

## **SOCIO ECONOMIC EFFECTS**

### *ES Vol.1 Section 11.0 & Planning Statement*

Waste infrastructure capacity and how the proposal fits into this is an important part of this application. This helps to tell the story about the need for the facility.

The CPRE representation highlights some of the concerns being felt which include:

*“We are in this case concerned that the County of Hampshire is currently ranked 197th in DEFRA’s local authority recycling keying league table at only 41.3%, yet we understand that a proposed new MRF facility at Chickenhall Lane, Eastleigh, is not to proceed. Also, if approved, this ERF would replace the existing MRF near Alton. So, we then foresee a significant reduction in the availability of MRF within the County, and the availability of a large ERF plant near Alton leading to yet further reduction in the Hampshire recycling rate, which CPRE would not endorse”.*

The Waste Planning Authority requests that the applicant considers the CPRE’s comments and responds to clarify how the proposal will contribute to meeting Hampshire’s waste management needs and how the loss of the MRF will be accommodated within existing and planned waste infrastructure in Hampshire (see **1. INTRODUCTION AND BACKGROUND** on pages 2 - 3 above). Please advise.

Surrey County Council advises that they identified the need to find additional capacity to manage Surrey’s residual waste, in order to ensure current reliance on landfill is significantly reduced, and recognise that such a facility could help to meet this need. They raise concerns that the application does not acknowledge this potential for cross boundary movements other than to state that:

*“It would also be able to make a contribution towards meeting the wider need for energy recovery capacity within Hampshire and the surrounding waste planning authorities as a whole.” (Para 4.7.2 of the Planning Statement).*

The Waste Planning Authority requests that the applicant considers Surrey County Council’s comments and responds to clarify how the proposal will contribute to meeting Hampshire’s waste management needs and those within the local catchment area, which no doubt will include both likely markets and

the existing and planned waste management infrastructure in Hampshire and Surrey and other neighbouring/local Waste Disposal (and Collection) Authorities (see 1. **INTRODUCTION AND BACKGROUND** on pages 2 - 3 above). Existing and recent local planning approvals for waste management 'recovery' facilities, and how they would impact, including the facility approved near Horsham at appeal in February 2020 (APP/P3800/W/18/3218965) should be considered and referenced. Please advise.

### **Environment Bill - January 2020 update**

A number of interested parties have commented as to whether or not the proposal has clearly considered the impacts from this 2020 update, which in terms of waste management (see 1. **INTRODUCTION AND BACKGROUND** on pages 2 - 3 above) state:

*“The resources and waste measures in the Bill will help move our economy away from the ‘take, make, use, throw’ system to a more circular economic model. Our ambition is to keep resources in use for longer and ensure that we extract the maximum value we can from them.”*

This update also puts a significant emphasis and seeks powers to enforce waste producers to incentivise and design their products with re-use and recycling in mind. This could affect the proposal's ability to attract residual waste material as mentioned (1. **INTRODUCTION AND BACKGROUND** on pages 2 - 3 above).

The Waste Planning Authority would welcome a response to the issues raised above.

### **Highways and transport**

Whilst the local Highway Authority raises no objection to the proposal subject to conditions and/or legal agreements securing mitigation, concerns have been raised by a significant number of interested third parties over the movement of heavy goods vehicles (HGVs) through the locality.

Notwithstanding the applicant's willingness to enter into an HGV routing agreement, should planning permission be granted, the Waste Planning Authority seeks additional written assurances that local roads not forming part of the Strategic Road Network or established local Lorry routes will be precluded from use (even in the absence of height/weight/width restrictions).

Local roads that have been mentioned are those connecting with the A31, including the B3004 (north and south), London Road (at Cuckoo's Corner), the B3006 and those connecting the villages and hamlets of Binsted, East Worldham, West Worldham, Isington, Upper Froyle, Lower Froyle and Bentley.

This is not an exhaustive list but serves to highlight the roads (and Rights of Way) most likely to be affected within the locality. The Waste Planning Authority would welcome a response to the issues raised above.

### **Hampshire Fire and Rescue Service**

Hampshire Fire and Rescue Service provided a response to the application. The main parts of the response are summarised below:

- Building Regulations: Access for Firefighting - Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.
- Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage).
- Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations Fire and Rescue Services Act 2004.
- Advisory recommendations:
  - Access for High-reach Appliances - High reach appliances currently operated by the HFRS exceed the maximum requirements given in Section 17 of the Approved Document B. When considering high rise buildings these variations should be considered as additions and incorporated as follows. Structures such as bridges, which a high-reach appliance may need to cross should have a maximum carrying capacity of 26 tonnes. Where the operation of a high reach vehicle is envisaged, a road or hard standing is required 6m wide. In addition, the road or hard standing needs to be positioned so that its nearer edge is not less than 3m from the face of the building.
  - Water Supplies - Additional water supplies for firefighting may be necessary. You should contact the Community Response Support, Hampshire Fire and Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ ([risk.information@hantsfire.gov.uk](mailto:risk.information@hantsfire.gov.uk)) to discuss your proposals.
  - Fire Protection - HFRS would strongly recommend that consideration is given to installation of an Automatic Water Fire Suppression Systems (AWFSS) to promote life safety and property protection within the premises. HFRS is fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.
  - Testing of Fire Safety Systems - HFRS strongly recommends that, upon commissioning, all fire safety systems are fully justified, fully tested and shown to be working as designed. Thereafter, their effectiveness should be reconfirmed periodically throughout their working lifecycles.
  - Firefighting and the Environment - Should a serious unsuppressed fire occur on the premises; the water environment may become polluted with 'fire water run-off' that may include foam. The Service will liaise with the Environment Agency at any incident where they are in attendance and under certain circumstances, where there is a serious risk to the environment, a 'controlled burn' may take place. This of course could lead to the total loss of the building and its contents.
  - Premises' occupiers have a duty to prevent and mitigate damage to the water environment from 'fire water run off' and other spillages.

Notwithstanding the requirements of the Permitting regime and that regulated by the Health and Safety Executive, the Waste Planning Authority would welcome a response to the issues raised above.

## **NEXT STEPS**

We will let you know of any additional matters affecting this request for further and clarification information, which require further consideration as a matter of urgency.

The issues raised above suggest that material additional information will be required for the ES. This will mean re-advertisement and consultation following the requirements of the EIA regulations.

With the intention of moving the application forward towards a resolution, Hampshire County Council formally requests that the further information be provided **no later than 13 November 2020**.

If you have any queries on the matters addressed in this letter, please do not hesitate to contact us on the details provided.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'PP' followed by a stylized signature.

Sam Dumbrell  
Project Manager (Development Management)