Planning Inspectorate

Appeal Decision

Inquiry held on 1 - 4 April 2025, 24 - 25 June 2025 and 4 July 2025

Site visit made on 4 April 2025

by Stephen Normington BSc, DipTP, MRICS, MRTPI, FIHE, FIQ

an Inspector appointed by the Secretary of State

Decision date: 16th October 2025

Appeal Ref: APP/Q1770/W/24/3355894
Former Hamble Airfield, Hamble Lane, Hamble Le Rice, Hampshire SO31 4NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Cemex UK Operations Ltd against the decision of Hampshire County Council.
- The application Ref is CS/22/92277.
- The development proposed is the extraction of sand and gravel, with restoration to grazing land and recreation using imported inert restoration materials, the erection of associated plant and infrastructure and the creation of a new footpath and access onto Hamble Lane.

Decision

1. The appeal is allowed and planning permission is granted for the proposed extraction of sand and gravel, with restoration to grazing land and recreation using imported inert restoration materials, the erection of associated plant and infrastructure and the creation of a new footpath and access onto Hamble Lane at Former Hamble Airfield, Hamble Le Rice, Hampshire SO31 4NE in accordance with the terms of the application, Ref CS/22/92277, subject to the conditions set out in the attached schedule in Annex E.

Preliminary Matters

2. The Hampshire Peninsula Defence Group were a Rule 6(6) Party (HPDG) in the appeal.

3. The application was refused planning permission on 22 May 2024 for three reasons. None of the three reasons took issue with the principle of the land use proposed; rather, all three reasons took issue with the adequacy of the information provided in the planning application on three material planning issues, specifically (i) flood risk, (ii) impact on the highway network and (iii) effects on air quality.

4. The Appellant provided further information during the appeal with regard to flood risk and the effects on air quality. In addition, further information was provided by Hampshire County Council, in its capacity as highway authority, with regard to the transportation mitigation matters. As a consequence of these actions, the Council's Opening Statement[1] (COS) identified that the Council accepts that the reasons for the refusal of planning permission have been overcome by the additional information provided by the Appellant since it made its appeal.

[1] ID4

5. The COS confirms that planning permission should be granted for the appeal proposal on the basis that it complies with the extant development plan, comprising the County Council's Minerals and Waste Plan (2013) (HMWP) and Eastleigh Borough Council's Local Plan (2022) (EBLP). In view of this position, the Council did not call any witness in the Inquiry to defend the reasons for refusal that are no longer maintained and did not seek to cross examine any evidence provided by the Appellant or the HPDG. However, planning evidence was submitted to explain the Council's position, including the history of how and why it reached its final planning judgments on the appeal proposal.

6. Notwithstanding the position of the Council, HPDG identified two main issues for consideration in the Inquiry which it recognised did not form the basis for the Council's reasons for refusing the application. Firstly, that there remains reasonable scientific doubt that the proposed development would have an adverse effect on the integrity of European Sites (now National Site Networks). Secondly, that the proposed development would have an unacceptable impact on highway safety and that the cumulative impact on the highway network would be severe.

7. The application was accompanied by an Environmental Statement (ES) prepared pursuant to the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). This was subject to review by the Planning Inspectorate and found to be satisfactory in terms of Schedule 4 of the Regulations. Having taken into account the content of the ES, I am satisfied that it identifies the likely environmental effects arising from the appeal scheme.

8. A Statement of Common Ground (Main SoCG)[2] was provided and signed by the Council and the Appellant on 31 January 2025. This identified that the only matter of disagreement at the time related to the Council's second reason for the refusal of planning permission regarding the adverse impact of the proposed development on the highway network which would not be satisfactorily mitigated and that the development would not promote sustainable transport modes.

9. A SoCG signed by the Appellant and the Council in its capacity as highway authority (Highways SoCG)[3] was also provided dated 21 November 2024. This identified that there are no matters of disagreement between the two parties on transport or highways matters.

10. A SoCG relating to highway and transportation matters was also provided and signed by the Appellant and HPDG on 6 June 2025 (HPDG SoCG)[4]. This identified the main areas of disagreement between the parties in relation to these matters which are considered later in this decision.

11. A planning obligation by Unilateral Undertaking[5] (UU) pursuant to section 106 of the Town and Country Planning Act 1990 was provided by the Appellant dated 18 July 2025. Amongst other things, this provides for an Ecological Mitigation and Management Plan (EMMP) to be implemented throughout the development and then for a period of 30 years following conclusion of restoration and aftercare on the site; a routing agreement for HGVs serving the site; a contribution for

[2] D19
[3] D20
[4] ID63
[5] ID79

transportation improvements in the vicinity of the site highway entrance; and, the provision of a permissive path running north-south along the east of the site and a permissive path on the west of the site.

12. The Council provided a Community Infrastructure Levy (CIL) Compliance Statement dated 17 July 2025[6]. This considered the obligations provided in the UU against the tests set out in regulation 122(2) of the Community Infrastructure Regulations 2010 (CIL Regulations). This sets out that the Council considers that clause 14.6 of the UU is not compliant with the CIL Regulations. The HPDG also share this view. I return to this matter later in this decision.

Main Issues

13. Having taken into account the evidence before me and from what I heard at the Inquiry, the main issues are:

- The need for the proposed development with particular regard to the landbank position for sand and gravel and the need for inert waste disposal in the County.
- The effect of the proposed development on highway safety and the free flow of traffic, with regard also to whether sufficient information has been provided to ensure compliance with the tests in regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
- The effect of the proposed development on the integrity of National Site Networks, with particular regard to hydrogeology and the displacement of informal recreational use.

Reasons

The appeal site and planning history

14. The appeal site is a former airfield, located in the village of Hamble and borders Hamble Lane to the west, Satchell Lane to the east, the railway line to the north, and various residential roads and the Roy Underdown Pavilion and green to the south. Hamble railway station lies to the north-west corner.

15. The site comprises generally flat open land, covered with scrub vegetation, with some mature trees and hedgerows on the boundaries. Although in private ownership, parts are used for informal recreation, particularly along the eastern boundary. The nearest residential properties to the site are those in Hamble Lane, Satchell Lane and properties to the south in areas such as Astral Gardens and Tutor Close. There are two schools nearby comprising The Hamble School to the north of the site and Hamble Primary to the south-west along Hamble Lane.

16. There are no landscape, ecological or historical designations covering the site. The nearest ecological designations are the Badnam Copse Site of Importance for Nature Conservation which adjoins the site boundary to the north-east, the Solent and Southampton Water Ramsar Site, Lincegrove and Hackett's Marshes Site of Special Scientific Interest (SSSI), Solent Maritime Special Area of Conservation (SAC) and Solent and Southampton Water Special Protection Area (SPA), which

[6] ID80

are located approximately 300 metres to the east of the site adjacent to the River Hamble.

17. In terms of historical designations, the Grade II listed Royal Victoria Country Park is located approximately 60m at its nearest point to the west of the site. There are several listed buildings to the west, south-west and south-east of the site.

18. There are two Conservation Areas nearby, being the Old Bursledon Conservation Area (the south-west edge of which lies approximately 50m from the site's north-east boundary at its nearest point) and the Hamble Conservation Area (the northern edge of the Conservation Area lies approximately 150m from the site's southern boundary at its nearest point).

19. The site was used as an airfield until the mid-1980s. There have been no known other relevant planning applications made concerning the site since that time that are relevant to the determination of this appeal.

The proposed development

20. The proposed development would comprise the extraction of approximately 1.7million tonnes (mt) of sand and gravel at a rate of approximately 250,000 tonnes per annum (tpa). As such, extraction is likely to last up to 7 years. The site would be progressively restored using in situ soils and overburden, together with approximately 1.8mt of imported inert restoration materials. It is estimated that infilling would approximately take a further 6 years, with a final year to complete planting once importation of infill material has ceased.

21. Restoration materials would be imported at a rate of approximately 100,000 tpa whilst extraction is ongoing, which would then increase to approximately 250,000tpa once extraction has been completed. This would consequently reduce traffic levels during the periods where extraction and material import are occurring simultaneously.

22. It is estimated that there would be an average of 45 loads of aggregate leaving the appeal site per day (90 movements) based on five and a half days per week, working from Year 1 to Year 7. There would be around 18 loads per day (36 movements) of inert restoration materials imported to the site per day from Year 3 to Year 7. Once extraction has ceased, from Year 8, this would increase to 45 loads (90 movements) per day of imported restoration materials up to the completion of such import in year 13 .

23. A new access to the appeal site would be created from Hamble Lane and designed such that all vehicles would arrive from, and depart to, the north. The access would lead directly to the plant site, which would include aggregate processing plant and site infrastructure.

24. Silt from the excavation would be disposed of in the silt lagoons. The silt would be pumped from the processing plant to the lagoons via a pipeline with de-silted water pumped back to the plant for aggregate washing. Consequently, approximately 95% of the water on site would be recycled.

25. The maximum depth of the excavation would be around 7m, with the average depth around 4.5m. Dewatering will not be required to lower the water table below excavation level. The deposit will be worked dry or wet, depending on the water table level.

26. The extraction operations would occur in seven phases, with the first phase being at the northern end of the site. The site would broadly be worked in an anticlockwise motion, ending with the plant site area which would be the final phase (Phase 7).

27. Soils stripped from the extraction areas would be used in progressive restoration or stored on site in perimeter bunds. The bunds would be formed in advance of the majority of the extraction operations. Once extraction and infilling are complete, the perimeter bunds would be dismantled and the soils used to restore the plant site.

28. On completion of material importation, it is estimated that a further year would be required to finalise planting across the site. The site would be restored to grazing land, with a smaller area of parkland in the northwestern corner. The parkland area is proposed to be open for public access. The proposed grazing area would include some small ponds for drainage together with peripheral hedgerow/tree planting and woodland edge/heath scrub blocks positioned across the site.

29. It is proposed to provide a permissive footpath at the start of the development, from the south-east corner to the north-west corner. This would connect the houses on Satchell Lane to Hamble railway station and to The Hamble School and sports complex. The path would have several entrance/exit points around the site. This would also enable walkers to access the Hamble Rail Walking Trail on the opposite side of Hamble Lane and connect with surrounding footpaths. The proposed path would be positioned on the outside of the bunds and a fence would separate the path from the bunds and quarry beyond. The path is intended to be retained for the duration of development and following restoration .

The need for the proposed development

Need for sand and gravel

30. Policy 20(3)(iii) (Local land-won aggregates) of the HMWP[7] allocates the site for the extraction of up to approximately 1.5 million tonnes (mt) of sharp sand and gravel. Appendix A of the HMWP shows the boundary of the allocated site which is broadly commensurate with that of the appeal site boundary. The Plan period for the HMWP expires in 2030.

31. The Council is in the process of partially updating the HMWP. The 'Minerals and Waste Plan: Partial Update – Submission Plan (July 2024)' (HMWP Partial Update)[8] was subject to public examination in February 2025 with the Plan period up to 2040. Main modifications to this Plan are currently being prepared for consultation. Policy 20 (2) (Local land-won aggregates) of the HMWP Partial Update also proposes to allocate the appeal site for the extraction of up to approximately 1.5 mt of sharp sand and gravel. Appendix A of this emerging Plan shows the boundary of the proposed allocation which is also broadly commensurate with that of the appeal site boundary.

32. Although main modifications to the HMWP Partial Update are being prepared, there is no evidence to suggest that any of these relate to the principle of the proposed allocation of the appeal site for the extraction of sharp sand and gravel in the emerging Plan. Consequently, the appeal site comprises a relatively long-

[7] CD H8
[8] CD H14

standing allocation for the extraction of sharp sand and gravel in the extant Development Plan and is proposed to retain its allocated status in the emerging Plan. As the HMWP has been the subject of Examination in Public, taking into account the provisions of paragraph 49 of the National Planning Policy Framework (the Framework), I have attached moderate weight to this emerging Plan.

33. The principle of the proposed development is therefore already established by the allocation in the adopted Development Plan. The emerging Plan proposes four sites, including the appeal site, to be allocated for sand and gravel extraction with a total of approximately 11.4mt. The Council considers that these sites will last only until 2035, after which the Council will be dependent on having to try and find windfalls to address the need for the Plan period up to 2040. Therefore, the appeal site would make an identified important contribution to the future supply of sand and gravel in Hampshire.

34. Policy 20 of the HMWP supports the grant of planning permission for mineral extraction from the appeal site subject to the Appendix A criteria being satisfied. The need for the appeal site is already established through the allocation itself. None of the criteria in the adopted plan for the grant of planning permission, nor in the emerging plan, requires need to be established, as the site itself makes up part of the area's established reserves for a steady and adequate supply of the mineral. By contrast, windfalls would be subject to an assessment of need.

35. In the context of a proposal to release needed sharp sand and gravels from an allocated site in the adopted Development Plan, where there is also a proposed allocation in the emerging plan, I do not consider that there is a compelling requirement to demonstrate need for the proposed development in the consideration of the planning merits of this proposal.

36. However, the need for the mineral proposed to be extracted from the site was a matter argued by interested parties and HDPG. Policy 17 of the HMWP sets out that an adequate and steady supply of aggregates until 2030 will be provided for Hampshire and surrounding areas from local sand and gravel sites at a rate of 1.56mtpa, of which 0.28mtpa will be soft sand. Therefore, the annual requirement for sharp sand and gravel is 1.28mt.

37. The latest Local Aggregate Assessment 2023 (February 2025)[9] (LAA) for Hampshire identifies that permitted sand and gravel reserves, as of 31 December 2023, were estimated to be 10.82mt. Therefore, based on the local requirement of 1.56mtpa as set out in the adopted HMWP, the land bank is 6.94 years and thus below the minimum 7 years requirement as prescribed in paragraph 226 of the Framework.

38. The LAA considers a range of growth factor forecasts which are used to assess future demand levels. These are then applied to the 2023 reported sales figure for sand and gravel and forecasts to the year 2040. Reviewing the output of those growth factors, the LAA identifies a sand and gravel annual provision rate (APR) of 0.89mt. The APR is determined each year based on sales data and economic and construction forecasts. At the end of 2023, application of the APR would provide a landbank of 12.16 years.

[9] CD K27

39. Paragraph 7.39 of the LAA identifies that whilst the current sand and gravel reserves in Hampshire fall short of the 7-year minimum required landbank when calculated using the adopted 2013 local requirement figure, an adequate landbank is provided when including the reserves of the current applications and using the APRs for 2023 (or average sales figures). Although this paragraph suggests that there is an adequate future supply planned for Hampshire in the short term, it recognises that this is on the assumption that planning permission for all schemes identified in the HMWP will be granted. It also recognises that any rapid increase in demand for sand and gravel will deplete the landbank more quickly.

40. In considering future demand for sand and gravel, the undisputed evidence provided by the Appellant[10] sets out that the LAA identifies that over 120,000 new homes are planned for Hampshire over the next 15 years. However, this figure does not take into account the recent recalculations of housing numbers that Boroughs/Districts are required to provide under the revised Framework and Planning Practice Guidance (PPG).

41. The new standard method of calculating housing targets now requires Eastleigh Borough, where the appeal site is located, to provide 922 homes per year rather than the 650 homes per year that was required to be provided annually since 2021. This represents an increase of around 43%. The other Boroughs/Districts covered by the HMWP area are similarly affected (save for Southampton). Consequently approximately 4,234 additional homes per year are required to be built in the Plan area over and above existing targets.

42. The Mineral Products Association estimates that around 200 tonnes of aggregates and associated mineral products are needed per new dwelling constructed[11]. This would result in an extra 846,000tpa of aggregate being required and excludes associated infrastructure such as roads and community facilities to support the housing growth. As such, the demand for aggregates is likely to significantly increase beyond that considered in the LAA. Therefore, given the new housing numbers alone, notwithstanding that there will be other infrastructure proposals, there will likely be a considerable increased demand for aggregates over and above the APR rate.

43. Although the LAA is not based on the more recent housing growth forecast, it does recognise a need to be able to meet further anticipated demand. The LAA identifies that Hampshire will greatly need to increase its land-won aggregate landbank and that other future infrastructure projects are also likely to increase future demand for aggregates. However, there is no defined figure in the LAA of what the future size of the landbank should be.

44. The PPG states that there is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the duration of the landbank. However, where a landbank is below the minimum level this may be seen as a strong indicator of urgent need[12]. Therefore, the 7-year requirement is a minimum not a maximum.

45. Exceedance of the 7-year land bank does not provide a cap or inhibitor to new sites for sand and gravel coming forward. Furthermore, it is the HMWP rate which

[10] PoE Emma Pearman paras. 6.26 - 6.32
[11] CD D20
[12] PPG Paragraph 084 Reference ID: 27-084-20140306

represents current policy and relevant to my consideration of the need for the proposed development in this appeal. Even if the APR rate were to be used, this would need to be treated with caution as it does not factor in the inevitable increases required for the delivery of new housing.

46. The Council Officer's Report to Regulatory Committee[13] identifies that there are no land-won aggregate sites currently operating in this part of the south Hampshire market area. Appendix A of the HMWP sets out that the allocation of the appeal site is considered to be the best option for providing a local supply of sharp sand and gravel from this part of south Hampshire.

47. Evidence from the Council and the Appellant[14] confirms that the majority of quarries in the southern part of Hampshire are clustered in the south-western area of the county and serve wider areas including markets in the urban areas around Poole and Bournemouth. The nearest existing site, Marchwood Quarry, is over 13 miles away on the other side of Southampton Water and is due to be exhausted by 2025. Whilst there are other current applications for new or extended sites, one of these (Purple Haze) is for the extraction of 4.4mt of soft sand. Midgham Farm is proposed to replace the Hamer Wood site, when exhausted, and is 36 miles away. Warren Heath is unallocated in the existing and emerging Plans, with no guarantee of a grant of planning permission, and is over 50 miles away from the appeal site.

48. The Officer's Report further states that "It is clear that the site could feed the South Hampshire market where there is a known need for minerals. This site is not located in proximity to any other quarries". On the basis of the evidence provided, I am satisfied that the proposal would make an important contribution to the provision of sand and gravel to the geographical areas around the eastern side of Southampton, and the western side of Fareham and Portsmouth.

49. Although there are suggestions that marine-won sand and gravel could displace the need for the site, I do not find this to be the case. The supporting text to Policy 20 of the HMWP, and to Policy 20 of the HMWP Partial Review, identifies that marine won aggregates contain chloride (from the sea salt) and shell. As such to minimise the risk of corrosion in metals embedded in mortar it is usual to limit the amount of chloride in the mortar mix. Similarly, the presence of chloride can result in efflorescence on the surface of building products. Consequently, marine sand and gravel is often mixed with land won sources to reduce these risks. Therefore, I do not consider that marine-won sand and gravel can be a like-for-like replacement of land won resources.

50. Both the above Plans identify that Hampshire has sufficient wharf capacity up to 2030 and 2040 respectively and no further sites are identified. The Plans recognise that wharves have been operating at approximately 85% of current capacity for a sustained number years and that there may only be limited opportunities to extend existing wharves due to their urban location and other regeneration opportunities.

51. In 2023 approximately 1.44mt of marine-won sand and gravel was landed at wharves in Hampshire. This mineral is already making a contribution to local supply and further afield. Although there has been an increase in the sales of

[13] CD E1
[14] PoE Lisa Kirby-Hawkes and PoE Emma Pearman

marine-won sand and gravel in recent years, I have no evidence to suggest that there are any proposals to significantly increase supply or increase the number of wharfs. The LAA identifies that there are eight wharves located in Hampshire. Of these eight sites, five are active, two are inactive, and one is closed.

52. Whilst marine-won sand and gravel is already making a contribution to supply, for the reasons identified above, it has limitations in its ability to wholly replace land won sources. Furthermore, the adopted and emerging Plans both recognise the contribution that it can make to local supply but recognise these limitations and current wharf capacity. Neither Plan suggest that marine won sand and gravel would be a displacement for the existing and proposed allocations in the Plans.

Inert waste material

53. As set out above, in order to achieve the proposed restoration site levels, approximately 1.8mt of inert waste material would need to be imported. This material would be imported at a rate of approximately 100,000tpa whilst extraction is ongoing, which would then increase to approximately 250,000tpa once extraction has been completed. Concerns were expressed by HDPG whether there would be sufficient inert material available to achieve the restoration phasing in accordance with the proposed phased working and restoration schemes.

54. It is recognised that contracts for the importation of inert material to the restore the site would only be entered into following the grant of planning permission. The Council indicate that there is no evidence to suggest that the availability of inert waste would be an issue[15]. Furthermore, the Appellant referenced infilling for restoration purposes at Hamer Warren Quarry in Hampshire which has been ongoing for several years but has not experienced any known issues regarding the availability of suitable infill material. In addition, the appeal site is located closer to urban areas than Hamer Warren Quarry and, as such, the Appellant considers that the availability of local suitable material to infill the appeal site void would be higher[16].

55. Policy 27 of the HMWP identifies that 2.49mt of inert waste would be generated in Hampshire each year up to 2030. The emerging HMWP Partial Update provides an update to this figure and identifies that there is a need to deal with an estimated 2.49mt of inert waste that is generated in Hampshire each year up to 2040. Whilst it is recognised that a substantial amount of this waste would be recycled or recovered, Policy 30 of the HMWP provides support for a beneficial outcome from the use of inert construction, demolition and excavation waste in developments, such as the restoration of mineral workings.

56. In this case, the essential characteristic of the proposed development requires the use of inert waste to serve a useful purpose and perform a clear function in the restoration of the former mineral working to an acceptable landform. In this context, I concur with the views of the Council and the Appellant which concluded that the importation of infill material constitutes a waste recovery operation and not a waste disposal activity. Consequently, the proposal would not be positioned at the bottom of the waste hierarchy and there would be no conflict with the provisions of Policy 25 of the HMWP which encourages sustainable waste

[15] PoE Lisa Kirby-Hawkes CD K30 para. 7.1.22
[16] PoE Emma Pearman CD D15 para 7.5

management and supports development that would assist in reducing the amount of waste sent to landfill.

57. Although the availability of inert fill was disputed, this was not supported by any substantive evidence to suggest that there would likely be a shortfall to undertake the phased working and restoration. Furthermore, there is no contrary evidence to suggest the importation of inert infill material would otherwise constitute a waste recovery operation and would therefore not be positioned at the bottom of the waste hierarchy. Consequently, I do not consider that there are any compelling reasons to suggest that the principles of phased working and restoration would not be achieved.

Conclusion on need

58. Taking the above factors into account, the principle of the proposed development accords with the land use allocation of the HMWP and the HMWP Partial Update as set out in Policy 20. The extraction of sand and gravel from the site is an integral part of the future supply identified in both Plans to maintain a 7-year landbank. It would provide a sustainable source of sand and gravel to the urban areas of south Hampshire, where most of the future planned development in the County is likely to occur.

59. I have no substantive and compelling evidence to suggest that there would be a shortage of infill material that would compromise the delivery of the principles of the phased working and restoration or that there would be a delay in the achievement of the proposed restoration scheme. The use of inert fill to restore the quarry would accord with the provisions of Policies 25 and 30 of the HMWP and provide a beneficial use of the inert waste generated annually within Hampshire.

60. In conclusion, I am satisfied that there is a demonstrable need for the proposed development to contribute to the future supply of sand and gravel in this part of Hampshire and maintain the landbank of sand and gravel in respect of both the adopted HMWP and the emerging HMWP Partial Update. I have attached significant weight to the identified need for the proposed development in the determination of this appeal.

Highway safety and the free flow of traffic

Highways background

61. The Highways SoCG confirms that there are no matters of disagreement between the Appellant and the highway authority on transport or highways matters. In particular, the Highways SoCG sets out that the proposal provides appropriate opportunities to promote sustainable travel, taking into account the type of development and its location; provides a safe and suitable access for all people; and, that the impacts from the proposed development on the transport network in terms of capacity, congestion and highway safety have been effectively mitigated to an acceptable degree. It further identifies that the impacts arising from the proposed development fall short of the 'severe' test, as set out in paragraph 116 of the Framework.

62. The proposed development would generate approximately 45 aggregate loaded HGV's leaving the site per day (90 movements) based on five and a half days per week, working from year 1 to year 7.

63. There would be an additional 18 loads per day (36 movements) of inert restoration materials imported to the site per day from year 3 to year 7. This would give a total of 126 additional HGV movements per day on Hamble Lane for years 3 – 7. Once extraction has ceased, from year 8, the anticipated vehicular movements would decrease to 45 loads (90 movements) per day associated with the importation of restoration materials up to the completion of such import in year 13. A new access to the appeal site would be created from Hamble Lane and designed such that all vehicles would arrive from, and depart to, the north.

64. The highway authority confirmed that it had no objection to the appeal scheme on several occasions during the determination of the planning application by the Council[17]. However, this position was subject to a contribution of £500,000 for mitigation measures to provide a sustainable transport scheme on Hamble Lane, a lorry routing agreement (stipulating right turn out and left turn in) and a restriction of times when HGVs can leave the site during school opening and closing times. In addition to other relevant matters, I also deal with these requirements of the highway authority below.

Highway Safety

65. The proposed access on to Hamble Lane would comprise a relatively simple priority junction which would contain a central pedestrian and cycle refuge island. The access would be sited in a position where the horizontal alignment of Hamble Lane is relatively straight and I have no contrary evidence to suggest that visibility cannot otherwise be achieved in accordance with the relevant design standards.

66. The design of the site access was subject to an independent Stage 1 Road Safety Audit (RSA) culminating in a RSA Report[18]. Although the report identified 3 points of clarification, subsequent information provided by the Appellant satisfied both the RSA Team and the highway authority that there were no identified residual safety issues associated with the design of the junction.

67. The RSA Report confirms that swept path analysis has been undertaken for a 16.5m long articulated vehicle to demonstrate the 'worst case scenario'. However, it is envisaged that the majority of HGV movements to/from the site will be undertaken by 20 tonne rigid vehicles, which have an approximate length of 10m, with larger articulated vehicles only likely on a rare occasion. The swept path analysis[19] of the proposed access demonstrates that vehicles regularly anticipated to use the proposed site access junction can enter and egress the site safely. Furthermore, the RSA Report confirms that articulated vehicles can be accommodated in the proposed access design.

68. Although the ability of the proposed access to accommodate the turning movement of articulated vehicles was questioned during the Inquiry, I am satisfied that the proposed access would be of a suitable design to accommodate the safe access and egress of vehicles associated with the proposed development. Furthermore, the proposed access would likely be the subject of further detailed

[17] CD G7, CD G8 and CD G9
[18] CD B54
[19] Drawing ITB13040-SK-013

design considerations as part of the necessary agreement pursuant to Section 278 of the Highways Act 1980. Such detailed design would likely be followed by further safety auditing.

69. The proposed site access would cross the existing footway/cycleway on the eastern side of Hamble Lane but would not obstruct it. To cross the access, pedestrians and cyclists would manoeuvre a short distance around the radius before crossing to the proposed refuge island in the centre of the access. I am satisfied that the proposed visibility splays from the crossing points[20], supported by my observations on site, demonstrate that pedestrians/cyclists would have clear visibility to vehicles exiting the site and that exiting vehicles would have clear visibility of pedestrians/cyclists.

70. Pedestrians and cyclists would likely have good visibility to vehicles travelling southbound on Hamble Lane and vice versa. The proposed refuge island would have an area of 26sq.m which is identified as providing space for 20 pedestrians or 8 cyclists. I have no technical evidence to suggest that this would not be large enough to accommodate the current level of pedestrian and cycling use along Hamble Lane. Subject to the provision of deterrent paving and guard-railing, the RSA Report identifies that road safety concerns would be addressed.

71. Although there are understandable concerns at the prospect of children crossing the site access, I have no other compelling technical evidence to suggest that the proposed design can be considered as inherently unsafe. The refuge island would enable the junction to be crossed in two stages with pedestrians and cyclists crossing a road with vehicular movements from one direction at any one time. In this regard, my attention was drawn to other junctions on Hamble Lane, such as the BP Oil Terminal, where no refuge island exists and where pedestrians and cyclists cross a 12m wide junction with no central refuge island provided and where no safety issues have arisen.

72. Analysis of the Personal Injury (PI) Accident Data over the last 10 years indicates that there have not been any incidents involving HGVs in that 10-year period. Of the 9 PI accidents recorded involving pedestrians and cyclists, only 2 were with school children and neither involved vehicles. One was a cyclist and scooter colliding; the other was a cyclist falling off after jumping a kerb onto deterrent paving. Therefore, the PI Accident Data does not lead me to conclude that this part of Hamble Lane has an inherently poor PI accident record associated with HGVs or cyclists/pedestrians.

73. In response to the highway authority's requirements, it is proposed to restrict HGVs from leaving the site within a 45-minute window during drop-off and collection periods for Hamble Primary School and The Hamble School. The time periods agreed with the Council where HGVs would be prevented from leaving the site are 08.00-08.45 and 14.30-15.15. These times would be secured by an appropriate planning condition (No.11).

74. In order to demonstrate the effect of the restriction on the time periods when HGVs would leave the site on the traffic modelling, a sensitivity test has been undertaken. This assumes that 50% of HGVs continue to arrive between 08:00-08:45 and 14:30-15:15. These HGVs are then held on the site until the restriction on HGVs leaving the site has ended. The remaining 50% of HGV movements

[20] Drawing ITB13040-SK-11 Rev B, include din CD B83

that do not occur within the 45-minute window surrounding drop-off and collection times have been spread equally into the preceding and following time period. The analysis[21] suggests that during the period 08.00 – 09.00 with the movement restriction in place, 10 HGVs would likely arrive at the site.

75. I have no compelling technical evidence to suggest that the crossing of the junction would be inherently unsafe without a restriction on the time periods that HGVs could leave the site. However, the proposed condition would assist in reducing any perceived or actual impact on Hamble Lane by school users and reduce the risk of conflict between HGVs and school children at the site access.

76. Taking the above factors into account, I have no contrary compelling evidence to suggest that the proposed access arrangements would be unsafe or compromise any relevant design standards.

Effect on Traffic Flow

77. The planning application was accompanied by a Traffic and Transport Chapter of the ES[22], a Transport Assessment[23], a subsequent Transport Assessment Addendum (November 2023)[24], Technical Notes[25] dealing with matters relating to the proposed restrictions on HGVs leaving the site during school drop off and collection times and amendments to the site access. Following determination of the application, a Supplementary Transport Note[26] was also prepared to include further traffic data in 2024. Collectively, these documents provide considerable data on traffic flows and highway conditions along Hamble Lane using data available from 2016, 2017, 2022 and 2024.

78. The data identifies that in the morning and evening peak hours, Hamble Lane is already subject to a range of 1,350-2,350 vehicle movements, with Annual Average Daily Traffic flows (ADT) of 16,000-34,000 with the higher flows towards the northern end of that corridor. Some 375-850 HGVs already use Hamble Lane every day. Hamble Lane is therefore a busy, well-used road which already takes a significant number of HGVs on a daily basis. Therefore, the site's context is one where it would take access onto an existing road with high levels of vehicle movements, including HGVs.

79. For the purposes off modelling the traffic impacts of the proposed development, the Appellant assessed use of the appeal site for 144 HGVs per day (not 126 HGVs as now proposed) and all the modelling work in terms of congestion and queues has proceeded on that basis. This is because the original proposal was to have 144 HGVs per day and was subsequently reduced in response to community concerns. This volume of HGV movements has been used for the duration of the proposed development when the reality is that only 126 HGVs would use it at the maximum vehicular movement period in years 3 - 7.

80. The Appellant has used the 2022 traffic flow data as representing the baseline conditions, rather than seek to adjust the modelling for the lower data that is shown in the 2024 surveys. The Transport Assessment also considered traffic arising from a number of permitted residential development sites in the area. It

[21] Table 2.2 PoE Ben Howard
[22] CD B74
[23] CD A55
[24] CD B82
[25] CD B84 and CD B83
[26] CD D3

also assumes that there would be 20 cars associated with the appeal development arriving and leaving the site per working day. Also, the modelling does not take into account the restrictions on HGVs leaving the site between 08.00 – 08.45 when traffic movements on Hamble Lane are higher. Overall, I am satisfied that the modelling parameters adopted by the Appellant provide a cautious basis on which to consider the traffic impact of the proposed development.

81. The traffic impacts have been modelled at a number of junctions along Hamble Lane from the junction with Satchell Lane to Junction 8 of the M27. This considers, amongst other things, the impact of the proposed development on queue length, delay and the Ratio of Flow to Capacity (RFC). The RFC outputs assess the demand against the theoretical capacity of a junction. The evidence of the Appellant's highway witness provides the results of the traffic modelling[27] and a summary is provided below.

82. At Hamble Lane/Satchell Lane the proposal is forecast to increase queue length of Satchell Lane, on average, by one vehicle in the morning peak and no change to the queue length in the evening peak. The increase in average delay per vehicle using the junction overall would be between 1 – 2 seconds in the peak periods. The RFC for Satchell Lane would increase from 0.77 to 0.84 in the morning peak and from 0.76 to 0.77 in the evening peak. This junction is expected to operate within capacity with the addition of the development traffic.

83. For the Hamble Lane/Hound Road Roundabout, the modelling identifies that there would be an increase in the queue length on Hamble Lane (north), on average, by only one vehicle in the morning peak. There would be no change to the queue length in the evening peak. The increase in the average delay per vehicle using the junction overall would be 1 – 3 seconds in the peak periods with a maximum 7 seconds delay on Hamble Lane North of seven seconds. The RFC for Hamble Lane North would increase from 0.83 to 0.87 in the morning peak. In the evening peak the RFC for Hamble Lane South is predicted to increase from 0.69 to 0.71. Therefore, this junction is expected to operate within capacity with the addition of the development traffic.

84. For Hamble Lane/Portsmouth Road the proposed development is forecast to increase the queue length on Portsmouth Road, on average, by three vehicles in the morning peak. There would be no change to the queue length in the evening peak. The increase in the average delay per vehicle using the junction overall would be between 1 – 3 seconds in the peak periods. The RFC on Portsmouth Road would increase from 0.96 to 0.98 in the morning peak and from 0.83 to 0.85 in the evening peak. This junction operates close to capacity in the morning peak and the proposed development is predicted to cause a maximum increase delay of 23 seconds on Portsmouth Road.

85. At Hamble Lane/Lionheart Way the proposed development is forecast to increase the queue length on Hamble Lane (north), on average, by one vehicle and Lionheart Way by five vehicles in the morning peak. No change to the queue length in the evening peak is forecast. The increase in the average delay per vehicle using the junction overall would be between 1 – 6 seconds in the peak periods. The Hamble Lane arms of the junction would operate within capacity in

[27] PoE Ben Howard paras 2.236 to 2.2.44

the morning and evening peak with the proposed development scenarios. The Lionheart Way arm is anticipated to operate close to capacity in the 'with' and 'without' development scenarios in the morning peak. The development increases the RFC on this arm of the junction from 0.93 to 0.97. In the evening peak period, the junction operates within capacity and the impact of the proposed development traffic is predicted to have a negligible impact on the performance of the junction.

86. At the 'Tesco Roundabout' the proposed development is forecast to increase the queue length on Hamble Lane (north), on average, by one vehicle in the morning peak with no change to the queue length in the evening peak. The increase in the average delay per vehicle using the junction overall would be between 1 – 2 seconds in the peak periods. The RFC for Hamble Lane North would increase from 0.80 to 0.84 in the morning peak. In the evening peak the RFC for all arms of the junction would remain relatively unchanged. This junction operates close to capacity 'with' and 'without' the addition of proposed development traffic in the evening peak period. However, modelling suggest that the development traffic would have a negligible impact on the performance of the junction with minimal impacts on observed queuing and delays.

87. For the 'Windhover Roundabout' the queue length on Bert Bretts Way, Hamble Lane and Bursledon Road would increase, on average, by 1– 2 vehicles in the morning peak and evening peak. The queue length on Providence Hill would increase by up to 14 vehicles in the morning peak and one vehicle in the evening peak. This is identified as being the only queue length increase in the modelling (on a worst-case basis) that is greater than five vehicles and it is only for one arm of one junction and for one time period within a day. The increase in the average delay per vehicle using the junction overall would be between 1 to 7 seconds in the peak periods.

88. One arm of the junction (Providence Hill) operates at over capacity both 'with' and 'without' the proposed development with a maximum delay of 57 seconds. However, it is noted that when a junction reaches capacity, the model becomes very sensitive to small increases in flows, which can have an unrealistic impact on modelled queue lengths and delay. The Appellant contends that this is likely to be the case in this instance on Providence Hill. The Bert Bretts Way, Hamble Lane, Bursledon Road and West End Road arms of the junction operate within capacity in the morning and evening peak in both the 'with' and 'without' development scenarios. Overall, I consider that the proposed development traffic would have a small impact on the anticipated level of queues and delays when compared with the baseline position.

89. At Junction 8, M27, the proposal would result in an increase in the queue length on the M27 (north off slip) and Dodwell Lane, on average, by 3 – 4 vehicles in the morning peak. The queue length increases on the M27 (south off slip) and Bert Bretts Way would be, on average, one vehicle in the morning peak. In the evening peak the proposed development would increase the queue length on the M27 (north off slip) and Dodwell Lane by 1 – 2 vehicles. The increase in the average delay per vehicle using the junction overall would be between 2 – 6 seconds in the peak periods. This junction operates close to capacity during both 'with' and 'without' the proposed development traffic during the peak periods. Increases in RFC are however limited (0.03 in the morning peak and 0.01 in the evening peak). The proposed development traffic would likely have a small

impact on the anticipated level of queues and delays when compared with the baseline position.

90. I recognise that the above predominantly provides 'average' figures of queue length and delay during peak periods. There would likely be greater maximum queue lengths and delays at certain times within the peak period, as identified in Section 5 of the Transport Assessment Addendum which I have taken into account in my consideration of this appeal.

91. I acknowledge that slow rolling queues currently occur along sections of Hamble Lane in the weekday morning and evening periods and that journey times along the corridor are impacted by congestion. However, the modelling, based on a worst-case scenario, demonstrates that the proposed development would have a maximum impact on two-way total traffic flows on the local highway network of 3% in the morning peak and 2% in the evening peak. This is likely to fall within the daily fluctuation in traffic flows along this corridor and represents a negligible increase in vehicle movements overall.

92. I have taken into account the criticisms of HDPG regarding the traffic modelling data and particularly the baseline data presented in the Transport Assessment and Addendum and used in the Highways SoCG[28]. Although the Appellant 'cross-checked' the 2022 data with 2024 data obtained from further surveys, the 2024 data was not the basis of the baseline modelling as it shows a drop in traffic on Hamble Lane. Further evidence from HPDG sought to compare the 2024 data with 2025 data, even though the 2024 data has not been used for the modelling.

93. Although it was argued that the 2025 data may be more relevant, this does not conclusively demonstrate any material increase in traffic flow above the 2022 baseline. The data shows that in the peak hours for the northernmost ATC counter on Hamble Lane, the overall flows are reduced from 2022 in three of the four respects, and it is the southerly flow between 0800-0900 that shows a modest increase.

94. Overall, the 2025 data is generally showing a reduction in peak hour traffic from that recorded in 2022 which is the basis of the traffic modelling work used to assess the impacts of the proposal. Whilst considerable Inquiry time was spent on this matter, the fact remains that the 2022 data provides a robust baseline for the traffic modelling. Moreover, use of the 2022 data has been accepted by the highway authority as the appropriate baseline on which to assess the traffic impact of the proposed development.

95. I have carefully considered the evidence of the HPDG Highways and Transportation witness and the Rebuttal evidence provided by the Appellant[29]. Although the 24-hour flows in 2025 are slightly higher at the northern end of Hamble Lane, the peak flows are similar to those recorded in 2022. Furthermore, the comparison of 2022, 2024 and 2025 Traffic Flows on Hamble Lane, south of Mallards Road[30] shows that 2022 traffic flows were higher than 2024 and 2025 flows. Consequently, I do not consider that the 2025 data provides a reasonable basis to conclude that the use of the 2022 data may be incorrect.

[28] Proof of Evidence of Mr Whittingham
[29] Rebuttal Proof of Evidence of Ben Howard
[30] Table 1.2 Rebuttal Proof of Evidence of Ben Howard

96. There is no doubt in my mind that the appeal proposals will contribute to the congestion already experienced on Hamble Lane to a degree and would have a minor to moderate impact. This would undoubtedly cause some degree of driver inconvenience. Paragraph 116 of the Framework does not require that there should be no impact on the highway network from a proposal, or indeed any adverse impact. Development should only be refused on highway grounds if the impact on highway safety and the residual cumulative impact on the road network would be severe.

97. Taking the above factors into account, I do not consider that the potential temporary increase in traffic volume as a consequence of the appeal proposals can be considered to constitute a severe residual cumulative impact on the road network. Furthermore, the traffic impacts of the development would be temporary.

Impact on Pedestrian and Cycle Users on Hamble Lane

98. Hamble Lane is already well used by HGVs (375-850 per day). As a consequence, pedestrians or cyclists undertaking journeys along this road would likely already encounter a HGV movement approximately every one to two minutes. The experience of a pedestrian and cyclists is one of traveling on a road that has a fairly constant flow of traffic at peak periods. Such users are frequently passed by HGVs.

99. I have considered the Pedestrian and Cycle Survey[31] and the Rebuttal Evidence of the Appellant's Highway Witness. In the morning when school children are most likely to be using Hamble Lane, taking into account the restriction on movements, the development would generate on average one HGV movement every four minutes during this time period, increasing the total number of HGVs on Hamble Lane north of Hound Road from 19 to 34. As a result, for a pedestrian undertaking a fifteen-minute journey, they would currently be passed by around 5 HGVs using Hamble Lane (and around another 370 vehicles). With the appeal development in operation and during the busiest phase of operations, pedestrians would likely be passed by 7 - 8 HGVs during the same journey (and around 375 other vehicles).

100. For cyclists undertaking a five-minute journey, they would currently likely be passed by one HGV. When the site is operating at its peak, they would likely be passed by two HGVs (and around 125 other vehicles).

101. Consequently, pedestrians and cyclists already experience a high volume of vehicles using Hamble Lane, including some HGVs during their journeys. This would continue to be the case in the future and the proposed development would not materially change existing conditions on this part of Hamble Lane. Although, there would be an increase in the frequency of HGVs encountered on a typical journey to school, given the level of the increases identified above, I do not consider that this can be reasonably translated into the development having an unacceptable impact.

Relevance of other appeal decisions

102. My attention was drawn to an appeal decision (Ref: APP/W1715/W/20/3255559)[32] at GE Aviation Hamble for the erection of up to 148 residential dwellings which

[31] Appendix A Highways SoCG
[32] CD L47

was dismissed in January 2021. In dismissing the appeal, the Inspector considered, amongst other things, the effect of the proposed development on traffic movements and highway safety. It was suggested that this appeal decision sets a precedent for the consideration of other development proposals along Hamble Lane. However, there are a number of material differences between that scheme and the appeal scheme before me.

103. In the GE Aviation case, the Inspector was considering a proposal for residential development. By definition, such development is intrinsically different to the mineral extraction proposed in this appeal case before me. Residential development is permanent, so any traffic impacts will effectively remain in place for the duration that the houses are occupied. The Appellant suggests that the proposed 148 residential dwellings would have generated approximately 900 – 1,000 daily vehicular movements. By contrast, mineral extraction is temporary in nature. In addition, the traffic modelling to support the appeal scheme is based upon the peak of activity (4 years), which is modelled on a worst case, and unlikely, scenario.

104. Minerals can only be worked where they are found, whereas housing is not so limited. In the GE Aviation case, the Inspector was considering a proposal for unallocated residential development on that site in circumstances where there was a presumption against allowing additional development in the area, in distinction to the allocated mineral extraction in this appeal scheme which is not subject to that presumption.

105. In addition, the Inspector was also considering that development in a context where it was anticipated that there would be road improvements to Hamble Lane at some point, but which were not being delivered by GE Aviation. By contrast, no such road improvements are now being pursued by the highway authority. A different approach is now adopted by the highway authority of encouraging modal shift to reduce demands on the road, in line with the approach in the Framework.

106. The Inspector's particular conclusions as to what he regarded as severe impacts related to two particular junctions (Tesco Roundabout and the A3025 Portsmouth Road/Hamble Lane junction) were based upon modelling which showed existing congestion at that time to be significantly greater than is now the case. For the Hamble Lane/Portsmouth Road junction, the Inspector was dealing with an existing delay of 3 minutes being increased to 3½ minutes by the scheme (on a permanent basis). By contrast, the position in the appeal proposal is that the delay at that junction has been shown to be 114secs which would increase to a maximum of 140secs for a temporary period, but on average only by a few seconds.

107. For the Hamble Lane north arm of the Tesco Roundabout junction, the Inspector identified that in the evening peak, the queue length would increase substantially equating to an increased time delay of over a minute to give an overall delay of three and a half minutes. By contrast, the Transport Assessment Addendum shows no change in the queue length or delay as a consequence of the appeal proposals.

108. Accordingly, even assuming a maximum delay created by the proposed development in this appeal, the overall resulting delay is significantly less than the delay that the Inspector was considering as the baseline at the time of the GE

Aviation appeal. Accordingly, I do not consider that there is any equivalence in that appeal decision to the highway impacts in the proposal before me.

109. Furthermore, an appeal for 66 dwellings on land at Satchell Lane, was dismissed in December 2022 (Ref APP/W1715/W/22/3292580) and would have likely generated approximately 400 – 450 daily vehicular movements. In that case, the Inspector did not cite transport grounds as a reason for the dismissal of the appeal and considered that delays of less than 10 seconds in this locality would not be considered as 'severe'. Consequently, the Inspector concluded that the proposal would not have an unacceptable effect on highway safety.

110. Whilst, I have considered the appeal scheme on its own traffic impact, the number of daily vehicular movements in the appeal scheme would be considerably less than would have been the case in the Satchell Lane scheme. I accept that the nature of the vehicles themselves would be largely different. Nonetheless, the impact of the appeal proposal on delay would be largely less than that considered as not being severe in the Satchell Lane scheme.

Mitigation measures

111. There have been proposals in the past to improve journey times along Hamble Lane by delivering schemes to provide additional traffic capacity, including the improvements to Junction 8 of the M27 and the Windhover Roundabout which were due to be delivered by National Highways. However, the Government announced in October 2024 that these proposals would not be progressed. The highway authority's strategy for dealing with congestion along the Hamble Lane corridor is now consequently identified as the provision of walking and cycling improvements and to encourage the use of public transport (i.e. a move away from providing extra traffic capacity to deal with congestion).

112. A contribution in the sum of £500,000 has been agreed with the highway authority for the delivery of improvements to the walking and cycling provision in the vicinity of the proposed development. This will also be a matter that I return to later in this decision.

113. The proposed improvements would likely make walking and cycling journeys to Hamble Primary School and to Hamble Railway Station more attractive and improve facilities along a route which could be used by pedestrians and cyclists as part of a longer journey to access other destinations. This could encourage people to walk, cycle and use public transport (i.e. the railway network via Hamble Railway Station).

114. The proposed improvements would involve improving the existing shared use footway / cycleway on the western side of Hamble Lane from the Railway Station to the access to the Hampshire Constabulary Headquarters; providing a new shared use footway / cycleway on the western side of Hamble Lane from the access to the Hampshire Constabulary Headquarters to the south to the Hamble Rail Trail (just to the north of the Hamble Primary School); Improving the existing shared use footway / cycleway on the eastern side of Hamble Lane from the access to Hampshire Constabulary Headquarters to the south to Hamble Primary School; and crossing improvements within the extent of the works listed above.

115. These works are part of a wider package of walking and cycling improvements that were identified as part of a feasibility study by the highway authority looking at

walking and cycling opportunity in the area. Feasibility drawings[33] have been prepared by the highway authority with a cost estimate for the works for the elements which they are seeking the contribution, although the highway authority has identified that the exact detail of the scheme will be subject to further design work in due course. The proposed improvements would accord with the Eastleigh Local Cycling and Walking Infrastructure Plan and target improving access to Hamble Train Station and local schools.

116. In light of my findings above, I share the Appellant's view that the improvements that would be funded by the contribution are not required or being offered in order to mitigate what would otherwise be any severe impacts on the network. No reference is provided in the Highways SoCG to suggest that the contribution is necessary to mitigate highway safety or traffic improvements. In any event, I have found that no such severe impacts would arise. The Appellant contends that the mitigation is being offered as being necessary to achieve the policy objectives of improving the road network in accordance with the Eastleigh Local Plan.

117. There was considerable debate in the Inquiry about the mitigation proposed in terms of its deliverability and cost. As to deliverability, both the Appellant and the highway authority have identified the principal elements of what is proposed in the drawings attached to the SoCG.

118. Whilst HDPG suggest that the delivery of an enlargement to a shared path width of 3m throughout its whole length along Hamble Lane would be compromised by vegetation causing localised constrictions, I do not consider that this would fundamentally undermine the principal objectives of the scheme to render it undeliverable, particularly in circumstances where the detailed design work has not yet been undertaken. The suggested design constraints do not affect the fact that significant improvements could be obtained.

119. Regarding costs, there is a clear difference between HDPG[34] and the costs of the proposed scheme as agreed between the Appellant[35] and the highway authority. There were also differences whether the costings that the highway authority carried out were only assuming improvements to a 200m length of footway. The highway authority confirmed that this was not the case.

120. The Appellant has now carried out a costing of what is proposed and demonstrated that it can be delivered within the £500,000 contribution sought which includes 40% of contingency in the budget. This is based on the SPONS Estimating Guide. The highway authority has also confirmed that it has costed the improvements and is similarly satisfied that they can be delivered for that sum, again with a very large element of contingency.

121. Although HDPG suggest that the sum is more like £1.2m, there are a number of items included in HDPG's estimates such a street lighting improvements, which are not set out in detail on the feasibility plans, and relatively large allowances for preliminaries and contingency items. Whilst I have no evidence to suggest that the HDPG costings are wholly unfounded, I also have no conclusive evidence to confirm which of the costings may be more realistic at this feasibility stage. However, there is some merit in the Appellant's view that the highway authority

[33] Included in CD E1 and the Highway SoCG
[34] ID73
[35] ID72

has no interest whatsoever in under-costing the scheme. If it believed it would cost more, it would simply have asked for a greater contribution. Consequently, I do not consider that the differences between the parties in the costings constitutes a justifiable basis to suggest that the proposed improvements would be undeliverable.

122. In addition to the measures to be secured by the planning obligation, the proposals would also provide a permissive footpath, available from the commencement of the development, from the south-east corner to the north-west corner of the site. This would provide a walking route from the houses on Satchell Lane to Hamble Railway Station and The Hamble School. On restoration, a permissive path is also proposed to run parallel to Hamble Lane between Hamble Station and No. 108 Hamble Lane to provide an alternative pedestrian route away from the road.

123. Collectively, the proposed development would provide an opportunity to improve walking and cycling links to access key destinations such as the Railway Station and The Hamble School. I have attached moderate positive weight to these benefits.

Highways conclusion

124. I have found that the proposed access would not give rise to any unacceptable highway or pedestrian safety impacts and could accommodate the turning of the vehicles anticipated to access and egress the site. The temporary increase in traffic volume as a consequence of the appeal proposals would not be of an extent to constitute a severe residual cumulative impact on the road network.

125. Whilst the would be a modest increase in the number of HGVs that pedestrians and cyclists may encounter on Hamble Lane, I have no evidence to suggest that this would cause and unacceptable safety problem and would be mitigated during school opening and closing periods as a consequence of the proposed restriction on vehicles leaving the site. In addition, there would be some benefits to local footpath provision and improvement.

126. Therefore, taking all of the above factors into account, I do not consider that the proposed development would have a material severe detrimental effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. Consequently, there would be no conflict with Policy 12 of the HMWP or Strategic Policy 11 of the EBLP.

127. In coming to the above view, I have also taken into account the concerns of the Police and Crime Commissioner and Fire Services regarding the impact of the proposed development on traffic flows on Hamble Lane. Blue-light services necessarily have to address existing traffic congestion on Hamble Lane in relation to the daily vehicle usage (including HGVs). I have found that the proposed development would not add any unacceptable increases to those existing flows. Consequently, blue-light services would continue to negotiate the traffic, including any congestion, in the same way that they do now.

Integrity of National Site Networks

128. The appeal site lies within 320 metres of three statutory designated sites comprising the Solent and Southampton Water Special Protection Area (SPA) and

Solent and Southampton Water Ramsar; the Solent Maritime Special Area of Conservation (SAC); and the Solent and Dorset Coast SPA. In determining the planning application, the Council, as 'competent authority' undertook a Habitats Regulations Assessment[36] (HRA). This concluded that, subject to measures to control noise disturbance and displaced recreation, the proposed development would have no adverse effect on the integrity of these sites, alone or in combination with other plans and projects.

129. On 25 September 2024, Natural England provided a letter[37] addressed to the Planning Inspectorate to represent their advice on the Hamble Airfield application, following ongoing work with the Council. This advised that the content of the letter should be recognised at any forthcoming appeal as Natural England's revised and current position on the proposed development. The letter advises that Natural England have no objections to the appeal scheme. It further confirms that there would be no adverse effect on the integrity of any of those National Networks Sites with the secured embedded mitigation measures proposed. The Appellant also produced a shadow HRA[38] and Addendum shadow HRA[39] which came to the same conclusions.

130. There is some suggestion by HDPG that Natural England would not have had the benefit of hearing the evidence that was presented in the Inquiry at the time it made comments prior to the opening of the Inquiry. The Inquiry was livestreamed. In addition, the Inquiry website, containing all of the Core Documents, Inquiry Documents and Proofs of Evidence, was maintained by the Council throughout the Inquiry process and was publicly accessible.

131. I also consulted Natural England following the closure of the oral aspects of the Inquiry. The response dated 28 July 2025, advised that Natural England had no further comments to make following their response to the Planning Inspectorate dated 25 September 2024. I have no evidence to indicate the extent to which Natural England availed itself of the Inquiry evidence and the live streaming of witnesses. However, such information was publicly available. I have no reasons to doubt the content of the response dated 28 July 2025.

132. Natural England have therefore advised prior to the opening of the Inquiry, and following its closure, that it is satisfied that the proposed development would not have any adverse effects on the integrity of the Protected Sites with the embedded mitigation proposed.

133. In my role as 'competent authority' my attention was drawn to relevant case law regarding the weight that can be attached to the views of Natural England. In the case of *R(Wyatt) v Fareham Borough Council [2022] EWCA Civ 983*[40] at [9] (4) Sir Keith Lindblom stated that "A competent authority is entitled, and can be expected, to give significant weight to the advice of an "expert national agency" with relevant expertise in the sphere of nature conservation, such as Natural England … The authority may lawfully disagree with, and depart from, such advice. But if it does, it must have cogent reasons for doing so". This also follows the judgement in the case of *R (Morge) v Hampshire County Council [2011]*

[36] CD E15
[37] CD D6
[38] CD B79
[39] Appendix A, PoE Danny de la Hey
[40] CD L14

UKSC 2; [2011] 1 WLR 268[41]. Lord Brown at [30] stated that "Where, as here, Natural England express themselves satisfied that a proposed development will be compliant with article 12, the planning authority are to my mind entitled to presume that that is so".

134. The Appellant contends that it has therefore been established by the highest level of authority (namely the Supreme Court) that not only may I rely upon the views of Natural England where it has satisfied itself a proposed development will have no such adverse effect, but I am entitled to presume no such adverse effects in reliance upon Natural England's assessment. In light of the judgements in the cases above, I have no reason to doubt the Appellant's view, nor do I have any contrary evidence in that respect. Therefore, I have attached significant weight to the views of Natural England in the determination of this appeal.

135. HPDG contend that there remains reasonable scientific doubt that the proposed development would have an adverse effect on the integrity of Protected Sites. This premiss is based on the alleged hydrological impacts of the operational phase of the sand and gravel extraction and the resultant restoration, and the potential displacement of the current informal recreational use of the appeal site as a consequence of the proposed development.

Hydrogeology

136. The proposed development is supported by a considerable amount of technical evidence relating to groundwater[42] which has been considered by various statutory consultees, including Natural England, the Environment Agency (EA) and the Lead Local Flood Authority (LLFA). Although supplementary information was provided in response to initial comments, none of these consultees now raise objections subject to matters contained in suggested conditions and the planning obligation.

137. The appeal site is located on a peninsula between the River Hamble (east) and Southampton Water (west). Both these water bodies are part of a Special Area of Conservation (SAC) and Special Area of Protection (SAP). Both rivers are tidal in the Hamble-le-Rice area and drain significant river catchments (as stated on the Environment Agency's Catchment Data Explorer1) of more than 6661.3 ha for the River Hamble and more than 29,721 ha for Southampton Water. As such, the appeal site represents less than 0.2% of the freshwater catchment area that feeds these waterbodies.

138. A number of springs, predominantly to the east of the site and beyond the appeal site boundary discharge into the River Hamble. The submitted evidence demonstrates that the contribution of these springs to the River Hamble is less than 0.1% of the flow[43].

139. The appeal site is underlain by river terrace deposits, underlain by solid geology. This, across the majority of the site, is mapped by the British Geological Survey (BGS) as the Marsh Farm Formation (sands, silts, and clays) with the northeastern edge underlain by the Earnley Sand Formation and the southwestern edge underlain by the Selsby Sand Formation. The Earnley Formation and the Marsh Farm Formation crop out to the east and south of the

[41] ID68
[42] Summarised in para 1.14 Rachel Dewhurst PoE
[43] PoE Rachel Dewhurst para 6.1.12

site, where the river terrace gravels are not present. It is suggested that it is likely that the termination of the river terrace deposits, to the east, causes the eastern spring line.

140. These geological strata are considered to be Secondary A aquifers (defined as permeable layers capable of supporting water supplies). There was considerable discussion whether the underlying layers are aquicludes (layers which exclude water) and whether the springs in question are only being charged by groundwater coming from the river terrace deposits.

141. Monitoring of groundwater levels was undertaken between January 2019 and April 2023. Groundwater levels were monitored within the river terrace deposits and the underlying solid geology. The hydrographs[44] and associated evidence on ground conditions since[45], show responses to rainfall recharge, in both the river terrace deposits and the solid geology.

142. The groundwater level monitoring undertaken by Stantec between January 2019 to April 2023 covers a range of hydrological conditions, from a wet period in autumn 2022, and a significantly dry period in the summer of 2020. The hydrographs for the superficial deposits show periods when the monitoring wells were dry (particularly in summer 2020). Solid strata remained wet when the river terrace deposits (superficial deposits) were dry, responding seasonally to rainfall recharge, and in some locations, a vertical gradient exists from groundwater in the superficial deposits to that in the solid deposits[46].

143. The Marsh Farm, Selsby Sand and Earnley Sand Formations are designated as Secondary A aquifers, as are the river terrace deposits. Where aquifers overlie each other there is likely to be water moving from the upper aquifer into the lower, depending on the water level in the lower aquifer. The evidence suggest that this happens at Hamble, as evidenced by the similar hydrographs in both the shallow (river terrace deposits) and deeper aquifer (solid deposits), and the difference in water levels between the two. This means that even when the river terrace deposits are dry, or absent, groundwater flow is occurring in the solid deposits, even from the north of the railway line. The hydrographs in the Environmental Statement[47] and subsequent hydrogeological interpretations clearly show that the solid geology water levels are in continuity with those in the river terrace deposits and drop below the river terrace deposits when the water levels are low. This evidence also shows that the river terrace deposits are not continually saturated.

144. It is likely that the springs receive some groundwater and surface discharge from the appeal site, although where the topography is steeper off-site, surface water runoff is identified as likely to be a more significant contributor. Contours for April 2022 (average conditions) suggest that the site may be contributing groundwater to spring 5 (West Wood stream), with a lesser proportion to springs 2, 3 and 4. The likely contribution of groundwater from the river terrace deposits on site to spring 1, which does not lie on flow lines from the site, is identified as being likely to be negligible foe the majority of time.

145. I now turn to consider the effects of the operation and restoration in terms of water management. The operation involves extraction of the river terrace deposits, but

[44] CD A20
[45] CDs B92, B97 and B98
[46] Figure 6 Rachel Dewhurst PoE and Cd D17
[47] CD A20; Figures 8.5, 8.6 and 8.7

not the removal of the underlying layers of geology which act as aquifers. The mineral extraction operation would be carried out in stages, with each area undergoing restoration progressively. The screening bunds would be constructed around the site on top of the underlying permeable river terrace deposits which would not be extracted, with restoration drainage features installed sequentially.

146. The impact of the work phases on flows to the springs are identified in tabular form in the evidence of the Appellant's hydrological witness[48]. During mineral extraction operations it is not expected that any dewatering would occur, as the minerals would be extracted dry or wet where they are found. If any dewatering is found necessary, the water would be immediately recharged into the adjacent area of unworked ground. It is not proposed that water would be pumped to the lagoons and discharged elsewhere. The lagoons would only deal with water on the processing area.

147. Each extracted phase would be filled with inert material, with an artificially enhanced geological barrier (AEGB) to prevent any potential contamination leaving the landfill. The maximum permitted permeability of a AEGB and restored material would be lower than the existing site material but would not necessarily be totally impermeable in drier conditions.

148. The Revised Restoration Plan[49] seeks to ensure that the post-restoration contours of the appeal site would mimic the flows for the original water catchments. As such, the same flows of water would head to the same springs that currently exist and the revised restoration plan is designed to ensure that the water infiltrates into the surrounding area at the same rate and in the same locations as those which currently exist on the appeal site, taking full account of the presence and infiltration rate of the artificially enhanced geological barrier ("AEGB") that would line the voids for the inert restoration material.

149. Run-off from the areas of infill would be captured in the proposed attenuation basins and discharged to ground within infiltration features located on the undisturbed river terrace gravels at the outer parts of the appeal site. The rate of soakaway would be controlled by the natural ground conditions that are unchanged in that area, with water held in the drainage features until it soaks away. In my view, it is unlikely this would materially change the timing of any flow to the springs.

150. The nature of the operation and restoration would ensure that there would be no material change, let alone any significant change, to the groundwater flow to springs in the vicinity of the appeal site which, in turn, discharge into the relevant water bodies. In any event, it is clear that any such flows from those springs into those waterbodies are insignificant compared with the volume of freshwater in those bodies.

151. On the basis of the evidence provided, I am satisfied that the flows from the springs identified are very small in terms of flows into the National Network Sites. The borehole data demonstrates that groundwater from the river terrace deposits on the site is likely to be limited seasonally. Therefore, in summer periods with little rain, it cannot be water in the river terrace deposits that is feeding the springs in the surrounding area. In addition, flow times through the appeal site to the

[48] PoE Rachel Dewhurst Parra 5.1.3
[49] CD C1

springs is likely to be days and months, thereby limiting discharge of groundwater to those springs for any prolonged period after rainfall.

152. I accept that in the operation period, there is a notional potential to have some impact on the flows to the springs, but these are unlikely to be material effects given (amongst other things) the lack of groundwater in the river terrace deposits seasonally and, in any event, the planned recharge of any groundwater removed from the extraction voids into the undisturbed ground adjacent to any extraction area.

153. I recognise that some habitats in the vicinity of the streams may be dependent on freshwater flows from the streams. However, such flows are already subject to seasonal and somewhat unpredictable variation, particularly in the light of climate change. Even if the scheme were to have a material effect on the flow to the springs themselves, any such effects would not constitute a likely significant effect on any of the National Network Sites, let alone an adverse effect on the integrity of those sites.

154. The Appellant's evidence suggests that even if the water discharge from the appeal site to the springs, and the spring discharge were to cease altogether it is extremely unlikely that the effect would be significant in the context of the wider Protected Sites. Any groundwater that is disturbed on the site during extraction would be recharged into the site and recharge the ground through the natural soils and undisturbed river terrace deposits that are not being worked during the relevant operation phase. The same would happen with the drainage arrangements on restoration controlling the soakaway with infiltration features.

155. As set out above, the unchallenged evidence identifies that the appeal site represents less than 0.2% of the catchment into these waterbodies. Flows from the springs into the National Network Sites are inundated by vast amounts of tidal seawater twice daily. Therefore, I do not consider that the streams are crucial to the dilution of nutrients in the waterbodies and I have no contrary evidence regarding this matter.

156. The spring flows, even on the most precautionary assessment, are in fact less than 0.1% of that flow. During both operation and in restoration, recharge to the natural ground to those springs is an inherent part of the design. Whilst there may be some variation of flows from the appeal site into the springs, in terms of an altered hydrograph, this would likely be a far smaller percentage (even if it were to occur at all) and would be even more inconsequential in terms of the flows into the River Hamble.

157. I have taken into account the fact that during the operation phase of mineral extraction approximately 5% of the groundwater would be used to wash the gravel and some of this may be retained in the product. However, the volume of water discharged from the appeal site would be largely unaltered from that in the existing, operational and restoration phases. The drainage design would deliver water to recharge the ground in the spring catchments through the operational period and on restoration.

158. Thus, whilst there may be changes to the hydrograph of spring flow this would unlikely be fundamental. The quantity of freshwater entering the Solent and Southampton Water SPA would not alter materially over the course of the operation and restoration of the appeal site. Consequently. I am satisfied that the

hydrological regime associated with the appeal site will not be materially impacted and that freshwater flows will not be impacted materially or significantly.

159. The above view is consistent with that set out in the HMWP Partial Update HRA Appropriate Assessment[50] for the proposed continued allocation of the Hamble Airfield Site for sand and gravel extraction. This sets out that "A recent hydrological assessment has confirmed that there are currently no surface water features within the footprint of the site and there are no surface water links from the site to the River Hamble" and "As the River Hamble is influenced by tidal input from the Solent and freshwater inputs from upstream, at this point it is not dependant on ground water to maintain flows".

160. I have no evidence to suggest that the HMWP Partial Update HRA Appropriate Assessment in respect of the appeal site was disputed during Examination in Public regarding the emerging Plan. Moreover, in respect of this appeal, Natural England, the EA, the LLFA and the Council have not identified any material or likely significant effect on the flows from the springs to the National Networks Sites.

161. Finally, I have also considered the extent to which the proposed development could lead to an increase in nutrient loading. The evidence suggests[51] that the proposal would unlikely affect the nutrient status of the replaced soils via the application of manures, slurries, lime and/or fertilisers. I therefore have no compelling evidence to suggest that any ground water on the appeal site would become further enriched in nutrients.

Recreational displacement and impacts

162. Parts of the appeal site are used for informal recreation, particularly the eastern side which, I observed on my site visit, appears to be used as a north/south recreational route mainly serving properties in the vicinity of Satchell Lane. I recognise that such use represents unauthorised access and I was informed of unsuccessful attempts by the landowner to provide fencing. Nonetheless, it is recognised by the local community as providing some degree of recreational space on a localised basis.

163. During the operational phase of the development a permissive footpath would be provided along the entire length of the eastern site boundary and separated from the mineral extraction area by a 4m high soil bund and perimeter fencing. Although there appears to be a number of misconceptions regarding the width of the path corridor, the submitted plans clearly show this as a varying width of between 36m and 70m and narrowing to 14m for a short stretch along the northern boundary[52]. The permissive path corridor would be retained post restoration with public access to a 'community access meadow' proposed to be provided in the northeast corner of the site.

164. HPDG contend that the proposed development could displace existing local residents using the site for informal recreation to use the National Site Networks. Consequently, it is argued that there is reasonable scientific doubt as to whether there could be an adverse effect on the integrity of the National Site Networks.

[50] CD L67
[51] Paragraphs 2.1.10 – 2.1.18 Rebuttal PoE Danny de la Hey
[52] Plan 21-08-HAMB-1717-P1-Land Rev B

165. Surveys of local residents ('The Use of Hamble Airfield for Recreational Purposes)[53] were provided in support of this contention. Key findings of the 2025 Survey identified that 90% (588) of respondents would not use the proposed permissive 2-3m wide path and if access was restricted, 75% of respondents (481) would drive to an alternative location for recreational purposes.

166. The surveys were undertaken at a time the proposed development was known in the local community. In the case of the February 2025 survey, it was compiled in the time period when the appeal had been made. In those circumstances, although not possible to define with any degree of certainty, there is the risk of the potential for bias (conscious or unconscious). There is no way of knowing the extent to which those answering may have been affected by any bias. Furthermore, there were discrepancies in the questions relating to the width of the permissive path from that contained in the submitted plans set out above, where the width is described as being 2-3m. Similarly, the extent to which this suggested width influenced responses cannot be known. Such surveys with the potential for bias would not be scientific. I have therefore attached minimal weight to the surveys but nonetheless I recognise the importance that parts of the site make to recreational use, albeit on the basis of unauthorised access.

167. The proposed development itself would not lead to an increase in the number of residents that might consequently increase recreational pressure. It is not introducing new recreational impacts of the type that would ordinarily be addressed through the payment of a tariff under the Solent Strategy[54] as no new residents are introduced. In any event, the Solent Strategy is not one that seeks to prevent the introduction of new residential dwellings and residents to the area. Instead, it seeks to fund management measures so as to ensure that residents use the National Site Networks appropriately.

168. The permissive footpath, approximately 2.1 km in length, would provide connectivity between the site and wider recreational amenity. This would include connectivity between the site and the Royal Victoria Park, approximately 600m from the northwest corner of the site, which has a number of amenities including off lead dog walking.

169. The provision of accessible land for informal recreation within the path width throughout the operational lifespan of the project and then in the post restoration phase would significantly reduce the risk of residents being displaced to the local coastline to undertake regular daily exercise and dog-walking. It therefore provides avoidance mitigation. Even if some people were to be displaced, there is no evidence in the Solent Strategy to suggest that this translates into an adverse effect on integrity. Moreover, it is highly likely that Natural England would have objected if they considered that there was a potential for any displacement to have an adverse effect on National Network Sites or indeed would have sought to address this matter by a contribution. No such contribution was sought by either Natural England or the Council.

Conclusion - National Site Networks and Appropriate Assessment

170. I have found that the hydrological regime associated with the appeal site would not be materially impacted through the development and that freshwater flows

[53] CD L17 and CD L34
[54] CD L35

would not be impacted materially or significantly. In addition, I do not consider that there is any reasonable substantive basis to suggest that there would be the displacement of recreational activity of an extent that would cause demonstrable harm to the integrity of the National Site Networks.

171. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), as competent authority, I am required to undertake an Appropriate Assessment of the appeal development, in combination, on the basis of Likely Significant Effects on the National Site Networks.

172. The HRA prepared by the Council was considered by Natural England. Their final advice[55], dated 25 September 2024 and subsequently reaffirmed to the Planning Inspectorate on 28 July 2025, confirmed that Natural England concur with the conclusions in the HRA that the proposal will not result in adverse effects on the integrity of designated sites provided that the embedded mitigation measures agreed under the scheme to mitigate against increased noise and visual disturbance on Solent SPA birds are secured. These measures are in the form of perimeter bunds and screening detailed in the Environment Statement Chapter 7: Noise (Cemex, December 2021) - Shadow Habitats Regulations Assessment (LC Ecological Services, October 2023) - Environment Statement Non-Technical Summery (Cemex, November 2023).

173. The suggested planning conditions would ensure that bunds would be provided prior to the commencement of any extraction operations. Conditions would also place noise limits on the development. Although subject to further consideration later in this decision, the UU would provide for a long-term management plan for the whole site for a post-restoration period of 30 years.

174. Having reviewed the evidence myself, as a competent authority, taking into account the advice of Natural England, I agree with the foregoing findings of the Council's HRA, the Appellant's shadow HRA and Addendum shadow HRA, all of which came to the same conclusions that the appeal proposal would have no significant adverse effects on the integrity of the National Site Networks, alone or in combination with other plans and projects. Accordingly, I conclude that there would be no significant adverse effect on the integrity of the National Site Network

175. Taking all ecological work undertaken and associated matters into account, with the imposition of the relevant planning conditions, I consider that the proposed development would accord with the provisions of Policy 3 of the HMWP and Policy DM11 of the EBLP. These policies, amongst other things, that minerals and waste development should not have a significant adverse effect on important habitats and species and that development which is likely (either individually or in combination with other developments) to adversely affect the integrity of an international or European nature conservation site will not be permitted subject only to imperative reasons of overriding public interest.

Other Matters

Effect on Heritage Assets

176. Although the Council's reasons for the refusal of planning permission do not identify any concerns regarding the impact of the proposed development on

[55] CD D6

designated heritage assets, I am nevertheless required to have regard to the statutory duty to consider the effect of the proposal on such assets within the context of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Although I have no evidence of any comments being received from Historic England, I have had regard to the desirability of preserving or enhancing the designated heritage assets.

177. The Archaeology and Cultural Heritage Chapter of the ES[56] sets out that a 3km study area around the site was used to identify built heritage assets within the vicinity that might be affected by the proposed development. The site itself incorporates 10 archaeological 'Monument Records' identified on the Council's Historic Environment Records. Although there are artefacts associated with an Iron-Age kiln bar recorded as 'Kiln Ground', the remaining monument records are all of post-Medieval date and are primarily associated with the former Hamble Airfield. These include the sites of former WWII pillboxes, WWII hangars, and an underground Battle Headquarters.

178. It is proposed to undertake appropriate archaeological investigation and recording of the site prior to mineral extraction. Such works are proposed to be carried out across each quarry phase prior to workings commencing in that particular location. In the event that archaeological remains are identified, an appropriate level of archaeological investigation and recording to mitigate any potential impact to any identified remains would take place. These measures would be secured by an appropriately worded planning condition.

179. There are 6 Scheduled Monuments in the wider study area, of which three were assessed. I concur that those that were not assessed, are suitably shielded from the development (by distance, topography and intervening built development) that no settings analysis was deemed required.

180. Of the assessed monuments, the nearest is detailed as 'Promentory defined by Iron Age linear, St Andrew's Castle, and other remains on Hamble Common' which lie approximately 850m to the south. The next nearest assessed monument is 'Netley Abbey'which lies approximately 2.15km to the west. Nearby is the final assessed monument, being 'Netley Castle' which lies approximately 2.36km to the west.

181. Due to the character of the surrounding landscape, being an oil terminal to the immediate west, and Hamble Point Marina and Boat Yard to the east, it is difficult to identify any discernible secondary setting to the 'Promentory' monument, although its setting does take in wider views across the water, which were an integral element of its past function as a defensive site affording protection to military sites further up the Hamble and on Southampton Water. Owing to the intervening distance and built development, the proposal would have no material effect on the heritage significance of this asset.

182. With regard to 'Netley Abbey', the primary setting of the monument is largely confined to the open plot that contains the scheduled area. This is bounded on all sides by mature woodland belts, with those on the southeast edge being particularly dense. Due to its secluded setting there are few outward views across the surrounding landscape. Furthermore, I do not consider that the tranquillity of the asset would be affected by any noise or other disturbance associated with the

[56] CD B16

proposed development. Taking these factors into account, the proposal would have no material effect on the heritage significance of this asset.

183. Netley Castle comprises a 16th Century building, formerly a coastal fort. Its primary setting is confined to its associated pleasant grounds to all sides, bordered by mature treed boundaries affording the asset a rather secluded setting. It is sited on the coastal margin and takes in views across Southampton Water, which also forms part of its setting. Owing to the intervening distance and the presence of existing built development, the proposal would have no material effect on the heritage significance of this asset.

184. The 'Royal Victoria Country Park (formerly Royal Victoria Military Hospital)' (Grade II) is a Registered Park and Garden (RPG) lying approximately 160m to the west of the site. The grounds of what was, before it was demolished in 1966, the largest military hospital in the world, opened in 1863 overlooking Southampton Water. The setting of the remaining Chapel has been considerably altered with the past demolition of its associated hospital. The RPG was intended to provide a place of refuge and recovery. Its primary setting comprises the formal grounds to all sides, with views out across Southampton Water. Its secondary setting takes in the wider former hospital grounds, now the Royal Victoria Country Park.

185. The closest element of the Park to the appeal site, is a spur of land to the former cemetery, which extends north-east from the site of the former main hospital building, crosses a steep-sided wooded valley, West Wood. Due to distance, and the presence of dense woodland (West Wood) along the Park's eastern flank (and further wooded belts beyond), there are no significant views from the RPG or significant historic buildings/structures to the appeal site or indeed any sequential views. Furthermore, there be material change to the noise environment. Consequently, the character and setting of the park and gardens would not be affected by the proposed development and there would be no effect on the heritage significance of this asset.

186. There are 15 Listed Buildings (Grade II* and Grade II) within the study area which were chosen for detailed assessment (due to their locations in relation to the site). Six are of Grade II* status and nine are of Grade II status.

187. I have taken into account the descriptions and key heritage features of the assessed listed buildings and their settings as provided in Table 11.5 of the Archaeology and Cultural Heritage Chapter of the ES. The assessment for each concludes that, owing to combinations of topography, intervening vegetation and built development, the proposal would have no effect on the character, setting or heritage significance of these assets. Having reviewed this uncontested evidence, and from my observations at my site visit, I am satisfied that the proposed development would have no effect on the heritage significance of the identified assets.

188. The nearest Conservation Area to the Site is Old Bursledon, which lies approximately 50m from the north-eastern boundary of the site. The historic core of the settlement of Hamble is also a Conservation Area, and its northern edge lies approximately 150m from the southern boundary of the site. Other assessed Conservation Areas include Warsash (1.3km to the southeast), Netley (1.7km to the west) and Swanwick Shore (1.85km to the northeast).

189. With regard to the Old Bursleton, the character and appearance of the Conservation Area is derived from its historic pattern, association with the extensive salt marshes along the Hamble, through onto the wooded valley slopes leading up to the settlement of Old Bursledon. The Assessment suggests that key views associated with the Conservation Area would not extend to the site, albeit the wooded Badnam Copse is in close proximity to the northeastern boundary of the site. Whilst the character, setting and significance of the greater part of the Conservation Area would not be affected by the proposed development, there may be a reversible low magnitude of change to the setting of this small part of the designation. However, I consider that this would have no material effect on the heritage significance of this asset overall.

190. The Hamble Conservation Area covers Hamble village and focuses on the High Street leading down from The Square to The Quay and the River Hamble. The area also incorporates Green Lane and Hamble Green to the south, School Lane and St Andrews Church to the west and land north of the Royal Air Force Yacht Club including the 1930s Crowsport Estate (added in 2008), east of Satchell Lane.

191. The character and appearance of the Conservation Area is derived from its historic pattern, the use of traditional materials and buildings concentrated in a diffuse arrangement along High Street, The Quay, School Lane and to the east of Satchell Lane. The setting of the majority of buildings is focussed along High Street and around The Quay, with a decidedly inward focus, although some parts of the designation have pleasant views to the east, out across the Hamble.

192. Key views associated with the Hamble Conservation Area do not extend to or from the appeal Site. In my view, the character and setting of the Conservation Area would not be affected by the proposed development.

193. The Netley and Swanwick Shore Conservation Areas are located some distance from the appeal site and are separated from it by intervening development and landscape such that there are no direct views between the appeal site and these heritage assets. The character and setting of these Conservation Areas would not be affected by the proposed development.

194. Having regard to my statutory duty to have special regard to the desirability of preserving a listed building or its setting I find that none of the listed buildings or their settings would be harmed by this proposed development. On the basis of the above, I find that the proposed development would have no effect on the heritage significance of the identified assets. Consequently, there would be no conflict with Policy 7 of the HMWP, Strategic Policy S8 and Policy DM12 of the EBLP. These policies, amongst other things, require minerals and waste developments to protect and, wherever possible, enhance Hampshire's historic environment.

Air Quality

195. Air quality and health is not an issue for the Council but is a major concern for local residents and was reflected in many written and oral submissions. The Main SoCG confirms that the Air Quality Assessment[57] undertaken and submitted for the application was appropriate in terms of its methodology and its results are agreed with the Council. In particular, the Council employed an independent

[57] CD A35, CD B90

consultant (RSK Environment Ltd) to carry out a review of the planning application and associated documents insofar as they related to air quality. This included ES chapters related to Air Quality, including the air quality assessment, Transport Planning Statement, Technical Notes and a number of consultee responses (UKHSA, Eastleigh Borough Council and Hamble Parish Council) and third-party representations. The review concluded that the Appellant's assessments in this regard followed appropriate methodology and its conclusions could therefore be relied upon.

196. Collectively, the technical assessments provided to support the planning application, as confirmed in the Planning Officer's Report to the Council's Regulatory Committee, conclude that the effect of the proposed development would be 'not significant' in terms of its effect upon amenity at sensitive receptors, the effect from dust on ecological receptors, and the effect from traffic emissions on human and ecological receptors.

197. The assessments describe the existing air quality conditions surrounding the site, both with and without the proposed development, assess the likely impacts of dust and vehicle emissions from proposed operations on local air quality and the amenity of local receptors in the context of the current legislative framework and guidance. They also considered the proposed onsite embedded mitigation measures proposed in a Dust Management Plan which would be used on site.

198. The assessments have considered the guidance provided in the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Mineral Dust Impacts for Planning'. They follow the recommended qualitative approach in considering the potential for any such dust to impact existing nearby properties and land uses through assessment of the distance and orientation to receptors, prevailing weather conditions, topography and screening.

199. With regard to Air Quality, the assessments demonstrate that the scheme will not cause any exceedances of the air quality objectives. In particular, the proposal would result in a negligible change in air quality for Nox (nitrogen oxides), PM_{10} (particles less than 10 micrometres in diameter) and $PM_{2.5}$ (particles less than 2.5 micrometres in diameter) as a result of traffic emissions. The assessment results are well within the Air Quality Assessment Levels (AQAL). Similarly, they demonstrate that the increase in traffic in the Hamble Lane AQMA will result in a negligible change in air quality.

200. With good practice dust controls, which can be secured by proposed conditions (Nos. 38 and 39) there is a negligible risk of dust soiling and PM_{10} health effects due to operations at the site. The Appellant is willing to monitor air quality as set out in Section 5 of the submitted Dust Management Plan to include monitoring locations prior to and during operations to cover Hamble Primary School to the west and The Hamble School to the north. This could be secured by proposed planning condition No. 39.

201. Interested parties are concerned about the effect of dust on health. A proportion of PM_{10} emitted from the proposed development could comprise respirable crystalline silica (RCS). Silica is a naturally occurring substance found in varying amounts in most rocks, sand and clay and the long-term inhalation of RCS may give rise to silicosis. There is understandably no evidence of what proportion of RCS may be emitted or how likely the extraction of the proposed minerals would

generate RCS emissions as this cannot be determined with any degree of certainty. There is evidence that RCS risk is increased where minerals are crushed, whereas the appeal scheme proposes only screening. However, RCS is a recognised hazard for personnel working at quarries and was an emotive issue for local residents and the parents of pupils who attend local schools.

202. There is no UK established or recommended ambient air quality standard for RCS nor is there any recommended methodology for the assessment for potential RCS emissions to ambient air or potential off-site impacts. In my view the implementation of dust suppression measures in accordance with a Dust Management Plan would all serve to minimise the risk of any RCS emissions from the site. There is no compelling evidence that clearly demonstrates that the proposed development would pose a potential significant risk to the local population due to RCS.

203. The ES also included a Health Impact Assessment[58]. This concludes that there are no significant adverse effects to health as a result of the scheme. Although various technical consultees requested further information in respect of air quality issues, I am mindful that no concerns were eventually raised by any consultee that would form a sustainable basis on which to dismiss this appeal. I therefore conclude that the proposal would be unlikely to have a significant adverse effect on public health with reference to air quality.

204. I now turn to consider whether, in the absence of objective justification for the public health concerns raised with respect to air quality, land use consequences would flow from the perception of harm. It is clear from the submissions made that a significant number of existing residents in the area are concerned at the potential air quality impacts. Understandably, relatively few who cite this concern have engaged on an evidential basis. However, taking into account my findings above, I consider that only limited weight is attributable to the perception of harm to public health.

205. I have no contrary technical evidence to suggest that the assessments provided by the Appellant, or following their evaluation by technical consultees, may be incorrect. Overall, I am satisfied that, subject to appropriate planning conditions setting out mitigation and compliance measures, the proposed development would not, by reason of dust or poor air quality, have a significant adverse effect on the amenity of the area or the living conditions and health of those living nearby or using recreational features. Consequently, I find no conflict with the relevant provisions of Policy 10 of the HMWP.

Noise

206. The ES included a noise assessment (Chapter 7) which was updated with revised baseline data in 2022. Although the impact of noise was not identified by the Council as a reason for the refusal of planning permission, it is clear that this is a concern to local residents and The Hamble School. In particular, the school are concerned at the proximity of the building used for examinations to the site boundary and the potential for noise to disrupt student attention during examinations.

[58] CD B87

207. The noise assessment includes background noise monitoring data for six noise sensitive locations, which include properties around the western, southern and eastern boundaries. This includes Astral Gardens, Tutor Close, properties on Satchell Lane and Hamble Lane, Wessex Manor and The Hamble School, located to the north of the site.

208. The assessment provides a calculation of predicted noise levels that would be received at the noise sensitive locations, taking into account the embedded mitigation provided by the proposed peripheral screening/noise bunds. It then considers the noise levels in the context of the guidance provided in the PPG (Minerals) in respect of noise limits for normal mineral operations and operations that may give rise to noisy short-term activities[59].

209. With mitigation, calculated site noise levels for routine operations are shown to not exceed 50 dB (LAeq,1 hour free field), based on worst-case scenarios. The assessment provides suggested site noise limits, ranging from 49 – 55 dB (LAeq,1 hour free field). These limits would comply with the guidance set out in PPG (Minerals) which sets out that the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For temporary operations, which include 2-3 weeks to construct the bund, calculated site noise level could reach 66 dB (LAeq,1 hour free field), albeit still within the 70dB(A) LAeq 1h (free field) limit set out in the PPG (Minerals).

210. The submitted noise assessment does identify that for a short period of time (suggested to be only a few days) during construction of the bund and soil stripping, the noise levels at the chosen receptors will result in a 'major/moderate' magnitude result having an 'adverse effect'. However, notwithstanding this, the noise levels within the temporary period would not exceed the 70dBLAeq, 1 hour (free field) normal maximum set out in the PPG (Minerals). The Appellant has confirmed that where this work occurs close to The Hamble School, it could be carried out during school holidays or when the school was not occupied. This could be secured through an appropriate planning condition.

211. The calculated noise levels are presented as a worst-case scenario and are unlikely to occur in practice. The predicted noise levels would all be within the guidelines set out in the PPG (Minerals) and would not exceed background noise levels by more than 10dB(A) during the site's working hours. Furthermore, the site is being worked in phases and noise will drop away with distance form sensitive locations.

212. Whilst I recognise the concerns of residents and the school, the submitted evidence demonstrates that the site can be worked while keeping noise emissions to within environmentally acceptable limits as set out in the PPG (Minerals). In the absence of any other technical evidence to the contrary, I am satisfied that the evidence submitted by the Appellant regarding noise impact is comprehensive, robust and compelling.

213. I find that the appeal scheme, subject to appropriate planning conditions, would not likely result in any significant adverse noise impacts for those residing or undertaking education in the vicinity of the appeal. Consequently, there would be no conflict with the relevant provisions of Policy 10 of the HMWP.

[59] PPG (Minerals) Paragraph: 021 Reference ID: 27-021-20140306 and Paragraph: 022 Reference ID: 27-022-20140306

Effect on the local economy

214. Interested parties and HDPG consider that the presence of an open quarry in the area would have a potentially significantly impact on the viability of nearby local businesses. The perception of visual harm, traffic impact and dust associated with the proximity of the proposed development to existing local businesses, in particular those associated with the boating industry, is considered to cause harm to the longer-term viability of such industries. In addition, it is considered that a quarry will inevitably make the area less attractive to visit and thereby have a detrimental effect on the tourist economy and those who use the River Hamble as a mooring facility. It was contended that the employment impact would be more significant than the estimated jobs created by the proposed development and that this impact would inure over a longer term than the duration of the development.

215. There was no conclusive evidence provided in the Inquiry to make any reasonable judgement of the effect of the proposal on existing economic development in the local area. Whilst I accept that the proposed development would not provide many jobs, my attention was not drawn to any policy in the Development Plan that may set out a minimum level of jobs to be created in a development proposal.

216. I recognise the concerns that the proposal may be perceived as a detractor to some businesses. However, I am not convinced that these concerns would be likely to translate into material land use considerations if the appeal were to be allowed and the appeal scheme was regulated in accordance with the suggested planning conditions and an Environmental Permit issued by the Environment Agency in respect of the infilling operations.

217. It seems to me that the local concerns derive from a perception of harm. There is no evidence before me to conclusively demonstrate that quarrying activity has materially adversely affected economic development elsewhere in the country.

218. Although the proposal would generate a small degree of local employment, there is no evidence to suggest that this would be a significant benefit to the local economy due to the specialist nature of some of the quarrying plant. In my view such local benefits would be modest, but nonetheless beneficial. Given the nature and scale of the proposed operation, I consider that the likely effect on the economy would be a benefit of minor significance.

219. The perception of harm to the local economy can be a material planning consideration. However, I am satisfied that, in the absence of any substantive evidence to the contrary, there would be no material harm to economic development interests in the locality. In these circumstances, I consider that only limited weight is attributable to the perception of harm to the local economy. In my view, the scheme would not give rise to a significant conflict between land uses in the area.

Other matters

220. In addition to the impacts considered above, I have also taken into account other concerns raised by interested parties regarding, amongst other matters, the potential effect of the proposed development on flood risk, ecology and light pollution. Although the above matters have been carefully noted, they do not alter the main issues which have been identified as the basis for the determination of

this appeal, particularly in circumstances where the Council has not objected to the appeal scheme for these other reasons.

Planning Obligation

221. The Appellant has submitted a Planning obligation by Unilateral Undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act 1990 which includes a number of obligations that would come into effect if planning permission were granted. These obligations would secure:

- Ecological Mitigation and Management Plan (EMMP) to be implemented from the date of implementation of any Pre-Commencement Requirements in the EMMP and then throughout the Development and then for a period of 30 years following conclusion of Restoration and Aftercare on the site;
- Routing agreement for HGVs serving the site;
- Contribution for transportation improvements in the vicinity of the site highway entrance;
- Provision of a permissive path running north-south along the east of the site and a permissive path on the west of the site;
- Commitment to establish a Community Liaison Panel; and a
- Monitoring fee for monitoring compliance with the legal agreement.

222. I have considered these obligations against the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and government policy and guidance relating to the use of planning obligations. The Council submitted a CIL Compliance Statement[60] which addresses the application of the statutory requirements to the obligations contained within the UU and set out the relevant planning policy support/justification. These are now dealt with in turn below.

223. The purpose of the obligation providing for the EMMP is to establish a programme of management and ecological works to integrate comprehensive ecological mitigation and compensation (as identified within the Environmental Statement), operational phase enhancement measures and the establishment and long-term management of habitat creation (as required by the restoration plan and the Biodiversity Net Gain assessment). It includes obligations relating to the submission and implementation of the EMMP, provision for site meetings and review process and any necessary revisions.

224. The EMMP would be used to establish a programme of management and ecological works which would provide comprehensive ecological mitigation and compensation to manage the impact of habitat losses and to establish enhancement measures throughout the development and thereafter during the EMMP period (30 years). This approach is supported by paragraphs 3.10 and 4.86 of the HMWP. The Council content that without a 30-year requirement for long-term management, it is not possible to have sufficient confidence that the ecological benefits of the proposal, that the appellant is requesting be weighted in the planning balance, would be achieved.

[60] ID 20

225. Although I am satisfied that this obligation would meet the statutory tests, there is dispute between the Council and the Appellant regarding Clause 14.6 of the UU. Clause 14.6 is not itself an obligation. Rather, it is a provision which governs the circumstances in which an obligation will (or will not) arise or continue. Clause 14.6 is as follows:

"In the event that:

(a) a New Planning Permission is granted; and

(b) the New Planning Permission is implemented by the carrying out of a material operation (as defined in Section 56(4) of the Act),

the obligations in Schedules One, Two, Three, Four and Five of this Deed shall cease and determine insofar as they apply to the Site or that part of the Site to which the New Planning Permission relates."

226. The Council opposes the inclusion of clause 14.6 on the basis that it is not CIL compliant. It contends that the clause is not "necessary" to make the current appeal proposal "acceptable in planning terms and it relates to a hypothetical future planning permission for an alternative use that is not "directly related" to the current appeal proposal, nor is it "fairly and reasonably related in scale and kind" to the current appeal proposal.

227. I have considered the views of the landowner[61], the Council[62], HPDG[63] and the Appellant regarding this matter[64]. In my view, the agreed ecological mitigation to be undertaken on the site is legally secured by the EMMP contained within the UU and the UU binds the site. Therefore, I am not convinced that the inclusion of Clause 14.6 has any effect on the continuation and effectiveness of those obligations in principle.

228. In addition, my attention has been drawn to case law regarding this matter and the contention by the landowner that a Section 106 planning obligation remains lawful, binding and enforceable, notwithstanding that it may not meet the tests found in regulation 122.

229. It follows from the above that the routine inclusion in section 106 deeds and agreements of "blue pencil" provisions such as Clause 16.1 is not necessary in order to ensure that the grant of planning permission is valid: all that is required in that regard is for the decision-maker to make it clear in their decision that provisions of an obligation which do not meet the reg 122 tests have played no part in the decision whether to grant permission. Provided that is done, regulation 122 would be satisfied.

230. The only circumstances in which Clause 14.6 would take effect is if there were a subsequent planning application and then decision a by a local planning authority (or the Secretary of State on appeal) to grant planning permission. Any such decision in the future (if it were to occur) would have to be taken on the basis that any resulting release from the existing obligation was indeed acceptable from a planning perspective and ensured that any necessary additional conditions or obligations were imposed to ensure that acceptability. Any release under Clause

[61] ID81
[62] ID82
[63] ID83
[64] ID84

14.6 could only ever arise if the release itself were acceptable in planning terms where, for example, an equivalent condition or obligation secured an acceptable planning result.

231. Accordingly, if there were ever to be an application to develop all or any part of the site at some time in the future, that decision maker would necessarily have to take into account the existence of the EMMP obligation over the land and would have to be satisfied that the terms of any grant of planning permission secured any necessary continuation of the obligations or any appropriate equivalent compensation or mitigation.

232. Furthermore, it is also the case that a section 106 obligation can itself be varied in the future in principle pursuant to an application under section 106A of the Town and Country Planning Act 1990, but again any such variation process relies upon the relevant local planning authority continuing to exercise its powers appropriately in the interests of good planning. Even if clause 14.6 formed no part of the obligation, the decision maker could still be faced with an application to develop all, or part of the site which would similarly require a need to consider whether the obligation should be varied.

233. In my view, the concerns of the Council are predicated on a hypothetical future scenario. In respect of the development before me, Clause 14.6 does not bring into question the deliverability of the scheme and the continuation of the obligations of the EMMP. If planning permission were to be granted by the relevant local planning authority for future development of the appeal site, or any part of it, any such planning permission would necessarily have to address any subsisting obligations and to address them as a matter of principle. If, having done so, there is a basis for granting planning permission on whatever terms are then considered to be acceptable to address those subsisting obligations, logically there would be no requirement for the obligations to continue. Unless and until that happened, the section 106 undertaking secures the obligation for the 30 year period in any event.

234. Thus, even if clause 14.6 was not included in the UU, this would not fetter an application coming forward for development on all or part of the site in which the relevant local planning authority would need to consider the planning merits of the proposal and whether release of the obligations would be appropriate.

235. Taking the above matters into account, I do not consider that the inclusion of clause 14.6 would breach Policy 3 of the HMWP. The ecological obligations are properly and legally secured by the UU in the form of the EMMP and Clause 14.6 could only ever operate in the event of a local planning authority deciding that release from such obligations was acceptable in planning terms. Consequently, I have attached little weight to the existence of clause 14.6 in my determination of this appeal.

236. Turning now to the other obligations, the routing agreement requires that HGVs travelling to and from the site to follow only the Permitted Route identified on the HGV Routing Plan except in the case of a defined emergency or exceptional event; the installation of signage on site to display the Permitted Route to drivers on the site; and an obligation to ensure that HGV drivers are under a contractual obligation to only follow the Permitted Route with an escalating system of warning resulting in contract termination for breaches. This would ensure that the policy

requirements of the Hampshire Local Transport Plan 4 and Policy 12 of the HMWP would be met. I am satisfied that this obligation would meet the statutory tests.

237. I have discussed above the provision of a financial contribution to assist in mitigating the transport impacts of the proposed development. A CIL Compliance Statement was also prepared by the local highway authority[65] which provides more information on the proposed obligation including more detail on what needs to be mitigated, why the specific element of the scheme has been chosen, how it has been costed and how it would mitigate the impact of the development.

238. The contribution of £500,000 would be used to deliver improvements aimed at reducing the level of use of Hamble Lane by vehicles by improving walking and cycling facilities and access to public transport. This would assist with offsetting the impacts of the increased traffic from the proposed development on Hamble Lane with some existing car trips being replaced by trips on foot, by bike and by public transport. This approach is supported by the Hampshire Local Transport Plan 4 and Policy 12 of the HMWP. I am satisfied that this obligation would meet the statutory tests.

239. With regard to the provision of the permissive path, the obligation would provide more formalised access to the site when currently there is no authorised access. This would assist with mitigating the impacts of the loss of the current and informal recreation on the airfield. This approach is supported by paragraph 5.19 of the HMWP and ensures the site allocation development considerations (as set out in Appendix A of the HMWP) are met.

240. The delivery of the obligations relating to the establishment of a Community Liaison Panel is considered to be fairly and reasonably related in scale and kind to the development as it is standard practice for major minerals sites to have a liaison panel in Hampshire. This would offer comfort to the local community that there will be engagement during the life of the quarry.

241. The obligation relating to the monitoring fee provides a sum of £3,960 to help fund the ongoing monitoring of compliance with obligations and/or the collection of developer contributions, as well as to fulfil new reporting requirements introduced within the CIL (Amendment) Regulations 2019 as amended, related to the planning permission. The obligation is directly related to the development as the monitoring fee concerns the monitoring and delivery of the obligations of the UU. I am satisfied that this obligation would meet the statutory tests.

242. In conclusion I have found that the obligations are directly related to the proposed development, are fairly and reasonably related in scale and kind and are necessary to make the development acceptable in planning terms. The ecological obligations are properly and legally secured by the UU in the form of the EMMP. Clause 14.6 could only ever operate in the event that an alternative development scheme was submitted to the local planning authority who would have to consider whether release from such obligations was acceptable in planning terms.

243. I have no compelling evidence to indicate the likelihood, or otherwise, of such scheme coming forward in the future. Any basis for granting planning permission would need to address the subsisting obligations and consider in the planning

[65] CD K32

balance whether there would be a requirement for the obligations to continue. Unless and until that happened, the UU secures the relevant obligation for the 30-year period in any event.

Conditions

244. I have considered the proposed planning conditions[66], including a number of pre-commencement conditions, that have been provided by the Council. I have considered these against the advice given in paragraph 57 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the PPG. Where necessary I have amended them in the interests of clarity, precision, conciseness or enforceability.

245. In addition to the standard time limit for the commencement of development, I have imposed conditions relating to the duration of the permission and temporary suspension of operations (Nos. 2 and 3). I have also imposed a condition (No. 4) relating to the approved plans in the interests of certainty.

246. In the interests of public safety, conditions are necessary regarding the display of 24-hour emergency contact information (Nos. 5 and 6). In order to protect to the living conditions of the occupants of nearby properties, protect ecology and in the interests of highway safety, a condition is necessary requiring the submission and implementation of a Site Environmental Management Plan (No. 7). Also to protect the living conditions of nearby residents and in the interests of pedestrian and cycling safety, conditions are necessary to define operational working hours, prevention of HGVs leaving the site during school opening and closing times and plant and vehicle maintenance hours (Nos. 10, 11, 12).

247. In the interests of protecting the living conditions of the occupants of nearby properties and to ensuring adequate control over the progress of the development, conditions are necessary to define existing ground levels, define maximum heights of stockpiles and to ensure that no extraction of mineral in Phase 5 commences Phase 2 has been restored (Nos. 8 and 9). Also in the interests of protecting the living conditions of the occupants of nearby properties conditions are necessary requiring the submission and implementation of a Noise Management Plan, defining noise levels at noise sensitive locations, limitations of on-site vehicle speeds, implementation of the measures defined in the Dust Management Plan, a scheme for the monitoring of dust and details of external lighting (Nos. 34, 35, 36, 37, 38, 39 and 40).

248. To retain the quality of stripped and stored soils and ensure the restoration of the site, conditions are necessary to provide details of topsoil and subsoil stripping, storage and replacement by the provision and implementation of a Soil Management Plan, and to ensure that no soils are exported from the site (Nos. 13 and 14).

249. A number of conditions (Nos. 15, 16, 17, 18 and 25) are necessary relating to the operation of the site, management of the importation and deposition of the inert fill to ensure that only inert fill is imported, measures to deal with any contaminated material imported to the site or encountered on the site. These conditions are necessary to provide control over the infill operations, protect the environment and the living conditions of nearby residents.

[66] ID67

250. In the interests of highway safety and the free flow of traffic on the surrounding highway network, conditions are necessary to provide restrictions on the number of vehicle movements and measures to ensure that no deleterious material is deposited on the public highway (Nos. 19 and 20). In order to ensure the safe movement of aircraft and that the operation of Southampton International Airport is not endangered, a condition is necessary requiring the submission and implementation of a Bird Hazard Management Plan (No. 21).

251. To ensure that railway assets are not impacted by the proposed development, a condition is necessary requiring the submission and implementation of a Rail Asset Management Plan (No. 22). In order to ensure appropriate drainage of the site during the operational period and on restoration and to ensure the protection of Southern water assets, conditions are necessary requiring the submission and implementation of details of surface water drainage, ensuring stand-off distances to underground apparatus and the protection of public sewer infrastructure (Nos. 23, 24, 26 and 27).

252. In order to investigate and record any archaeological interest on the site, conditions are necessary requiring the submission and implementation of a scheme of archaeological investigation and recording (Nos. 28 and 29). Conditions requiring the implementation of details of landscaping, aftercare, measures to ensure the protection of retained trees and ecology are necessary (Nos. 30, 31, 32, 33, 41 and 42).

Planning Balance

253. The appeal site is allocated for the extraction of sand and gravel in the HMWP and the HMWP Partial Update. This existing and proposed allocation forms part of Hampshire's supply of sand and gravel for the Plan period of the existing and emerging Plan. The Development Plan is at the heart of the planning system, with a requirement set in law that planning decisions must be taken in line with the Development Plan unless material considerations indicate otherwise. To my mind one of its purposes is to provide certainty for developers and third parties alike about the location and nature of future development. The principle of the proposed development is therefore already established by the allocation in the adopted development plan.

254. There is a demonstrable need for the proposed development to contribute to the future supply of sand and gravel in this part of Hampshire and maintain the landbank of sand and gravel in respect of both the adopted HMWP and the emerging HMWP Partial Update. I have attached significant weight to this matter.

255. The proposal would not result in an unacceptable impact on highway safety, nor would it cause a severe residual cumulative impact on the road network. In addition, the appeal proposal would have no significant adverse effects on the integrity of the National Sites Networks, alone or in combination with other plans and projects.

256. Subject to appropriate planning conditions, the proposed development would not, by reason of noise, dust or poor air quality, have a significant and demonstrable adverse effect on the amenity of the area or the living conditions and health of those living nearby or using educational facilities. In terms of heritage, the proposed development would have no effect on the heritage significance of the identified assets.

257. Paragraph 11 of the Framework sets out that planning decisions should apply a presumption in favour of sustainable development and that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay. In this case, I have found that the appeal scheme would accord with the relevant provisions of the adopted HMWP. There are significant benefits associated with the appeal scheme and on balance, having regard to the main issues and the other matters raised, that the benefits of the scheme would outweigh any adverse impacts likely to be associated with it.

Conclusion

258. There are no other considerations of such weight as to warrant a decision other than in accordance with the aforementioned development plan policies and the Framework. Consequently, for the above reasons, based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

ANNEX A - APPEARANCES

FOR THE APPELLANT:

James Stachan KC Counsel for the Appellant	Instructed by Brain Greenwood Clyde & Co. LLP
He called	
Dr Rachel Dewhurst BSc (Hons), PhD Geology, CGeol, FGS	Senior Technical Director Stantec UK Limited
Danny De La Hey BSc (Hons), Associate Ecologist	Team Leader, Habitats Regulations Assessment Team, Tetra Tech Limited
Ben Howard BA (Hons), MSc, MCIHT	Partner, i-Transport LLP
Emma Pearman BA (Hons), MSc, MRTPI	Principal Development Planner Cemex UK Operations Limited

FOR HAMPSHIRE COUNTY COUNCIL

Gwion Lewis KC Counsel for the Mineral Planning Authority	Instructed by James Hammond Hampshire County Council
He called	
Lisa Kirby-Hawkes BSc (Hons), MSc, MRTPI	Head of Development Management and Flood and Water Management Hampshire County Council

FOR THE HAMBLE PENINSULAR DEFENCE GROUP (RULE 6 PARTY)

Ben Fullbrook Counsel for the Rule 6 Party	Instructed by Leigh Day on behalf of the Rule 6 Party
He called	
Tony Clothier PhD, BSc Eng (Civil), CEng, CEnv, C.WEM	Director Water Environment Ltd
Richard Andrews CEnv, FCIEEM	Andrews Wildlife Consultants
Andrew Whittingham BSc, MSc, CEng, MICE	Director, Motion
Katherine Else BSc (Hons), DipTP, MRTPI	Managing Director Claremont Planning

INTERESTED PARTIES

Paul Holmes MP	Member of Parliament for Hamble Valley
Cllr Keith House	Hampshire County Councillor
Professor Stephen Holgate	Advisor to the Royal College of physicians on air quality
Christian Walton	Vice Chair of Governors, Hamble Primary School
Alex Ryding	CooperVision
Nicholas Griffith	Managing Director, Ancasta Group
Max Brealey	Head Boy, The Hamble School
Annalisa Kenneth	Pupil, The Hamble School
Martha Hart	Pupil, Hamble Primary School
Oliver Fradgley	Pupil, Hamble Early Years
Isabelle Bidwell	Pupil, The Hamble School
Cllr Malcolm Wallace	Hampshire County Councillor
Cllr Crawford	Hampshire County Councillor
Dr Mark Tomson	Senior Partner, Blackthorn Health Centre
Vicky Hillman	Local resident
Hannah Craggs	Chair of Governors, The Hamble School
Lyndsey McClay	Marine business representative
Lisa Rochford	Royal Southern Yacht Club, RAF Yacht Club, Hamble River Sailing Club
Dr Robert Hillman	Local resident
Dr Susie Tomson	Chartered Environmentalist
Tony Peter	Local resident
Fred Wales	Hamble Allotment Gardens
Ian Southworth	Warndon Sails Ltd
Craig Cossar	Director, The Vital Spark
Glen Jewell	Hamble Allotment Gardens
Angela Fowler	Local resident
Lizzie Shawcroft	Jenny's Café
Kay Kilby	Local resident
Steve Hinton Lever	Local resident/business representative
Kay Linders Kilby	Local resident
Louise Clayton	Local resident
Vicky Mansfield	Local resident and Holiday Homes Owner
Kerry Marchbank	Local resident
Georgie Baker	Local resident

Sara Sutcliffe	Chief Executive, Royal Yachting Association
Mike Ottaway (on behalf of Donna Jones)	Police & Crime Commissioner for Hampshire & the Isle of Wight
Brian Timbrell	Local resident
Timothy Thubron	Local resident
Andrew Daniels (on behalf of Dani Rowe)	Gold Medal Olympian
Andrew Daniels	Local resident
Bill Blain	Local resident and Professor of Economics, Edinburgh Business School
Phil Riley	Local resident
Phil Riley (on behalf of Janine Austin)	Local resident
Cllr Prad Baines	Hampshire County Councillor
Rebecca Staniforth	Local resident
Kelly McGrath	Local resident
Marty Southworth	Sea Scouts
Ted Hill	Chair, Wetwheels Hamble
Valerie Archibald	Mercury Area Residents Association
Eddie Hill	Local resident
Ian James	Local resident
Steve Tilbury	Steve Tilbury Consulting

ANNEX B

LIST OF DOCUMENTS SUBMITTED DURING THE INQUIRY

INQUIRY DOCUMENT (ID)	DESCRIPTION OF DOCUMENT
ID1	Note regarding Table 2.2 of Andrew Whittingham Proof of Evidence
ID2	Note by Andrew Whittingham relating to correspondence regarding the highway mitigation costings
ID3	Appellant's Opening Statement
ID4	Council's Opening Statement
ID5	Rule 6 Party Opening Statement
ID6	Speaking Note of submissions made by Councillor Alex Crawford
ID7	Air Quality Domain Scores for Lower Super Output Areas (LSOAs) in the Wessex Region
ID8	Estimated NO2 and PM2.5 background air pollution at quarry sites at quarry sites in the England for 2023
ID9	Speaking Note of submissions made by Glen and Sarah Jewell
ID10	Environment Agency Weekly rainfall and river flow summary Wednesday 26 March to Tuesday 1 April 2025
ID11	Draft S106 Agreement and Annexes
ID12	Speaking Note of submissions made by Christian Walton
ID13	Position Statement on behalf of Ideal Homes Southern Limited
ID14	Inquiry Note provided by Appellant regarding the Permissive Path
ID15	Speaking Note of submissions made by Councillor Keith House
ID16	Speaking Note of submissions made by Hannah Craggs
ID17	Speaking Note of submissions made by Max Brealey
ID18	Speaking Note of submissions made by Annalisa Kenneth

ID19	Speaking Note of submissions made by Councillor Malcolm Wallace
ID20	Speaking Note of submissions made by Tim Thubron
ID21	Speaking Note of submissions made by Sara Sutcliffe
ID22	Speaking Note of submissions made by Phil Riley
ID23	Speaking Note of submissions made by Brian Trimbrell
ID24	Speaking Note of submissions made by Bill Blain
ID25	Speaking Note of submissions made by Andrew Daniels
ID26	Speaking Note of submissions made by Professor Stephen Holgate
ID27	Speaking Note of submissions made by Nicolas Griffith
ID28	Speaking Note of submissions made by Dr Mark Thomson
ID29	Speaking Note of submissions made by Lisa Rochford
ID30	Speaking Note of submissions made by Dr Susie Thomson
ID31	Speaking Note of submissions made by Fred Wales
ID32	Speaking Note of submissions made by Ian Southworth
ID33	Submissions made by Craig Cossar
ID34	Speaking Note of submissions made by Louise Clayton
ID35	Speaking Note of submissions made by Kerry Marchbank
ID36	Speaking Note of submissions made by Alex Ryding
ID37	Speaking Note of submissions made by Isabelle Bidwell
ID38	Speaking Note of submissions made by Vicky Hillman
ID39	Speaking Note of submissions made by Robert Hillman
ID40	Speaking Note of submissions made by Tony Peters
ID41	Speaking Note of submissions made by Angela Fowler

ID42	Speaking Note of submissions made by Lizzie Shawcroft
ID43	Speaking Note of submissions made by Kay Kilby
ID44	Speaking Note of submissions made by Vicky Mansfield
ID45	Speaking Note of submissions made by Georgie Baker
ID46	Submissions (unread) made by Rebecca Staniforth
ID47	Submissions (unread) made by Kelly McGrath
ID48	Submissions (unread) made by Marty Southworth
ID49	Submissions (unread) made by Ted Hill
ID50	Submissions (unread) made by Valerie Archibold
ID51	Submissions (unread) made by Eddie hill
ID52	Submissions (unread) made by Iain James
ID53	Speaking Note of submissions made by Mike Ottaway on behalf of Donna Jones
ID54	Speaking Note of submissions made by Martha Hart
ID55	Appellant note setting the implications in the consideration of Flood Risk of the application of the Flood Estimate Handbook 2022 in comparison with the Flood Estimate handbook 2013
ID56	Plan showing agreed distances between the appeal site and Protected Sites
ID57	Draft S106 Agreement (Clean Copy)
ID58	Draft S106 Agreement (with tracked comments)
ID59	Letter dated 23 May 2025 from HCC Legal Services regarding S106 Highway Contribution
ID60	S106 Landscape Layout Plan (Operational Phase) Plan Ref 21-08-HAMB-1717-P1-LAND Rev C – 19.5.2025
ID61	S106 Site Entrance Plan 22-10/P1/HMBL/4D – 21.05.2025
ID62	Schedule of Draft Planning Conditions – updated 3.06.2025

ID63	Statement of Common Ground on Highway Matters between Appellant and Rule 6 Party dated 6.06.2025
ID64	Draft S106 Agreement with Rule 6 Party comments
ID65	Schedule of Draft Planning Conditions with Rule 6 Party comments
ID66	Technical Note – Meteorological Data dated 19.06.2025
ID67	Schedule of Draft Planning Conditions – updated 16.06.2025
ID68	Supreme Court Judgement Regina (Morge) v Hampshire County Council [2011] UKSC 2
ID69	Draft S106 Agreement with Rule 6 party comments 13.06.2025
ID70	Email to PINS from Clyde & Co regarding Leigh Day comments on Draft S106 Agreement
ID71	Speaking Note of submissions made by Councillor Prad Baines
ID72	Technical Note provided by Appellant regarding cost estimate for the footway / cycleway improvements
ID73	Technical Note provided by Rule 6 Party regarding cost estimate for the footway / cycleway improvements
ID74	Draft Planning Obligation by Unilateral Undertaking
ID75	Council closing submissions
ID76	Rule 6 Party closing submissions
ID77	Appellant’s closing submissions

ANNEX C

LIST OF DOCUMENTS REQUESTED BY THE INSPECTOR AND SUBMITTED AFTER THE CLOSE OF THE ORAL SESSIONS OF THE INQUIRY

INQUIRY DOCUMENT (ID)	DESCRIPTION OF DOCUMENT
ID78	Draft Planning Obligation by Unilateral Undertaking with tracked changes addressing Rule 6 Party comments
ID79	Planning Obligation by Unilateral Undertaking Engrossment Copy
ID80	HCC CIL Compliance Statement
ID81	Letter from Clarke Wilmott on behalf of landowner regarding clause 14.6 of the Planning Obligation by Unilateral Undertaking
ID82	Response to letter from Clarke Wilmott by Council
ID83	Response to letter from Clarke Wilmott by Council Rule 6 Party
ID84	Response to letter from Clarke Wilmott by Appellant

ANNEX D

CORE DOCUMENTS (CD)

PLANNING APPLICATION (ORIGINAL SUBMISSION DEC 2021)

PLANNING APPLICATION AND PLANS			
CD REF.	**DOCUMENT**	**TOPIC/PLAN REF**	**SUPERSEDED?**
A1	Vol 1 – Planning Statement	Various	Yes
A2	Vol 1 Appendix 1 – Application form	Application form	Yes
A3	Vol 1 Appendix 2 – Location Plan	Plan – ref 21-10/P1/HMBL/1	No
A4	Vol 1 Appendix 2 – Proposed Plant Site Layout	Plan – ref TD 21030 SHT 2 of 3 Rev L	Yes
A5	Vol 1 Appendix 2 – Proposed Site Plan	Plan – ref TD 21030 SHT 1 of 3 Rev L	Yes
A6	Vol 1 Appendix 2 – Proposed Plant Site Elevations	Plan – ref TD 21030 SHT 3 of 3 Rev L	No
A7	Vol 1 Appendix 2 – Method of Working Plans (Parts 1 and 2)	Plans – Ref 21-12 HAMBLE_PHASING OVERVIEW.LSS 21-12_HAMBLE_PHASE 1.LSS 21-12_HAMBLE_PHASE 2.LSS 21-12_HAMBLE_PHASE 3.LSS, 21-12_HAMBLE_PHASE 4.LSS, 21-12_HAMBLE_PHASE 5.LSS, 21-12_HAMBLE_PHASE 6.LSS, 21-12_HAMBLE_PHASE 7.LSS, 21-12_HAMBLE_PHASE 7B.LSS, 21-12_HAMBLE_PHASE 8.LSS,	Yes

		21-12_HAMBLE_PHASE 9.LSS (ALL DATED 07.12.21)	
A8	Vol 1 Appendix 2 – Restoration Plan	Plan – ref 21-08-HAMB1717-P1-REST	Yes
A9	Vol 1 Appendix 2 – Lighting Layout Plant Area	Plan – ref TD 21045 SHT 2 of 2 Rev B	Yes
A10	Vol 1 Appendix 2 – Lighting Layout Entrance Car Park	Plan – ref TD 21045 SHT 1 of 2 Rev B	Yes
A11	Vol 1 Appendix 2 – Gate and Fence Elevations	Plans – ref L/FE/02, L/FE/21, L/FE/25, L/FE/27	No
A12	Vol 1 Appendix 2 – Landscape Detail Sections (Operational Phase)	Plan – ref 21-08-HAMB1717-P1-LAND-SECT	No
A13	A13 Vol 1 Appendix 2 – Landscape Layout Operational Phase	Plan – ref 21-08-HAMB1717-P1-LAND	Yes
A14	Vol 1 Appendix 3 – Arboricultural impact Assessment and Method Statement	TREES	Yes
A15	Vol 1 Appendix 3 – Tree Survey Constraint and Protection Plans	TREES – Plan refs 20- 07/L1/HMBL/4, 20- 07/L1/HMBL/3 REV E, 20-07/L1/HMBL/1 REV E PARTS 1-6, 20- 07/L1/HMBL/2 REV E PARTS 1-6.	Yes
A16	Vol 1 Appendix 4 – Geological Report	GEOLOGY	No
A17	Vol 1 Appendix 5 – Statement of Community Involvement	PUBLIC CONSULTATION	No
A18	Vol 2 Chapters 1-6 – Preliminary Chapters	INTRODUCTION, PROPOSAL, EIA REGULATIONS AND SCOPE, METHODOLOGY, ASSESSMENT TEAM, ALTERNATIVES	Yes
A19	Vol 2 Chapter 7 – Noise	NOISE	No
A20	Vol 2 Chapter 8 – Water Environment and Flood Risk	WATER ENVIRONMENT	No
A21	Vol 2 Chapter 9 – Landscape and Visual Impacts	LANDSCAPE AND VISUAL	No
A22	Vol 2 Chapter 9 – Figure 1A Topographic Context	LANDSCAPE AND VISUAL	No

A23	Vol 2 Chapter 9 – Figure 1B Land Use	LANDSCAPE AND VISUAL	No
A24	Vol 2 Chapter 9 – Figure 1C Landscape Designations	LANDSCAPE AND VISUAL	No
A25	Vol 2 Chapter 9 – Figure 1D Landscape Character	LANDSCAPE AND VISUAL	No
A26	Vol 2 Chapter 9 – Figure 2A ZTV	LANDSCAPE AND VISUAL	No
A27	Vol 2 Chapter 9 – Figure 2B Viewpoints and Visual Analysis	LANDSCAPE AND VISUAL	No
A28	Vol 2 Chapter 9 – Figure 2C LVIA and Restoration Sections	LANDSCAPE AND VISUAL	No
A29	Vol 2 Chapter 9 – Photosheets 1-2	LANDSCAPE AND VISUAL	No
A30	Vol 2 Chapter 9 – Photosheets 3-4	LANDSCAPE AND VISUAL	No
A31	Vol 2 Chapter 9 – Photosheets 5-6	LANDSCAPE AND VISUAL	No
A32	Vol 2 Chapter 9 – Photosheets 7-8	LANDSCAPE AND VISUAL	No
A33	Vol 2 Chapter 10 – Ecology	ECOLOGY	Yes
A34	Vol 2 Chapter 11 – Archaeology and Cultural Heritage	ARCHAEOLOGY	Yes
A35	Vol 2 Chapter 12 – Air Quality	AIR QUALITY	No
A36	Vol 2 Chapter 13 – Transport	TRANSPORT	Yes
A37	Vol 2 Chapters 14 – 18 – Final Chapters	IMPLICATIONS OF NO DEVELOPMENT, HUMAN HEALTH, ACCIDENTS AND DISASTER, CLIMATE CHANGE, CONCLUSIONS	Yes
A38	Vol 2 Appendices 1.1-1.6 – Noise Appendices	NOISE	No
A39	Vol 2 Appendix 2.1 – Borehole Logs	WATER ENVIRONMENT	No
A40	Vol 2 Appendix 2.2 – Flood Risk Assessment	WATER ENVIRONMENT	No but see further information submitted
A41	Vol 2 Appendix 2.3 – Estimation of hydraulic conductivity	WATER ENVIRONMENT	No
A42	Vol 2 Appendix 2.4 – Saturated Thickness Chart	WATER ENVIRONMENT	No
A43	Vol 2 Appendix 2.5 – Ground Condition Assessment (Parts 1 & 2)	WATER ENVIRONMENT	No

A44	Vol 2 Appendix 3.1 – Visual Elements	LANDSCAPE AND VISUAL	No
A45	Vol 2 Appendix 3.2 – Outline Landscape, Restoration and Aftercare Scheme	LANDSCAPE AND VISUAL	Yes
A46	Vol 2 Appendix 4.1 – Ecological Appraisal and Desk Study	ECOLOGY	No
A47	Vol 2 Appendix 4.2 – Shadow Habitats Regulations Assessment	ECOLOGY	Yes
A48	Vol 2 Appendix 4.3 – Bat Surveys	ECOLOGY	No
A49	Vol 2 Appendix 4.4 – Breeding and Wintering Bird Surveys	ECOLOGY	Yes
A50	Vol 2 Appendix 4.5 – Hazel Dormouse Survey	ECOLOGY	No
A51	Vol 2 Appendix 4.6 – Invertebrates Survey	ECOLOGY	No
A52	Vol 2 Appendix 4.7 – Reptile Surveys and Mitigation Strategy	ECOLOGY	Yes
A53	Vol 2 Appendix 5.1 – Desk Based Archaeological Assessment	ARCHAEOLOGY	No
A54	Vol 2 Appendices 6.1 & 6.2 – Modelling and Dust Risk Assessment Methodology	AIR QUALITY	No
A55	Vol 2 Appendix 7.1 – Transport Assessment Parts 1 & 2	TRANSPORT	No but see further information submitted
A56	Vol 2 Appendix 8.1 – ESSO Pipeline	VULNERABILITY TO ACCIDENTS AND DISASTER	No
A57	Vol 2 Appendix 8.2 – Exolum Pipeline	VULNERABILITY TO ACCIDENTS AND DISASTER	No
A58	Vol 2 Appendix 8.3 – Gas Pipeline Plan	VULNERABILITY TO ACCIDENTS AND DISASTER	No
A59	Vol 2 Appendix 8.4 – UXO Risk Assessment	VULNERABILITY TO ACCIDENTS AND DISASTER	No
A60	Vol 3 – Non-Technical Summary	ALL	Yes

PLANNING APPLICATION (AMENDMENTS TO THE APPLICATION SUBMITTED PRIOR TO APPLICATION DETERMINATION

REGULATION 25 SUBMISSION – NOVEMBER 2022			
CD REF.	**DOCUMENT**	**TOPIC/PLAN REF**	**SUPERSEDED?**
B1	Vol 1 – Planning Statement Rev A	ALL	Yes
B2	Vol 1 Appendix 1 – Revised Application Form	APPLICATION FORM	No
B3	Vol 1 Appendix 2 – Aftercare and Management Areas	PLAN – REF 22-09- HAMB-1717-P1-ALMP	No - but no longer relevant
B4	Vol 1 Appendix 2 – Landscape Layout Plan Operational Phase Rev A	PLAN – REF 21-08- HAMB-1717-P1-LAND REV A	Yes
B5	Vol 1 Appendix 2 – Method of Working Scheme Rev A Parts 1 and 2	PLANS – REF 21- 12_HAMBLE_PHASING OVERVIEW.LSS, 21- 12_HAMBLE_PHASE 1.LSS, 21- 12_HAMBLE_PHASE 2.LSS, 21- 12_HAMBLE_PHASE 3.LSS, 21- 12_HAMBLE_PHASE 4.LSS, 21- 12_HAMBLE_PHASE 5.LSS, 21- 12_HAMBLE_PHASE 6.LSS, 21- 12_HAMBLE_PHASE 7.LSS, 21- 12_HAMBLE_PHASE 7B.LSS, 21- 12_HAMBLE_PHASE 8.LSS, 21- 12_HAMBLE_PHASE 9.LSS (ALL DATED 22.11.22)	First page only superseded, remainder is current
B6	Vol 1 Appendix 2 – Phased Restoration Scheme Rev A Parts 1 and 2	PLANS – REF 21-08- HAMB-1717-P1-PHHAB Phases 1-8 and Final Restoration	Yes
B7	Vol 1 Appendix 2 – Proposed Plant Site Layout Rev A	PLAN – REF TD 21030 SHT 2 OF 3 REV N	Yes
B8	Vol 1 Appendix 2 – Proposed Site Plan Rev A	PLAN – REF TD 21030 SHT 1 OF 3 REV N	Yes
B9	Vol 1 Appendix 2 – Restoration Plan Rev A	PLAN – REF 21-08- HAMB-1717-P1-REST REV A	Yes

B10	Vol 1 Appendix 3 – Arboricultural Impact Assessment and Method Statement Rev B	TREES	Yes
B11	Vol 1 Appendix 3 – Areas of Trees marked as groups	TREES – PLAN WITH NO REF NUMBER	No
B12	Vol 1 Appendix 3 – CAVAT Valuation Rev A	TREES	No (but updated valuation will be required if appeal allowed)
B13	Vol 1 Appendix 3 – Tree Survey, Constraints and Protection Plans Rev B	TREES – PLAN REFS 20-07/L1/HMBL/4, 20-07/L1/HMBL/3 REV B, 20-07/L1/HMBL/1 REV B PARTS 1-6, 20- 07/L1/HMBL/2 REV B PARTS 1-6	Yes
B14	Vol 2 Chapters 1 – 6 – Preliminary Chapters Rev A	INTRODUCTION, PROPOSAL, EIA REGULATIONS AND SCOPE, METHODOLOGY, ASSESSMENT TEAM, ALTERNATIVES	Yes
B15	Vol 2 Chapter 10 – Ecology Rev A	ECOLOGY	Yes
B16	Vol 2 Chapter 11 – Archaeology & Cultural Heritage Rev A	ARCHAEOLOGY	No
B17	Vol 2 Chapter 13 – Transport Rev A	TRANSPORT	Yes
B18	Vol 2 Chapter 14 – Soils and ALC	SOILS	Yes
B19	Vol 2 Chapters 15-20 – Final Chapters Rev A	IMPLICATIONS OF NO DEVELOPMENT, HUMAN HEALTH, ACCIDENTS & DISASTER, CLIMATE CHANGE, CONCLUSIONS, GLOSSARY	Yes
B20	Vol 2 Appendix 2.6 – Borehole Logs	WATER ENVIRONMENT	No
B21	Vol 2 Appendix 2.7 – Infiltration Testing Report (Appendix B separate and in seven parts)	WATER ENVIRONMENT	No
B22	Vol 2 Appendix 3.2 – Outline Landscape, Restoration and Aftercare Scheme Rev A	LANDSCAPE AND VISUAL	Yes
B23	Vol 2 Appendix 3.3 – Estimate Restoration Planting Costs	LANDSCAPE AND VISUAL	Yes

B24	Vol 2 Appendix 4.2 – Shadow Habitats Regulations Assessment Rev A	ECOLOGY	Yes
B25	Vol 2 Appendix 4.4 – Breeding and Wintering Bird Surveys Rev A	ECOLOGY	No
B26	Vol 2 Appendix 4.7 – Reptile Surveys and Mitigation Strategy Rev A	ECOLOGY	No
B27	Vol 2 Appendix 4.8 – Biodiversity Net Gain Calculations	ECOLOGY	Yes
B28	Vol 2 Appendix 7.2 – Transport Assessment Reg 25 Addendum Parts 1-3	TRANSPORT	Yes
B29	Vol 2 Appendix 9.1 – Soils Survey	SOILS	No
B30	Vol 2 Appendix 9.2 – Soil Types Plan	SOILS	No
B31	Vol 2 Appendix 9.3 – Photo Inventory	SOILS	No
B32	Vol 2 Appendix 9.4 – Restoration Plan	SOILS	This appendix not updated but restoration plan has since changed
B33	Vol 2 Appendix 9.5 – Individual Soil Auger Boreholes	SOILS	No
B34	Vol 2 Appendix 9.6 – Soil Auger Borehole Descriptions	SOILS	No
B35	Vol 2 Appendix 9.7 – Soil Analysis	SOILS	No
B36	Vol 2 Appendix 9.8 – Flood Risk Map	SOILS	No
B37	Vol 2 Appendix 9.9 – Natural England Response	SOILS	No
B38	Vol 2 Appendix 9.10 – Footpaths MAGIC	SOILS	No
B39	Vol 2 Appendix 9.11 – SLAA Hamble Area	SOILS	No
B40	Vol 2 Appendix 9.12 – Phasing Plans	SOILS	No
B41	Vol 3 – Non-Technical Summary Rev A	ALL	Yes
B42	Access Plan for S106	S106	Yes
B43	Air Quality Reg 25 Response	AIR QUALITY	No

B44	Cemex Response to concerns raised by Parish Councils and others Dec 22	VARIOUS	No
B45	Cemex Response to Landscape Comments Dec 22	LANDSCAPE AND VISUAL	Yes
B46	Cemex Response to Tree Officer Nov 22	TREES	No
B47	Draft Heads of Terms	S106	No but refer to draft version of agreement
B48	Hydro Reg 25 Response – Drainage and Infiltration Testing	WATER ENVIRONMENT	No but refer to additional information since submitted
B49	Hydro Reg 25 Response to NE, Ecology and LLFA	WATER ENVIRONMENT	No but refer to additional information since submitted
B50	Hydro Reg 25 Response to Network Rail and EA	WATER ENVIRONMENT	No
B51	Landscape and Visual Reg 25 Addendum	LANDSCAPE AND VISUAL	No
B52	Noise Reg 25 Addendum – Updated Baseline Noise Survey	NOISE	No
B53	Noise Reg 25 Response	NOISE	No
B54	Road Safety Audit	TRANSPORT	No – but see Appendix A of Vol 2 Appendix 7.3
B55	Road Safety Audit Supplementary Plan	TRANSPORT – PLAN REF ITB13040-SK-013	No – but please see latest access plan
B56	List of Documents Submitted – Reg 25 Nov 22	ALL	No
INFORMATION SUBMITTED BETWEEN 1ST AND 2ND REGULATION 25 RESPONSES			
B57	Cemex clarification response to UKHSA and others on Air Quality 19th April 2023	AIR QUALITY	No
B58	Cemex additional response to Arboriculture Comments 14th March 2023	TREES	Partly superseded by Second Reg 25 response below

B59	Cemex Response to Landscape Comments 22nd Dec 2022	LANDSCAPE	Yes
B60	Vol 1 – Planning Statement Rev B	ALL	No
B61	Vol 1 Appendix 2 – Landscape Layout Plan Operational Phase Rev B	PLAN – REF 21-08-HAMB-1717-P1-LAND REV B	No
B62	Vol 1 Appendix 2 – Lighting Layout Entrance and Car Park Rev A	PLAN – REF TD 21045 SHT 1 OF 2 REV C	No
B63	Vol 1 Appendix 2 – Lighting Layout – Plant Area Rev A	PLAN – REF TD 21045 SHT 2 OF 2 REV C	No
B64	Vol 1 Appendix 2 – Method of Working Plan (FIRST PAGE ONLY) Rev B	PLAN – REF 21-12_HAMBLE_PHASING OVERVIEW.LSS DATE 03.10.23	No
B65	Vol 1 Appendix 2 - Phased Restoration Rev A Parts 1 & 2	PLAN – REF 21-08-HAMB-1717-P1-PH-HAB REV A PHASES 1-7, 7B, 8, FINAL RESTORATION	No (but refer to updated information submitted with Appeal)
B66	Vol 1 Appendix 2 – Proposed Plant Site Layout Rev B	PLAN – REF TD 21030 SHT 2 OF 3 REV P	No
B67	Vol 1 Appendix 2 – Proposed Restoration Plan Rev B	PLAN – REF 21-08-HAMB-1717-P1-REST REV B	No (but refer to updated information submitted with Appeal)
B68	Vol 1 Appendix 2 – Proposed Site Plan Rev B	PLAN – REF TD 21030 SHT 1 OF 3 REV P	No
B69	Vol 1 Appendix 3 – Arboricultural Impact Assessment and Method Statement Rev C	TREES	No
B70	Vol 1 Appendix 3 – Tree Survey, Constraints and Protection Plans Rev C	TREES – PLAN REFS 20-07/L1/HMBL/4, 20-07/L1/HMBL/3 20-07/L1/HMBL/1 PARTS 1-6, 20-07/L1/HMBL/2 PARTS 1-6. ALL DATED SEP 2023	No
B71	Vol 1 Appendix 5 – Appendices to Statement of Community Involvement	PUBLIC CONSULTATION	No
B72	Vol 2 Chapters 1 – 6 – Preliminary Chapters Rev B	INTRODUCTION, PROPOSAL, EIA REGULATIONS AND SCOPE, METHODOLOGY, ASSESSMENT TEAM, ALTERNATIVES	No

B73	Vol 2 Chapter 10 – Ecology Rev B	ECOLOGY	No
B74	Vol 2 Chapter 13 – Transport Rev C	TRANSPORT	No (but refer to updated information submitted with Appeal)
B75	Vol 2 Chapter 14 – Soils Rev A	SOILS	No
B76	Vol 2 Chapters 15-20 – Final Chapters Rev B	IMPLICATIONS OF NO DEVELOPMENT, HUMAN HEALTH, ACCIDENTS & DISASTER, CLIMATE CHANGE, CONCLUSIONS, GLOSSARY	No
B77	Vol 2 Appendix 3.2 – Outline Landscape, Restoration and Aftercare Scheme Rev B	LANDSCAPE AND VISUAL	No
B78	Vol 2 Appendix 3.3 – Estimated Restoration Planting Costs Rev A	LANDSCAPE AND VISUAL	No
B79	Vol 2 Appendix 4.2 – Shadow Habitat Regulations Assessment Rev B	ECOLOGY	No
B80	Vol 2 Appendix 4.8 – Biodiversity Metric 4.0 Rev A	ECOLOGY	No
B81	Vol 2 Appendix 4.9 – Habitat Condition Sheets	ECOLOGY	No
B82	Vol 2 Appendix 7.2 – Transport Assessment Reg 25 Addendum Rev A Parts 1-3	TRANSPORT	No (although refer to information submitted with the Appeal)
B83	Vol 2 Appendix 7.3 – Supplementary Transport Note	TRANSPORT, INCLUDING PLAN REFS ITB13040-SK-006I, ITB13040-SK-012D	No (although refer to information submitted with the Appeal)
B84	Vol 2 Appendix 7.4 – Technical Note Vehicle Movement Condition	TRANSPORT	No
B85	Vol 2 Appendix 9.13 – ALC Grades	SOILS	No
B86	Vol 2 Appendix 9.14 – Agricultural Viability Report	SOILS	No
B87	Vol 2 Appendix 10.1 – Health Impact Assessment	HUMAN HEALTH	No
B88	Vol 3 – Non-Technical Summary Rev B	ALL	No

B89	Access Plan for S106 Rev A	PLAN – REF 22-10/P1/HMBL/4 REV A	No
B90	Air Quality – Second Reg 25 Response	AIR QUALITY	No
B91	Cemex Clarification Response to EHO Noise Comments Jan 23	NOISE	No
B92	Cemex Clarification Response to Further objections Dec 23	VARIOUS	No
B93	Cemex Clarification Response to Landscape Comments Nov 23	LANDSCAPE	No
B94	Cemex Clarification Response to NE Nov 23	ECOLOGY	No
B95	Cemex Clarification Response to ROW Nov 23	RIGHTS OF WAY	No
B96	Dust Management Plan	AIR QUALITY	No
B97	Technical Note – Ground Movement Assessment	WATER ENVIRONMENT	No
B98	Technical Note – Groundwater Flow	WATER ENVIRONMENT	No
B99	Technical Note – Updated Drainage Design (June 23)	WATER ENVIRONMENT	Yes – submitted early but replaced by Nov 23 note below which was consulted on
B100	Technical Note – Updated Drainage Design (Nov 23)	WATER ENVIRONMENT, INCLUDING PLAN APPENDIX B UPDATED RESTORED DRAINAGE LAYOUT REV B 3.11.23	No – but refer to information submitted with Appeal
B101	Second Reg 25 List of Information submitted	VARIOUS	No
INFORMATION SUBMITTED AFTER SECOND REG 25			
B102	Technical Note – Response to LLFA objection – February 2024	WATER ENVIRONMENT	No – but refer to additional information submitted with Appeal
B103	Technical Note – Response to Network Rail Observations – Feb 24	WATER ENVIRONMENT	No
B104	Cemex Response to PROW Jan 24	RIGHTS OF WAY	No

B105	Cemex Response to Tree Officer 3.5.24	TREES	No
B106	Email to Network Rail 15.2.24	WATER ENVIRONMENT	No
B107	Drawing List 3.5.24	PLANS	No
S106 AGREEMENT (EVOLVING DOCUMENT DURING APPLICATION AND APPEAL)			
B108	Draft S106 Agreement	ECOLOGY, TRANSPORT	Evolving document

APPEAL PROPOSAL – ADDITIONAL/AMENDED INFORMATION

CD REF.	DOCUMENT	TOPIC/PLAN REF	APPENDIX TO APPEAL STATEMENT
C1	Revised Restoration Plan Rev D	PLANS – REFUSAL REASON 1 – PLAN REF 21-08-HAMB-1717-P1-REST REV D	Appendix 1
C2	Technical Note – Revised Drainage Design (Oct 24)	WATER ENVIRONMENT – REFUSAL REASON 1 – INCLUDING PLAN APPENDIX B UPDATED DRAINAGE LAYOUT REV D 03.10.24	Appendix 2
C3	Addendum Supplementary Transport Note (Nov 24)	TRANSPORT – REFUSAL REASON 2	Appendix 3
C4	Carbon Assessment	CLIMATE CHANGE – IN LIGHT OF FINCH DECISION	Appendix 4

APPELLANT'S APPEAL SUBMISSION

CD REF.	DOCUMENT	TOPIC/PLAN REF	APPENDIX TO APPEAL STATEMENT
D1	Appeal Form	N/A	N/A
D2	Appellant's Statement of Case	N/A	N/A
D3	Letter from Cemex to Minerals Planning Authority April 2024	PROCEDURE - REFUSAL REASON 1	Appendix 9
D4	Local Lead Flood Authority Surface Water Guidance	WATER ENVIRONMENT - REFUSAL REASON 1	Appendix 10
D5	Email from Local Lead Flood Authority dated 25th October 2024	WATER ENVIRONMENT - REFUSAL REASON 1	Appendix 11

D6	Letter from Natural England dated 25th September 2024	ECOLOGY – REFUSAL REASON 3	Appendix 5
D7	Letter from Appellant's Ecologist regarding revised Restoration Plan Rev D	ECOLOGY – REFUSAL REASON 3	Appendix 6
D8	Letter from Appellant's Landscape Architect regarding revised Restoration Plan Rev D	LANDSCAPE – REFUSAL REASON 3	Appendix 7
D9	Statement of Common Ground between Appellant and Minerals Planning Authority (Draft)	ALL	
D10	Statement of Common Ground between Appellant and County Highway Authority (Draft)	TRANSPORT – REFUSAL REASON 2	
D11	Appellants letter to PINS regarding removing of veteran tree matter (24 February 2025)	TREES	
D12	Online Article: "The New Standard Method – What Does it Mean for Local Housing Need?" - 16 December 2024, Pegasus Group (Eastleigh extract) (Hosted online at: https://www.pegasusgroup.co.uk/the-new-standard-method-what-does-it-mean-for-local-housing-need/)		Proof
D13	Hampshire County Council Webpage: "Royal Victoria Park: Things to do – Dogs " (Hosted online at: https:// www.hants.gov.uk/thingsto /countryparks/rvcp/things-to-do/dogs)		Proof
D14	Map: "Hamble Peninsula Trails Explore by foot or bicycle the little trodden parish trails of this fascinating corner of Eastleigh Borough (hosted online at: https://eastleigh.gov.uk/media/12926/final-proof-bursledon-map-march-6th.jpg)		
D15	Proof of evidence: Emma Pearman of the Appellant, in respect of planning matters (SUPERSCEDED) Proof of Evidence of - Planning Emma Pearman Index corrected - 6.3.25		

D16	Proof of evidence: Ben Howard of iTransport, in respect of highways matters		Proof
D17	Proof of evidence: Rachel Dewhurst of Stantec, in respect of hydrology matters		Proof
D18	Proof of evidence: Danny de la Hey of Tetra Tech, in respect of ecology matters (SUPERCEDED) Proof of evidence: Danny de la Hey of Tetra Tech, in respect of ecology matters. 4.3.25 - Corrected - 07.03.25		Proof
D19	Statement of Common Ground between Appellant and Minerals Planning Authority (Agreed)		
D20	Statement of Common Ground between Appellant and County Highway Authority (Agreed)		
D21	Mineral Products Association – Webpage 'Aggregates' (Hosted online at: https://mineralproducts.org/Mineral-Products/Aggregates.aspx		
D22	Hampshire Minerals & Waste Plan - Waste: Background Study - October 2023		
D23	Bird Aware Solent Revised Strategy, September 2024		
D24	ABPMer, 2007. A Conceptual Model of Southampton Water. ABP Marine Environmental Research Ltd. Prepared for the Estuary Guide as a case study supporting document by I. Townend		
D25	Rebuttal: Emma Pearman of the Appellant, in respect of planning matters - 18.2.25		Superseded
D26	Rebuttal: Ben Howard of iTransport, in respect of highways matters - 18.2.25		
D27	Rebuttal: Rachel Dewhurst of Stantec, in respect of hydrology matters - 18.2.25		
D28	Rebuttal: Danny de la Hey of Tetra Tech, in respect of ecology matters - 18.2.25		

D29	Summary Rebuttal of Danny De la Hey - Ecology		
D30	Rebuttal proof of Emma Pearman		

COMMITTEE DOCUMENTS (FROM PLANNING COMMITTEE 15TH MAY 2024)

CD REF.	DOCUMENT	APPENDIX TO APPEAL STATEMENT
E1	Officer's Committee Report	N/A
E2	Officer's Report Appendix A – Reasons for refusal	N/A
E3	Officer's Report Appendix B – Committee Plan 1	N/A
E4	Officer's Report Appendix C – Layout Plan	N/A
E5	Officer's Report Appendix D – Phasing Plan	N/A
E6	Officer's Report Appendix E – Access Plan	N/A
E7	Officer's Report Appendix F – Landscape Plan	N/A
E8	Officer's Report Appendix G – Drainage Plan	N/A
E9	Officer's Report Appendix H – Concept Restoration Plan	N/A
E10	Officer's Report Appendix I Part A – Restoration Plan	N/A
E11	Officer's Report Appendix I Part B – Restoration Plan	N/A
E12	Officer's Report Appendix J – Highway mitigation feasibility design	N/A
E13	Committee Update Sheet	N/A
E14	Committee meeting minutes	N/A
E15	Hampshire County Council's Habitat Regulations Assessment	Appendix 8

PLANNING DECISION

CD REF.	DOCUMENT	APPENDIX TO APPEAL STATEMENT
F1	Decision notice dated 22nd May 2024	N/A

RELEVANT CONSULTATION RESPONSES/REGULATION 25 REQUESTS DURING THE APPLICATION

CD REF.	DOCUMENT	DATE OF RESPONSE
G1	Local Lead Flood Authority Response 1	7th February 2022
G2	Local Lead Flood Authority Response 2	30th January 2023
G3	Local Lead Flood Authority Response 3	19th December 2023
G4	Local Lead Flood Authority Response 4	29th January 2024

G5	County Highway Authority Response 1	23rd March 2022
G6	County Highway Authority Response 2	16th August 2022
G7	County Highway Authority Response 3	30th January 2023
G8	County Highway Authority Response 4	29th June 2023
G9	County Highway Authority Response 5	7th December 2023
G10	Natural England Response 1	3rd March 2022
G11	Natural England Response 2	21st March 2023
G12	Natural England Response 4	15th December 2023
G13	Natural England Response 4	14th May 2024
G14	First Regulation 25 request letter from MWPA	4th April 2022
G15	Second Regulation 25 letter from MWPA	24th August 2023

LOCAL PLAN POLICIES

CD REF.	DOCUMENT
	HAMPSHIRE MINERALS AND WASTE PLAN 2013 (HMWP)
H1	Policy 3 extract – Protecting Habitats and Species
H2	Policies 10 extract – Protecting Health, Safety and Amenity (part h in particular) and 11 extract – Flood risk and prevention
H3	Policy 12 extract – Managing Traffic
H4	Policy 20 – Local land-won aggregates
H5	Policy extracts – Front page and Policy 1, 3, 10, 11 and 12
H6	Appendix A extract
H7	HMWP Front page extract
H8	Hampshire Minerals and Waste Plan 2013 (entire document)
	EASTLEIGH BOROUGH LOCAL PLAN 2022 (EBLP)
H9	Policy DM5 extract – Managing Flood Risk
H10	Policy S11 extract – Transport Infrastructure
H11	Policy DM11 extract – Nature Conservation
H12	EBLP Front page extract
H13	Eastleigh Borough Local Plan 2022 (full document)
	EMERGING UPDATE TO THE HAMPSHIRE MINERALS AND WASTE PLAN
H14	Hampshire Minerals and Waste Plan: Partial Update – Submission Plan July 2024 – relevant sections – Policy 20 and Appendix A relating to Hamble Airfield

OTHER RELEVANT POLICIES / GUIDANCE

CD REF.	DOCUMENT
I1	Local Transport Plan 4
I2	Eastleigh Local Cycling and Walking Infrastructure Plan

RELEVANT PLANNING APPEAL DECISIONS AND LEGAL JUDGEMENTS

CD REF.	DOCUMENT
J1	R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others [2024] UKSC 20

MWPA'S APPEAL SUBMISSION

CD REF.	DOCUMENT
K1	Appeal Notification Letter
K2	MWPA's Appeal Questionnaire
K3	Tree Preservation Order plan
K4	Article 13 Press Notice dated 21.1.22
K5	Article 13 Press Notice extract from Hampshire Independent dated 21.1.22
K6	Regulation 22 Press Notice in Hampshire Independent dated 9.12.22
K7	Regulation 25 Press Notice in Hampshire Chronicle dated 9.11.23
K8	Regulation 25 Press Notice in Romsey Advertiser dated 10.11.23
K9	Regulation 25 Press Notice in Southern Daily Echo dated 10.11.23
K10	Regulation 25 Press Notice in Hampshire Chronicle dated 18.1.24
K11	Regulation 25 Press Notice in Romsey Advertiser dated 19.1.24
K12	Regulation 25 Press Notice in Southern Daily Echo dated 19.1.24
K13	List of names, addresses and emails of those who made representations
K14	MWPA Statement of Case
K15 (same as E1)	SoC Appendix A – Regulatory Committee Report
K16 (same as E13)	SoC Appendix B – Regulatory Committee Update Report
K17 (same as F1)	SoC Appendix C – Decision Notice and Reasons for Refusal

K18	SoC Appendix D – Local and National Planning Policy
K19 (same as G8 & G9)	SoC Appendix E parts A and B – Highways Responses
K20	SoC Appendix F – New information from the Highway Authority – CIL Compliance Statement
K21 (same as M2)	SoC Appendix G – Revised response from Lead Local Flood Authority following proposed changes to drainage scheme by applicant
K22	SoC Appendix H – Response from County Ecology on revised restoration scheme
K23 (same as D6)	SoC Appendix I – Revised response from Natural England on draft shadow HRA conclusions
K24	SoC Appendix J – Draft conditions for discussion (January 2025)
K25	Schedule of revised draft planning conditions (March 2025)
K26	2022 Local Aggregate Assessment
K27	2023 Local Aggregate Assessment
K28	2022 Monitoring Report for minerals and waste
K29	2023 Monitoring Report for minerals and waste
K30	Proof of evidence – Lisa Kirby-Hawkes – Planning matters
K31	Minerals safeguarding
K32	Appendix A - Proof of evidence – Lisa Kirby-Hawkes – Planning matters
K33	Local Planning Authority appeal notification letter 5 May 2025

RULE 6 PARTY SUBMISSION

CD REF.	DOCUMENT
L1	HPDG Statement of Case
L2	HPDG Index to Appendices
L3	I-Transport, Transport Assessment Addendum
L4	Hampshire and Mineral Waste Plan Strategic Transport and Traffic Assessment
L5	Mayer Brown, Access Review
L6	Hampshire Waste and Minerals Plan (Extracts: Cover pages, pp.77-81, 162-163 & 246
L7	Police and Crime Commissioner Objection
L8	Highway Code, Rules 170 and H2
L9	The Planning Inspectorate, Foreman Homes Decision Notice
L10	Water Environment, Hamble Airfield Hydrology Review (23019-HND-TN-01-C01)

L11	Water Environment, Review of additional Material relating to hydrological impacts (23019-HMD-TN-02-C01)
L12	Andrews Wildlife Consultants (Report dated February 2023)
L13	Andrews Wildlife Consultants (Report dated February 2024)
L14	R (Wyatt) v Fareham BC [2022] EWCA Civ 983
L15	Natural England, Designated Sites View, Lee-on-The Solent to Itchen Estuary SSSI
L16	Environment Agency, Consultation Response
L17	Hamble Parish Council, Travel Survey
L18	Advice of Hampshire County Council Arboriculture Team (Dated January 2022)
L19	Advice of Hampshire County Council Arboriculture Team (Dated March 2023)
L20	Advice of Hampshire County Council Arboriculture Team (Dated April 2023)
L21	The Woodland Trust Consultation Response
L22	Water Industry Research, Environmental Assessment Guidance for Water Resources Management Plans and Drought Plans, Extract
L23	Judgment of the Court (Grand Chamber) of 7 September 2004, C-127/02 Waddenzee
L24	Sweetman v An Bord Pleanala (Case C-258/11) [2014] PRSR 1092, §50
L25	Judgment of the Court (Second Chamber) of 7 November 2018 Joined Cases C-29317 and C-29417
L26	The Habitats Regulations Handbook, Section C.7.1, paragraph 12
L27	Designated Sites View - Lincegrove SSSI Unit 1 Condition
L28	APIS Report SAC
L29	APIS Report SPA
L30	Environment Agency Response (17.04.24)
L31	Stantec Response to Natural England Hydrology Report (24.05.22)
L32	Lincegrove SSSI citation
L33	Designated Sites View – Lincgrove and Hackett's Marshes SSSI Pressures
L34	Survey Report, Use of Hamble Airfield for Recreational Purposes
L35	Solent Recreation Mitigation Strategy
L36	Hampshire, Portsmouth, Southampton, New Forest National Park & South Downs National Park – Local Aggregate Assessment 2023
L37	Hampshire County Council, Regulatory Decision Report (HCC/2021/0787), 15 May 2024
L38	TP Appendix 1 - Table of the sand and gravel quarries extensions
L39	TP Appendix 2 - Background papers to extensions
L40	TP Appendix 3 - Appeal Ref APPE1855W223310099 Land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire
L41	TP Appendix 4 - The Guidelines for Landscape Visual Impact Assessment (GLVIA) paragraph 5.51

L42	TP Appendix 5 - Appeal Ref APPE1855W223310099 Lea Castle 2
L43	AW Appendix A - Eastleigh Strategic Transport Study
L44	AW Appendix B - LWCIP Improvement Scheme
L45	AW Appendix C - Hamble School Letter
L46	AW Appendix D - Appellant's WCHAR
L47	AW Appendix E - GE Aviation Decision
L48	AW Appendix F - Appellant's Mitigation Scheme
L49	Hampshire County Council, Decision Record and Report 14 November 2017, with Appendix
L50	Hampshire County Council, Decision Record and Report 17 July 2018, with Appendices
L51	Hampshire County Council, Decision Record and Report 12 March 2019, with submitted Plans
L52	Fire Services Objection 15.12.2023
L53	Police Commissioner Objection 07.01.25
L54	Hamble Primary School Objections (January 2023-January 2025)
L55	Hamble School Objections (27 February 2022 – November 2023)
L56	Hamble School and Hamble Primary School Joint Objection
L57	Cemex, Volume 1 – Planning and Economic Impact Statement
L58	Stantec Response to Hampshire County Council 18.11.22
L59	Information and supporting evidence – displacement of users on Hamble Airfield
L60	Natural England (2014). Improvement Programme for England's Natura 2000 Sites (IPENS) Site Improvement Plan: Solent
L61	Judgment of the Court (Seventh Chamber) 12 April 2018 The People Over Wind, Peter Sweetman v Coillte Teoranta (Sweetman II judgement) Case C -323/17
L62	Proof of evidence from Rule 6 party - Proof of Evidence of Richard Andrews and Summary Proof of Evidence of Richard Andrews
L63	Proof of evidence from Rule 6 party - Proof of Evidence of Tony Clothier (Summary included in Proof of Evidence)
L64	Proof of evidence from Rule 6 party - Proof of Evidence of Andrew Whittingham and Summary Proof of Evidence of Andrew Whittingham
L65	~~Proof of evidence from Rule 6 party - Proof of Evidence of Tim Partridge and Summary Proof of Evidence of Tim Partridge~~ Evidence withdrawn
L66	Habitats Regulations Assessment Record Appendices – HMWP (2013)
L67	Partial Update of HMWP HRA Appropriate Assessment
L68	Eastleigh Local Plan extract - Policy HA3
L69	Richard Andrews' Rebuttal (Final) (18-03-2025)
L70	Planning proof of evidence prepared by Katherine Else on behalf of the Rule 6 Party

L71	Summary Planning proof of evidence on behalf of the Rule 6 Party
L72	Appendix 1: HWMP October 2023 p.162-163 - Planning proof of evidence prepared by Katherine Else on behalf of the Rule 6 Party
L73	Appendix 2: Lea Farm Appeal Decision (May 2023) - Planning proof of evidence prepared by Katherine Else on behalf of the Rule 6 Party
L74	Appendix 3: Lea Farm Appeal Decision (January 2025) - Planning proof of evidence prepared by Katherine Else on behalf of the Rule 6 Party
L75	Appendix 4: Sand & Quarry Extension Table and Supporting Papers - Planning proof of evidence prepared by Katherine Else on behalf of the Rule 6 Party
L76	Agreed Site Visit Itinerary for the Inspector

INFORMATION SENT TO LEIGH DAY

CD REF.	DOCUMENT
	Sent by MWPA
M1	Email from MWPA to Leigh Day dated 15.1.25 including associated enclosures – Enclosure 1: CIL compliance statement, Enclosure 2: LLFA response to revised information (Nov 2024), Enclosure 3: Note of meeting between LLFA and applicant (June 2024) Enclosure 4/ 5: Emails sent to Natural England regarding reasons for refusal ‘c’
M2 (same as K21)	LLFA response to applicant’s proposed changes 11.11.24
M3 (same as K20)	New information from the Highway Authority – CIL compliance Statement
M4	Response for request for information on meeting minutes 12.02.25
M5	Request for Information on Southern Water response
	Sent by Appellant
M6	Letter Response to Leigh Day dated 14.1.25 including table, Enclosure 1 – SoCG between Appellant and Highway Authority, Enclosure 2 – Highways Spreadsheet of Calculated Delay Values, Enclosure 3 - Correspondence between the Appellant and the MPA/Natural England and Enclosure 4 - Correspondence between the Appellant and the LLFA and Attachments

INFORMATION SENT BY LEIGH DAY

CD REF.	DOCUMENT
N1	Letter removing veteran tree issue as a matter for the inquiry – February 2025

ANNEX E

SCHEDULE OF CONDITIONS

Timescales

1) The development hereby permitted shall begin not later than five years from the date of this decision.

2) The development hereby approved shall cease, and the site be restored in accordance with the approved scheme, no later than 14 years from the date that mineral extraction commences.

3) Should the extraction or restoration hereby approved cease to operate for more than 1 calendar month, the Minerals and Waste Planning Authority and the Site Liaison Panel shall be informed in writing within 1 week providing the reasons for ceasing operations and the expected re-commencement date.

Approved Plans

4) The development hereby approved shall be carried out in accordance with the following approved plans:

22-10/P1/HMBL/4 Rev A, Plans – ref L/FE/02, L/FE/21, L/FE/25, L/FE/27,

21-08-HAMB-1717-P1-LAND-SECT,

21-08-HAMB-1717-P1-LAND Rev B, TD 21045 Sht 1 of 2 C,

TD 21045 Sht 2 of 2C,

21-10/P1/HMBL/1,

21-12_HAMBLE_PHASING_ OVERVIEW.LSS dated 03.10.23,

21-12_HAMBLE_PHASE 1.LSS dated 22.11.22,

21-12_HAMBLE_PHASE 2.LSS dated 22.11.22,

21-12_HAMBLE_PHASE 3.LSS dated 22.11.22,

21-12_HAMBLE_PHASE 4.LSS dated 22.11.22,

21-12_HAMBLE_PHASE 5.LSS dated 22.11.22,

21-12_HAMBLE_PHASE 6.LSS dated 22.11.22,

21-12_HAMBLE_PHASE 7.LSS dated 22.11.22,

21-12_HAMBLE_PHASE 7b.LSS dated 22.11.22,

21-12_HAMBLE_PHASE 8.LSS dated 22.11.22,

21-12_HAMBLE_PHASE 9.LSS dated 22.11.22,

PLAN – REF 21-08-HAMB-1717-P1-PH-HAB REV A PHASES 1-7, 7B, 8,

FINAL RESTORATION, TD 21030 SHT 3 of 3 rev L,

TD 21030 SHT 2 of 3 rev P,

TD 21030 SHT 1 of 3 Rev P,

20-07/L1/HMBL/3,

20-07/L1/HMBL/1 Parts 1-6,

20-07/L1/HMBL/2 Parts 1-6 (until replaced by new plans submitted under Condition 35),

ITB13040-SK-006 Rev I,

ITB13040-SK-012 Rev D,

ITB13040-SK-013,

Concept Restoration PLAN REF 21-08-HAMB1717-P1-REST REV D,

Plan Rev D dated 03.10.24 at Appendix B of Technical Note Hamble Airfield Updated Drainage Design Doc Ref 331201108TN3 Rev 2

Site operations

5) Prior to the commencement of the development hereby approved, 24-hour emergency contact information shall be displayed online, and be kept up to date and maintained for the duration of the development hereby approved. The location of this information shall be provided to the Minerals and Waste Planning Authority and the Site Liaison Panel prior to the commencement of development.

The contact information shall be kept up to date and maintained for the duration of the development hereby approved.

The Minerals and Waste Planning Authority and the Site Liaison Panel shall be kept informed of any changes to the emergency contact information during the life of the development.

6) Prior to the commencement of the development hereby approved, 24-hour emergency contact information shall be displayed on signage at the entrance to the quarry site.

The contact information shall be kept up to date and maintained for the duration of the development.

7) Prior to the commencement of the development hereby approved, a Site Environmental Management Plan (SEMP) shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. The SEMP should set out an overall strategy for managing environmental impacts which arise during the construction and operation of the site. The SEMP shall include further details relating to the following matters:

a) Details of the area(s) for site operatives, visitors and construction vehicles to load and unload plant and materials;

b) Provision for construction traffic access and parking;

c) Details of the storage of plant and other associated materials used in the construction of the development hereby approved;

d) Details of methods for pollution control to ensure that no pollution (such as sediment, debris from dust or surface run off, or any contaminants mobilised from the works) is able to enter ground and surface water;

e) Details of the storage of liquids, oils, fuels or chemicals used in constructing and operating the development;

f) Confirmation that vehicles will be kept fully maintained in accordance with manufacturer's recommendations and that all HGVs will be sheeted;

g) Details of the type of white-noise reversing alarms for HGVs;

h) Details of the types of HGVs to be used on site including conformity to Euro VI engine standards or above;

i) Details of the type of excavators to be used on site;

j) Details of how any waste material generated on site (other than the inert waste required to restore the site) will be stored, managed and where required disposed of;

k) Details of how water supply will be provided in the event of a fire for the Fire Service;

l) Details of biosecurity measures and procedures;

m) Details of foul sewerage connection and disposal, and details of surface water disposal to the welfare facilities;

n) Details of the proposed groundwater level monitoring spacing along the northern site boundary;

o) Details of the identification of and appropriate stand-off distances from public sewers;

p) Details of measures and emergency procedures for pollution events; and

q) Details of measures in the event of the discovery of unexploded ordnance.

The approved SEMP shall be adhered to, and the approved measures shall be retained for the duration of the development hereby approved.

8) Prior to the commencement of the development hereby approved, a survey of the existing ground levels across the site shall be submitted to and approved in writing by the Minerals and Waste Planning Authority.

Any stockpiles of extracted mineral or inert waste materials shall not exceed 3 metres in height above the existing ground levels as specified by the approved survey plan for the life of the development.

9) Notwithstanding the approved phasing timetable, no extraction of mineral in Phase 5 shall not begin until Phase 2 has been restored in accordance with 21-12_Hamble_phase 5.lss (dated 22.11.22).

Hours of working

10) No Heavy Goods Vehicles (HGVs) shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0700-1700

hours Monday to Friday (except for the restrictions on HGV movements as set out in condition 10) and 0700-1200 hours on Saturdays.

There shall be no HGV movements or operations of plant or machinery on Sundays or recognised Public Holidays.

11) No Heavy Goods Vehicles shall exit the site between the hours of 0800 and 0845 or 1430 and 1515 Monday to Friday.

12) The maintenance of plant and vehicles shall only take place between 0700- 1900 hours Monday to Friday and 0700-1800 hours on Saturdays. There shall be no maintenance of plant and vehicles outside of those hours or on Sundays or recognised Public Holidays.

Soil management and contamination

13) Prior to the commencement of any soil stripping activities associated with the development hereby approved, a Soil Management Plan shall be submitted to and agreed by the Minerals and Waste Planning Authority. The Plan shall include details of:

a) Soil management procedures for soil stripping, storage, handling and re-instatement activities;

b) Approximate depths of topsoil and subsoils across the site;

c) Topsoil and subsoil types across the site;

d) Details of how the topsoil shall only be handled when dry and friable;

e) Details of the seeding and management of soil bunds;

f) How the ripping of any compacted layers of final restoration cover (to ensure adequate drainage and aeration) will take place before the placing of topsoil; and

g) Details of the method of soil handling and spreading for the restoration stage, including the proposed machinery to be used.

The stripping and storage of topsoil and sub-soil shall be undertaken in accordance with the Method of Working (21-12_HAMBLE_PHASING OVERVIEW.LSS) (Reg 25 - 3 November 2023 and 21-12_HAMBLE_PHASE_ 1-9.LSS dated 22.11.22).

All soil stripping, storage, handling and re-instatement which takes place during the development shall be carried out in accordance with the approved Soil Management Plan for the duration of the development alongside the CONCEPT RESTORATION PLAN (Drawing 21-08-HAMB-1717-P1-REST Rev D, dated 14.10.2024).

14) There shall be no export of topsoil or subsoil from the site.

15) In the event that during the development hereby approved contaminated land is uncovered, soil stripping, mineral extraction and restoration in the affected phase (s) should cease immediately.

A Contaminated Land Site Assessment should be submitted to the Minerals and Waste Planning Authority within 12 weeks of the cessation of development (unless an alternative timescale is agreed with the Minerals and Waste Planning Authority).

No recommencement of soil stripping, mineral extractions and infilling in the affected phase(s) shall take place until the Remediation Strategy as required by Condition 16 below has been agreed by the Minerals and Waste Planning Authority.

16) In the event of contamination being uncovered as set out under condition 15, a Remediation Strategy shall be prepared which sets out proposed mitigation measures. This shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. Works shall not recommence on the impacted area of the site until this Remediation Strategy has been approved by the Minerals and Waste Planning Authority.

The Remediation Strategy shall be implemented as approved.

17) No waste materials other than inert Construction, Demolition and Excavation waste shall be imported to the site.

18) There shall be no burning of any wastes or other materials on site.

Highways

19) There shall be no more than 126 Heavy Goods Vehicle (HGV) movements per day (63 in and 63 out) entering or leaving the site on Mondays to Fridays associated with the mineral extraction and importation of inert material as hereby approved.

There shall be no more than 64 Heavy Goods Vehicle (HGV) movements per day (32 in and 32 out) entering or leaving the site on Saturdays associated with the mineral extraction and importation of inert material as hereby approved.

A daily record of HGV movements to and from the site and the times of entry and departure shall be kept and made available for inspection at the request of the Mineral and Waste Planning Authority within seven days of a written request.

An HGV is defined for the purposes of this permission as a commercial vehicle over 3.5 tonnes unladen weight.

20) No Heavy Goods Vehicles (HGVs) shall leave the site, other than those associated with construction of the access or any other pre-commencement works required to be completed by the section 106 or other planning conditions, until the approved access has been installed and the following has taken place:

a) The first 20 metres of the haul road measured from the highway has been surfaced with concrete or tarmacadam; and

b) The wheel wash facilities have been installed as set out on Plant Site Area (TD21030RevP Sheet 2 of 3) (Dated 8 August 2023).

The internal haul road shall be maintained in a condition free from potholes.

21) Development shall not commence until a Bird Hazard Management Plan has been submitted to and agreed in writing by the Minerals and Waste Planning Authority.

The Bird Hazard Management Plan should comply with advice note 3: https://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-3-WildlifeHazards-2016.pdf.

The Bird Hazard Management Plan shall be implemented as approved for the duration of the development.

Protection of Network Rail assets

22) Prior to the commencement of the development hereby approved, a Rail Asset Management Scheme shall be submitted to and agreed in writing with the Minerals and Waste Planning Authority addressing the protection of rail assets. This scheme shall include but not be limited to the following matters:

a) Details on how the effectiveness of any drain, drainage system or watercourse belonging to Network Rail (or any replacement organisation) will be protected;

b) Details on how any trees planted in connection with the northern boundary of the site will be located and managed to ensure no impacts on railway assets;

c) Measures to ensure the works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway;

d) Details on how storm or surface water will be prevented from being discharged onto or towards Network Rail (or any replacement organisation) property;

e) Details of the restriction of the positioning of cranes and jibs within 3 metres of the nearest rail asset of the boundary (to ensure that no suspended loads swing over railway infrastructure or within 3 metres of the nearest rail asset (if the boundary is closer than 3 metres) and to ensure that there is no accidental entry onto railway property in the event of failure);

f) Details on how the proposed lighting will not have an impact on the nearby railway line and how any lighting will not conflict with the railway signalling system;

g) details of how the storage of any materials, including materials used for the screening mounds will be restricted within 30 metres of the railway boundary; and

h) details of protective / trespass fencing as may be required for the security of the site.

The Rail Asset Management Scheme shall be implemented as agreed for the duration of the development.

Hydrology and water management

23) Prior to commencement of the development hereby approved, further details of the temporary Surface Water Drainage proposals for the operational site should be submitted to and agreed in writing by the Minerals and Waste Planning Authority. The submitted details shall include the following matters:

a) Details of the temporary drainage provision, including drainage plans and a technical note setting out the standard of protection and how the drainage details will change as the development progresses;

b) Flood exceedance flow routes in the event of the failure of the temporary drainage or if a storm exceeding the design is experienced;

c) Evidence that water quality is maintained through providing sufficient mitigation measures for the pollution hazards posed by the development, in accordance with the methodology in CIRIA SuDS Manual C753; and d) confirmation of maintenance responsibilities during construction including provision of maintenance schedules.

The temporary Surface Water Drainage shall thereafter be installed in accordance with the approved details.

24) Prior to the restoration of phase 2, further details of the Surface Water Drainage proposals for the restored site should be submitted to and approved in writing by the Minerals and Waste Planning Authority. The submitted details shall include:

a) A technical summary highlighting the key design principles for all restoration phases and any deviation from that within the approved documents;

b) More information on the phasing, detailing how the restored surface water drainage scheme will be implemented as the site progresses while being compliant with the design principles and ensuring that surface water is managed appropriate during the transition between operational and restored site;

c) More detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations;

d) More detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change;

e) Updated exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria;

f) Confirmation of maintenance responsibilities once the quarry extraction has ceased; and

g) An updated technical assessment on how the proposed fill material will impact groundwater flows and any mitigation proposed to manage the risk of groundwater flow obstruction.

The approved Surface Water Drainage scheme shall thereafter be implemented in accordance with the approved details.

25) Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund.

The bunded compound shall be sealed to prevent any discharge to any watercourse, land or underground strata or sewer.

Associated pipework should be located above ground and protected from accidental damage.

All filling points and tank overflow pipe outlets should be detailed to ensure discharge downwards into the bund.

Protection of Southern Water assets

26) No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within Southern Water's Developer Services Stand-off distances to underground apparatus (as set out in V1.1 of Southern Water's Developer Services Stand-off distances to underground apparatus, dated 7th August 2017) or any subsequent updated or equivalent document which is published to replace this guidance during the life of the development.

27) All existing public sewers infrastructure should be protected during construction, extraction and restoration works.

In the event that any sewage infrastructure is discovered during the development hereby approved, mineral extraction and restoration in the affected phase(s) should cease immediately and a scheme to protect and manage the infrastructure should be submitted to the Minerals and Waste Planning Authority within 12 weeks of the cessation of development (unless an alternative timescale is agreed with the Minerals and Waste Planning Authority).

No recommencement of soil stripping, mineral extractions and infilling in the affected phase(s) shall take place until the Scheme has been agreed by the Minerals and Waste Planning Authority. Once recommenced, any work shall be strictly in accordance with the approved scheme.

Archaeology and the historic environment

28) Prior to the commencement of the development hereby approved, a Written Scheme of Investigation shall be submitted to, and approved in writing by, the Minerals and Waste Planning Authority.

The scheme shall demonstrate measures which will be implemented if any archaeological remains are encountered for the duration of the development hereby approved and how these will be recognised, characterised and recorded. It should include:

a) a thorough level of archaeological survey and monitoring of the soil stripping, (often referred to as strip, map and record approach) for each phase of the development hereby approved; and

b) details of what will take place in the event that archaeological remains are discovered during the site operations which require excavation.

The development shall thereafter be undertaken in full accordance with the Written Scheme of Investigation.

29) Following completion of the archaeological survey and monitoring as required by Condition 28, a Post-excavation Assessment Report shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. This shall include details of any archaeological remains found during the course of the development, and if appropriate, specialist analysis and reports, publication, public engagement and details of any mitigation or loss of archaeological evidence or evidence of the wartime buildings (where that is merited) as informed by the results evaluation.

Any recommendations set out in the Assessment Report shall be implemented as approved.

Ecology, landscape and arboriculture

30) The development hereby approved shall be carried out in accordance with:

a) measures set out in Chapter 10 of the ES (ECOLOGY AND BIODIVERSITY); and

b) the Biodiversity Metric in Environmental Statement Appendices 4.8 and 4.9.

31) Any trees or shrubs planted as part of the development hereby approved, in any phase, which, within a period of five years from the date of planting, die, are

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

32) Prior to the commencement of the development hereby approved, further details of planting and enhancements to meet the requirements of condition 30 to deliver 21-08-HAMB-1717-P1-LAND Rev B and the CONCEPT RESTORATION PLAN (Drawing 21-08-HAMB-1717-P1-REST Rev D, dated 14.10.2024 should be submitted to and agreed in writing by the Minerals and Waste Planning Authority. The details shall include the following matters:

a) the exact plant mixes and numbers for each phased area. The mixes should be varied and include different species in different areas; and

b) potential opportunities to include Carpinus betulus, Castanea sativa, Tilia cordata and Sorbus torminalis in some areas and other climate resilient species.

The scheme shall be implemented as approved.

33) Prior to the commencement of the development hereby approved, the following additional details in relation to arboriculture matters should be submitted to and agreed in writing by the Minerals and Waste Planning Authority:

a) measures to prevent soil compaction through pedestrian movements on unprotected Root Protection Areas (RPA) when removing the footway on the northern side of the site access;

b) details of how the discovery of roots, any damage to roots or new excavations within the Root Protection Area (RPA) of T8 and any other highway trees, or of trees within falling distance of the highway will be identified, managed and recorded (including position/scale photographs) as well as the identification of reasonable mitigation/amelioration measures;

c) details of supervision measures (by a qualified Arboriculturist) which will be put in place for arboricultural works (including the construction of the bellmouth, works within the within RPA of T8 and initial tree surgery works, felling and stump removal, positioning and erection of tree protection fencing at the access); and

d) more details on how the required weekly inspections of the tree protection fencing will take place and how this will be recorded.

Any fencing identified as damaged under part e) should be replaced as soon as practicable.

The details should be implemented as agreed for the duration of the development.

Noise

34) Prior to the commencement of development hereby approved, a Noise Management Plan shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. The Noise Management Plan shall include but not be limited to the following matters:

a) details of noise mitigation measures for all vehicles, mobile plant and machinery to be operated within the site hereby approved;

b) details of the noise level monitoring measures at the noise sensitive receptors identified in condition 36 and set out in ES Chapter 7: Noise;

c) a Noise Monitoring Programme detailing the frequency and duration of monitoring which shall include noise level monitoring of LA90 and LAeq noise levels. Noise level monitoring shall include at least 2 separate durations during the working day when the main plant and machinery is in operation;

d) details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate;

e) details of the procedure for logging of all weather conditions, approximate wind speed and direction;

f) a requirement for noise level monitoring results to be submitted to the Mineral and Waste Planning Authority within 7 days of the noise monitoring being carried out; and

g) a procedure for the logging, investigating and responding to noise complaints whether received directly from a member of the public or via the Mineral and Waste Planning Authority.

If the noise level monitoring results reveal an exceedance of the relevant noise limits set out in condition 36, then no further mineral extraction or infilling activities shall take place until a revised Noise Management Plan has been submitted to and agreed in writing by the Mineral and Waste Planning Authority. The revised Noise Management Plan should provide more detail on further mitigation measures to prevent noise level exceedance and the timescales for their implementation. The approved mitigation measures shall be implemented in the timescale as agreed.

Further noise level monitoring shall be undertaken within 7 days of the implementation of the required noise mitigation and the results submitted to the Mineral and Waste Planning Authority within 7 days of being carried out.

If the subsequent noise level monitoring results still reveal an exceedance of the relevant noise limits, then the provisions and process set out above shall be repeated until compliance with the noise limits has been achieved.

If, following a complaint, the Minerals and Waste Planning Authority decides that further noise level monitoring is required, written notice shall be given to the Mineral Operator specifying the required noise level monitoring and the timescale for submission of this information. The further noise level monitoring shall be undertaken by the Mineral Operator and the results submitted in writing to the Mineral and Waste Planning Authority within 7 days of the request.

The development shall be carried out in accordance with the approved details for the duration of the development.

35) The noise level from work to facilitate essential site preparation, construction, restoration (including the deconstruction of screen bunds/baffle mounds) shall not exceed 70 dB LAeq 1 hour (free field) at the boundary of noise sensitive premises including The Hamble School for a period of up to eight weeks in one calendar year.

No works associated with construction and deconstruction of screening bunds on the northern boundary of the site shall take place within The Hamble School operational teaching hours (term time only). Prior to the commencement of these

works, The Hamble School shall be notified of the date of these works commencing.

Written records of the duration of such works shall be kept on site and made available for inspection by the Mineral & Waste Planning Authority upon request.

In the event that the noise limits above are breached, then the exceedance provisions of condition 34 apply.

36) The total noise attributable to all mineral extraction, infilling activities and restoration shall not exceed the values set out in the following table:

Location	Site noise limit (routine Operations) dB Leq, 1 hour free field
Astral Gardens/Tutor Close	50
The Close, Satchell Lane	49
Satchell Lane	50
Wessex Manor	55
The Hamble School (secondary school)	55
Hamble Lane (rear of properties)	54

Temporary operations, as defined in the PPGM 2022, at all locations shall not exceed 70 dB Leq, 1 hour free field.

Air quality and dust

37) Prior to the commencement of the development hereby approved, signage shall be installed within the site detailing a site speed limit of 10mph, and retained for the duration of the development hereby approved.

38) The development hereby approved shall be carried out in accordance with the approved Dust Management Plan (Air Quality Assessments Ltd, Dust Management Plan, ref: J0740/1/F2 dated 10 October 2023).

Following the commencement of the development hereby approved, an update to the Dust Management Scheme shall be prepared annually in accordance with the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Mineral Dust Impacts for Planning' (2016). This updated scheme shall be submitted to the Minerals and Waste Planning Authority and agreed in writing. The updated Dust Management Scheme shall be implemented for the next year following approval.

39) Prior to the commencement of the development hereby approved, details of the automatic particulate monitors and their locations should be submitted to and agreed in writing by the Minerals and Waste Planning Authority.

The location of the automatic particulate monitors shall include, but not be limited to, a monitoring location within the application site boundary between dust generating activities and The Hamble School. The automatic particulate monitors shall be installed in the approved locations prior to the commencement of the development hereby approved.

The automatic particulate monitors shall be maintained and remain in place for the duration of the development. The automatic particulate monitors shall not be removed without the prior agreement of the Mineral and Waste Planning Authority.

If measured PM10 concentrations exceed the Site Action Level set out in the Dust Management Plan, corrective action shall be taken as set out in the latest approved Dust Management Plan.

Lighting

40) Prior to development commencing, details of all lighting proposed to be used and erected within the site should be submitted to and approved in writing by the Minerals and Waste Planning Authority. This should include details of LUX levels to agree maximum levels of LUX used and to control spillage.

The details of lighting shall be implemented as approved for the duration of the development.

Restoration and aftercare

41) Should the development hereby approved, for any reason, cease to operate for a period of more than 24 months, a revised Restoration Scheme shall be submitted to the Minerals and Waste Planning Authority within 3 months following the end of the 24 month period.

The revised Restoration Scheme shall include details of any changes required to the restoration scheme and associated works and operations as well as any revisions to the restoration timetable for the completion of restoration at the site.

The revised Restoration Scheme shall be implemented as agreed by the Minerals and Waste Planning Authority to the revised agreed timetable.

42) Restoration of each phase shall not be considered to be complete until a Restoration Completion Scheme has been submitted to and agreed in writing by the Minerals and Waste Planning Authority.

The Minerals and Waste Planning Authority will confirm in writing when each phase is considered to have moved into aftercare.