

Major Application

Cttee: 18/08/2010 Item No. 02

Application no: BDB/69802

[For Details and Plans Click here](#)

Site Address	Lower Link Farm, Lower Link, St Mary Bourne, Andover, SP11 6DB
Proposal	Erection of 3 no. intake bays and 9 no. despatch bays and a storage area adjoining main building. Erection of agricultural and vehicle workshop following demolition of existing. Relocation of existing and provision of new plant and equipment; the provision of a temporary construction compound; temporary relocation of crate wash room; and the implementation of a scheme of lighting and landscaping improvements.

Registered:	10/11/2008	Expiry Date:	09/02/2009
Type of Application:	Full planning permission	Case Officer:	Nicky M Spink 01256 845515
Applicant:	Mr N Stenning Vitacress Salads Ltd	Agent:	Adams Hendry Consulting Ltd
Ward:	Whitchurch	Ward Member(s):	Cllr E Dunlop Cllr K Watts
Parish:	Hurstbourne Priors	OS Grid Reference:	442973,149126

Recommendation:	Grant subject to SOS referral
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General Comments

Cllr Watts requests a viewing for the following reasons: The sheer scale of this development for Vitacress at Lower Link Farm justifies a visit by a panel of members of the Development Control Committee before it is considered. Issues include:

Policy E1- the amenities of neighbouring occupiers, traffic generation and highway safety

Policy E6 – visual amenity and scenic quality

Policy E7 – conservation status of priority species, deterioration of a key habitat, biodiversity

Policy E8 – water environment

Policy EC1 – Employment.

Amended Plans:

One amended plan Landscape Proposals Plan VSL/27 rev C and 5 additional plans relating to off-site highway works, interim and final parking layout and existing and proposed process flow together with an addendum to the Planning Supporting Statement and Environmental Statement were received on 30 November 2009. The Council re-consulted on the additional and revised information on 9th December 2009.

Description of Site

Vitacress is an existing watercress farm and processing and packaging plant of perishable goods that is located to the west of the B3048 that goes through the village of St Mary Bourne. To the south is a railway line and running along the western half of the site in a north/south direction, is the Bourne Rivulet. Public footpath No.2 is along the northern boundary. It is within the Area of Outstanding Natural Beauty and adjoins the Conservation Area.

The site extends to 16.9ha, most of which is made up of watercress beds and other agricultural land. A complex of buildings extending to approximately 7,500m² with hardstanding areas is centrally located, accessed from the B3048. To the south east of the site the existing main building, contains the packhouse (packing and dispatch building) and Vitacress Salad Ltd (VSL) offices and amenity facilities. At the north western corner of the packhouse is the lorry loading bay area, while at the north eastern corner is a loading storage area.

Two older agricultural style buildings contain the existing agricultural and vehicle workshop and an agricultural storage barn. Another building, towards the eastern boundary is a former salad-bunching shed which has been converted into staff hostel accommodation.

To the south of the main building is a staff and visitors car park that is accessed via `Gate 1` and the B3048 providing 141 car parking spaces.

The hardstanding areas to the north of the main building comprise large areas of external storage and plant, HGV circulation space and HGV parking. This area also includes the existing diesel tank, compactor/skip and lorry wash.

The watercress beds are mainly to the west of the site and to the north of the packhouse, but there is a small watercress bed to the east of the building, adjoining the road. The northern watercress bed is defined by a row of leylandii hedging.

The boundary treatment adjacent the road consists of mature hedgerow apart from post and wire fencing near Gate 2. The site is lit by existing lighting columns.

Proposal

The development is made up of the following elements:

- Erection of 3 sealed intake bays adjoining the eastern elevation of the existing main building.
- Erection of 9 dispatch bays adjoining the north west of the existing main building.
- Erection of an enclosed storage area adjoining the northern elevation of the existing main building.
- Erection of a new agricultural and vehicle workshop building and demolition of existing workshop building.
- Relocation of existing lorry wash and compactor, and other existing plant.
- Erection of new and relocation of existing diesel storage tank, together with the erection of new bunding.
- New and replacement lighting
- Landscaping

More details of each element of the development, together with a summary of the business case for the development is set out below.

The proposed development is planned in 5 phases over a 5 year period, starting with the dispatch bays and finishing with the covered and enclosed storage.

The application is accompanied by an Environmental Statement (ES).

Summary of Proposals and Business Case for the Development:

VSL is a vertically integrated company, which means that it retains complete control over every aspect of its business, from the growing of the salad products, their delivery to Lower Link Farm, their processing and packing and onward distribution to customers. The perishable nature of its salad products means that VSL is unable to produce and then

store its products, which have to be picked, chilled, inspected, washed, mixed, packed and delivered to customers all within a very short timeframe. Salad leaves arriving at Lower Link Farm are principally delivered from VSL's existing cold store at Amesbury, where they are inspected and picked into batches, ready sorted for each washline within the packhouse at Lower Link Farm. A shuttle service brings these materials to Lower Link Farm on a 'Just In Time' basis.

The business case for the proposed development is that it will improve the product quality, reduce inefficiencies and costs, improve working conditions for staff, reduce CO2 emissions and deliver other environmental benefits. The closure of two existing breaks in the cold chain relating to the unloading and loading of salad products from HGV's is a basic requirement for chilled food suppliers which VSL cannot currently meet. The existing intake and despatch operations are energy inefficient as chilled air is lost from delivery vehicles and the packhouse resulting in unnecessary energy use and CO2 emissions. The proposed covered storage areas for crates, pallets, chemicals and equipment storage would lead to a reduction in noise emissions, visual impact and improve the working conditions for staff.

Intake Bays

Three sealed intake bays are proposed, 24m in width (max) and 48m long with a ridge height of 6.9m are proposed on the eastern elevation of the existing building to allow unloading directly into the packhouse. This area will include space for the storage of green waste awaiting collection for composting and space for the washing of plastic crates prior to re-use. Materials and design will match the existing building. Part of the existing watercress bed will be removed to facilitate the construction of the intake bays, relocation of the existing refrigeration condensers, water tank and pump house

Dispatch Bays

Nine dispatch bays are proposed, in the same style as the intake bays adjoining the northwest elevation of the main building, 39m long, 9m wide and with the same ridge height of 6.9m. The structure would have a steel portal frame, with brick external facing. The existing LPG tank would be relocated and the existing cratewash room temporarily reconfigured and ultimately removed once it has been reprovided as part of the intake bay development.

Covered and Enclosed Storage

A covered and enclosed storage area adjoining the northern elevation of the existing main building are proposed. This would be 78m long, 24m wide with a ridge height of approximately 6.9m, with a steel portal frame with brick external facing to be used for the storage of crates, pallets, plant and other equipment. This area will not form part of the processing area of wash lines and pack lines and will not be chilled. It will include 3 docks for unloading customer crates and pallets.

Agricultural and Vehicle Workshop

To provide a replacement for the existing workshop (which would be demolished) to be sited to the north of the existing lorry parking area. The building would be 46m by 20m with a ridge height of 7.5m designed in similar style to the extensions to the main building with a steel portal frame with green coloured Plastisol coated steel.

Relocated plant, new lorry wash and steam cleaning bay

A replacement lorry wash with interceptor tank and detergent treatment system is proposed north of the main building and a steam cleaning bay on the end of the existing agricultural barn. The existing compactor would be relocated adjacent to the new lorry wash. Several items of existing plant, including the water tank, LPG tank and condensers will also be relocated as part of the proposals.

Diesel Storage Tank

A new self-bunded diesel tank is proposed west of the proposed workshop. The existing tank will be relocated adjacent to the new diesel tank and used for the storage of red diesel.

Lighting

Replacement lighting is proposed for the existing car park to the south of the main building to comprise hooded lights to reduce existing lightspill. Directional floodlighting is proposed to the new building area to the north, including 6 lights mounted on the new buildings and a further 15 column lights on the edges of the hard standing.

Landscaping

A scheme of landscaping works to the eastern and northern boundaries is proposed to replace, over time, existing non-native planting with indigenous species together with new and replacement planting within the site.

Relevant Planning History

BDB 14509	Erection of storage building with cold store and loading bay	Granted 18/04/83
BDB 18926	Single storey toilet block	Granted 16/09/85
BDB 21369	Extension to transport building	Granted 28/11/86
BDB 21396	Extension to storage building	Granted 28/11/86
BDB 33636	Construction of new access	Refused 23/09/92
BDB 36188	Erection of extensions to existing process/packing plant together with revised access, car park and landscaping	Granted 13/07/94
BDB/37551	Erection of two new plant rooms, overhead walkway and gatehouse together with revised elevations and car park lighting to permission BDB 36188	Granted 04/05/95
BDB 37743	Display of various fascia and direction signs	Granted 02/06/95
BDB 44406	Erection of extension	Granted 05/02/99
BDB 44740	Erection of 15m mast, minicabin, 2 cross polar antennae 3 no AC units.	Granted 11/03/99
BDB 46382	Erection of extension to create smoking room	Granted 26/11/99
BDB 51529	Change of use of part of old bunching shed to hostel accommodation (10 bedrooms)	Granted 10/12/01
BDB 51954	Erection of a production/in-take chill area extension (new arrivals area extension)	Granted 17/01/02
BDB 52207	Construction of new watercress beds and associated landscaping	Withdrawn 18/07/02

BDB 52249	Erection of a 15-metre monopole telecommunications mast complete with three sector antenna and one radio equipment cabin	Granted 07/03/02
BDB 55966	Erection of new despatch bays, temporary docking bay door, demolition of existing workshop and erection of a new workshop, erection of a new office suite, erection of new intake bays, extension to existing packhouse, replacement lighting, relocation of lorry wash, compactor, skip, diesel storage, nitrogen tank, plant and security hut, together with associated landscaping works	Withdrawn 23/01/07

Consultations

St Mary Bourne Parish Council: Objection

1. Summary

Whilst the proposal by Vitacress raises all sorts of issues including environmental, transport, noise and employment issues we have concentrated on the planning policy aspect. Within the context of policy the grounds to the Council's objection are –

That the proposals run contrary to national and local planning guidelines,

2. Nature of proposed development

Only a small proportion of the produce packed is actually grown on the site. Some of the crops packed at the plant are not grown in this country and, coupled with the introduction of salad dressings in the packing stage; the Council is of the opinion that the operation is not agricultural and constitutes industrial process.

3. National Planning Guidance PPG7

PPG 7 is the principal national policy guideline and the Council argues that the proposals do not accord with the objectives of this document.

PPG 7's "guiding principal" is that development in the countryside "should both benefit economic activity and maintain or enhance the environment". It has not been shown that the proposals maintain or enhance the environment; the proposed erection of 3 new intake bays and 9 new despatch bays are in the Council's view clearly out of sympathy with and of detriment to a rural locality.

In AONBs it is a requirement that "In all cases environmental effects of new proposals will be a major consideration though it will be appropriate to have regard to the economic and social well being of the area". The Council rejects the case that there will be benefits to the local community.

PPG 7 states that "building in the open countryside, away from existing settlements or from areas allocated for development in development plans, should be strictly controlled. In areas statutorily designated for their landscape, wildlife or historic qualities, policies give greater priority to restraint". The site in question is neither

located within an existing settlement nor in an area allocated for development. Additionally it is allocated within a statutorily designated area, an AONB. The presumption which should apply, therefore, is that development at the site should be strictly controlled with priority given to restraint.

The Council does not see any enhanced economic benefit to the community. The majority of the labour is non local; a significant number are from abroad and are hostel based.

Whilst Annex C17 of PPG 7 deals with farm based food processing and C18 with farm based food packing, both are encouraged but relate to entirely different operations to those undertaken by Vitacress. The dangers of over expansion are acknowledged in C17 by indicating that. "Local planning authorities should consider the nature and scale of activity that would be appropriate, and may have scope to use conditions to limit them where there is concern about the impact of future expansion." The scale and nature of the proposed development is clearly out of context with the concept of farm based food processing and packing.

4. Adopted Hampshire County Structure Plan

It is the Council's opinion that the proposals do not accord with the County Structure Plan and, in particular, do not comply with policies C2, EC1, EC3 and E7. We believe that policy C1 is relevant in its definition of 'countryside'. The County Structure Plan clearly provides that the form of development proposed at the site is unacceptable in open countryside. In particular, policy C2 provides that: "permission will normally only be granted for development which is essential for agriculture, horticulture or forestry or other development for which a rural location is essential or development which is approved under other policies of the Plan".

In the Council's view the proposals amount to a significant industrial or commercial development and therefore policy E7 (development within an Area of Outstanding Natural Beauty) should apply to the development. In applying this policy to the site it is clear that the proposals fail on all three limbs of the prohibition on development - there is no proven national interest, there are clearly alternative sites available (the applicant is using one at Amesbury) and the buildings, design and materials etc. are not in sympathy with the local environment.

5. Adopted Basingstoke and Deane Local Plan

The proposals do not accord with the local plan and do not comply with policies EMP110, C20 and C21.

The adopted plan policy EMP110 restricts development of the nature proposed in open countryside. Exceptions are provided for types of development complying with policies C20 and C21 but the proposed development does not accord with these policies.

The applicant has not shown that the proposals are both essential for the efficient use of agriculture and that there is an essential need for a rural location. Policy C20 is therefore not satisfied. Many of the items to be packed are not produced in the locality - there is therefore no linkage with the "efficient" use of agriculture.

Policy C21 is not satisfied because it has not been shown that a rural location is essential.

6. Approach to transport issues

The increase in traffic at the site as a result of the 'vehicle maintenance enterprise' has already has a significant detrimental impact on local roads. Local Plan Policy C21 raises issues which has not been satisfied - that of traffic generation detrimentally affecting rural roads. The rural road network is incompatible with such an enterprise coupled with 'natural growth' at the Vitacress site

7. Summary Conclusion

It is the Council's opinion that any expansion at the site particularly to the loading bays and vehicle workshops will lead to an unacceptable increase to the volume of traffic on the already over-used rural roads. The Parish Council are of the opinion that vehicle movements from the site should be restricted to the hours of 6 am to 11 pm. The application shows that there have been a number of incidents at the railway bridge by New Barn Farm and at the narrow stretch of road by Chapmansford Farm, the Parish Council would like to see road improvements and traffic controls along these stretches of road. The Council would like to see the 'vehicle repair enterprise' restricted only to the Vitacress owned vehicles.

It is the Council's belief that there is no need for the proposed packaging buildings to be situated on the Vitacress site at Hurstbourne Priors. The packing of salad products (much of which is imported) constitutes a commercial/industrial process which is just as capable of being carried out in a non rural location.

For the above reasons the St Mary Bourne Parish Council urges the Development Control Committee of the Basingstoke & Deane Borough Council to refuse the application.'

Hurstbourne Priors Parish Council: Object for the following reasons:

'The Parish Council opposes this planning application. This is a food packing station with a minimal connection to agriculture and inappropriate on the edge of an AONB and out of keeping with the surrounding environment and landscape. It does little or nothing for the local community as most of the employees are recruited overseas and lodged in company hostels on site. As such it is out of line with many of the planning policies both local and national. At current levels of production there are already serious local concerns about the level of traffic generated, associated pollution and environmental damage to road verges, as well as the disturbance caused to parishioners, together with light pollution, none of which are addressed to our satisfaction in the application. Whilst it is apparently based on tidying up the site and improving processes with the goods-in and good-out bays, the reality is that, if approved, this application paves the way for increased throughput with consequent increased traffic, increased waste and increased discharge into either the rivulet or the sewer. The Workshop is contentious in that it is to operate 24/7 all year round which seems excessive if it is only to service the VSL fleet. We have continuing concerns about the flooding risk in the Bourne Valley and to what extent the VSL operation may contribute to this both now and in the future. Finally, we are not competent to assess the quality of the water in the Bourne Rivulet below Lower Link Farm, and would expect nothing less than a fully positive view from the Environment Agency without which consent should be withheld.

Plant Capacity - This is a packing plant and NOT an agricultural enterprise. At current levels of output there is more than enough pressure being put on the environment, notably with the carbon footprint of salads being flown in from The USA and Kenya and trucked in from mainland Europe. The noise and light pollution is at an unacceptable and is not

addressed to our complete satisfaction by the application. It is clear from this that increased production is by no means ruled out as confirmed by the statement from the new owners, RAR at the time that they acquired VSL. The only way of ensuring that this application does not lead to the consequences of increased output is to find some means of capping output.

Traffic - We have concerns about the accuracy of the traffic survey included in the application with regard to the ability to distinguish between different types of vehicle as well as discrepancies in numbers in and out. The volume and weight of traffic using the Harrow Way and the Walworth Road has greatly increased since the last application, that there is a traffic problem. They have placed kerbs along parts of the Walworth Road which, whilst protecting the verges, has merely served to narrow the width of the road and make it more dangerous given the high speeds at which many vehicles travel along this section, which is used as a short cut from Andover to the A34(north). Therefore any planning approval should be subject to the following conditions:

1. VSL HGV movements should not be permitted within a 2 mile radius of Lower Link Farm between 11pm and 6am on weekdays and 11am and 8am at weekends and on holidays.
2. A speed limit of 30mph should be imposed from the top of the hill above Chapmansford Farm on the Walworth Road through to the crossroads by the viaduct and on along the Harrow Way until after the railway bridge. The same limit should be imposed on the B3048 from the viaduct crossroad o St Mary Bourne village.
3. Traffic lights should be installed to control the movement of traffic under the railway bridge at New Barn Farm on the Harrow Way.
4. Existing self-imposed restrictions on all VSL and sub-contractor HGV routes to and from Lower Link Farm should be maintained.

The Workshop - We question whether this needs to be located at Lower Link Farm and whether it does not properly belong on an industrial estate. If it is to be sited at Lower Link Farm then it should only be allowed to operate on working days between 8am and 5pm and should be allowed only to service and repair VSL vehicles.

Flood Risk - The Environment Agency and Southern Water must given guarantee that current and expected levels of output and associated discharges from VSL will not contribute to the risk of flooding in the Bourne Valley.

Effect on the Bourne Rivulet At the time of the last Application the EA gave out very mixed messages on this issue. Given the time for thorough evaluation and testing, on this occasion nothing less than a completely clean bill of health for the quality of water in the rivulet below VSL's discharge points should be acceptable. Together with this, there should be a clear programme of tests to ensure that this quality is maintained, with the results of the tests being made publicly available to the parishes.

Summary - Our opposition is based on the fact that the operation at Lower Link Farm should be judged as an industrial process subject to the same conditions as any other industrial enterprise in a similar location. It should not be allowed to escape these by claiming to be an agricultural process. The traffic and other forms of pollution are already unacceptable to local residents and any approval should be subject to the most stringent conditions on output, traffic, and flood risk, the operation of the Workshop and water quality of the Bourne Rivulet as set out above.'

North Wessex Downs Area of Outstanding Natural Beauty - Response to additional consultation:

The North Wessex Downs AONB note the planning history of the site and the context of the proposals in the light of the existing uses. The North Wessex Downs AONB do however have concerns over the proposed lighting (that is noted replaces existing lighting); potential to increase noise within the AONB; the risk of increased production and staffing (despite what has been said in the application); and the routing of HGV's. It therefore requests that should the Council be mindful to support this application that in addition to standard planning conditions over materials and landscaping that planning conditions are also applied to control lighting and noise (so noise is no greater than existing from the boundary and lighting is turned off at some point at night to prevent light pollution); a legal agreement is also requested to limit staff numbers / vehicle numbers to the existing level; a legal agreement is also requested to control the route of HGV's. If these concerns can not be resolved with the applicant then the North Wessex Downs AONB objects to the application.

Conservation: No objection

The application lies within the North Wessex Downs AONB, and also policy E6 applies. The proposals involve the construction of new buildings, extending existing buildings of similar sizes. There is also a new building located to the north of the main complex, adjacent to the barn. All of the buildings are set within a larger area of watercress beds, areas of hard standing, parking and other elements associated with the business. Vegetation exists along the north, eastern and western boundaries. The former two boundaries consisting of extensive lengths of Leylandii of between 10-15m high. The proposals also include additional planting proposals around the site.

The new buildings are seen within a similar context, as the existing buildings are of a similar size, bulk, scale and design and it is therefore considered that they are sympathetic to the character of the area and do not adversely affect the local visual amenity. Furthermore, the landscape proposals do look to eventually replace the Leylandii hedges on the northern and eastern boundaries. These are alien features in the landscape and along with the amendments suggested above, their removal would be a benefit to the local landscape character.

Environmental Health: No objections provided that the recommendations of the acoustic consultants report are followed.

Landscape: No objections. The revised plan addresses the outstanding landscape issues raised in the previously submitted revision (Rev B) and are therefore satisfactory.

Trees: No objection

- The existing leylandii cypress belt has little to offer in terms of character and visual amenity with the screening function performed mainly by ivy growth on these poor quality trees. The replacement with ilex is welcomed.
- As there are to be no new excavations with the root protection areas of existing trees, an arboricultural assessment will not be necessary.
- The additional information submitted addresses previous concerns and the application is in accordance with Local Plan Policy E6, in terms of trees.

Environment Agency

Original Consultation - No objections subject to comments and conditions. The site is in an environmentally sensitive location. The site lies within Floodzone 2 and 3 of the Bourne Rivulet. The site is underlain by Upper Chalk and the groundwater in this location is within

a designated Source Protection Zone. The watercourse itself becomes a Special Site of Scientific Interest (SSSi) further downstream. There have been concerns in the past that activities on the Vitacress LLF site have been having a detrimental impact upon the SSSi. The applicant has stated in the application covering letter that land contamination issues are not applicable to this application. The site is extremely sensitive with respect to ground and surface waters and we remain concerned that the site plans appear to show that the areas currently occupied by a diesel storage area, lorry wash and workshops are to be redeveloped. These uses may have potentially caused contamination of underlying soils and groundwater and as such, we have had to take a precautionary approach in respect of recommending a number of conditions.

Summary of topic comments:

Surface Water Quality

Provided the mitigation measures set out in Section 11 of the ES are implemented correctly, there should be no impact upon the water quality of the Bourne Rivulet.

Groundwater Quality

Mitigation measures are proposed in the ES to prevent the spillage and discharge of controlled substances to groundwater. These are controlled under separate legislation. There may be the land affected by contamination within the redevelopment area and a risk of pollution of Controlled Waters which must be fully investigated and understood. Further work will be required in relation to the protection of groundwater quality during and post construction to satisfy the requirements of PPS 23. This can be secured by conditions.

Biodiversity

The ES provides an appropriate assessment of biodiversity and the impact this development will have on the local ecology. Concerns about the effect of Vitacress's operations on the Aquatic Invertebrate community and the steps taken to address this are recorded. The proposed works are unlikely to affect these factors and we have no undue concerns in respect of Biodiversity. A condition is suggested in respect of the biodiversity enhancement proposals.

Flood Risk and Water Resources

Chapter 11 of the ES states that the redevelopment will not intensify the production volume of the site or require increases in water abstraction. Conditions on foundation design are proposed and to ensure that surface water can be effectively attenuated and discharged at appropriate rates.

Conditions sought in respect of foul and surface water pipe layout and drainage strategy, contamination risk, verification and remediation strategy, foundation design details, restriction on foundation design method, scheme for storage of a range of substances, scheme for compensatory habitat creation, landscape management plan, surface water drainage scheme.

A further letter of response to detailed third party comments was made making the following points: (in summary);

The EA position remains as set out in their original response. Suggested conditions will reduce the impact of the development in respect of EA roles and responsibilities. The EA notes that the ES says there will be no increase in water abstraction or effluent produced as a result of this planning application.

- Water abstraction. The dry periods of the Bourne are more extensive due to abstraction from boreholes. Vitacress abstraction does have a local hydrological impact but not to the extent that would have grounds to modify the licence at Public Inquiry.

- Discharge of Effluent to Bourne Rivulet. This is controlled by consents, the first of which was after an NRA prosecution in respect of chlorine discharge. The use of chlorine has now stops reducing the quantity of solids discharged and the impact of salad washings, which are known to be toxic to Gammarus (freshwater shrimp).
- Ecology. There have been measurable improvements to the invertebrate fauna of the Bourne Rivulet as a result of the measures taken.
- Environmental Constraints. The Bourne is an important chalk stream within and AONB and designated as a salmonid river under the EU Fisheries Directive. It is not designated under Habitat Regulations and our evidence shows that discharges from the VSL site are not having an impact on the River Test which is a SSSI.
- Nitrate Vulnerable Zone. Site activities do not fall within the recently amended NVZ regulations.
- Flooding. We consider that our suggested conditions will deal with the flood risk on site and protect ground waters.
- Waste Management. We have no evidence for the stockpiling of composting watercress/stubble/gravel mix which is subject to EA regulation is causing pollution of surface or ground waters and are working with VSL and other to help them investigate other reuse or recycling opportunities for this product.

Additional Consultation - No additional comments

Southern Water: No objections subject to a condition in respect of surface water disposal

Natural England: Original and Additional Consultation - It is Natural England's advice that the River Test SSSI is unlikely to be adversely affected by the above proposal provided conditions are attached to any permission granted to cover;

- The inspection, cleaning and maintenance of interceptors
- In addition to site complying with the Environment Agencies PPG Note 6, contractors must also comply with PPG1, 2, and 3.
- Request EN are consulted on the proposed Construction Environmental Management Plan before works start.
- Storage of fuel and chemicals to reduce the risk of pollution incidents occurring into the Bourne Rivulet.
- Ensure bat surveys and mitigation are employed if necessary

Test Valley Borough Council Planning Department: No objections

SEERA - South East England Regional Assembly: Proposals are not considered to be of regional significance and therefore do not wish to comment.

Hampshire County Council - Planning: No comments

Hampshire County Council - Environment Department: Whilst there are no records of protected species further assessment regarding otter and water vole will be required prior to any works to the watercourse banks or adjacent to watercourses. Lighting should be directed away from retained habitats and watercourses.

CPRE - Hampshire: Object on grounds that Vitacress activities constitute an industrial, not agricultural operation. No increase in Vitacress's activities should be allowed and controls proposed by Hurstbourne Priors Parish Council are supported.

Hampshire County Highways: No highways objection subject to

- the securing of a financial contribution towards the implementation of safety improvements at Harrow Road railway bridge which will include enhanced direction and warning signs and:
- the securing of a lorry routing in relation to construction traffic to be based upon the existing lorry routing which is secured against the existing operation.

Local Highway Authority: No objections subject to conditions

Public Observations - Original Consultation - Fifty three letters of objection raising the following points:

- Unacceptable noise nuisance and likely increase in noise nuisance.
- Inappropriate use in rural area.
- Inappropriate design and bulk.
- Loss of watercress beds to more buildings and parking.
- Inadequate landscaping and objection to loss of existing leylandii hedge which provides some protection for residents.
- Increased pressure on existing infrastructure.
- Adverse affect on existing cycle/equestrian/pedestrian users of local road network.
- Contributions should be sought towards infrastructure improvements, eg. traffic lights at New Barn Farm and 30 mph speed limit.
- Contrary to Policy.
- Use has outgrown its site and should relocate to an industrial estate eg. Walworth Industrial Estate in Andover.
- Existing road network completely inadequate for such large vehicles, regular danger to existing road users and damage to verges/hedgerows.
- Proposal will lead to an increase in traffic, especially heavy good vehicles.
- Adverse affect on AONB and Conservation Area.
- No economic benefits locally - uses largely foreign labour.
- Pollution issues have still not been resolved and will be made worse by increased production resulting from this application.
- Increase in light pollution.
- This not an agricultural use but a large-scale industrial food processing plant which has expanded enough and outgrown its site.
- Proposal will result in an expansion of production and output with consequent harm to the local environment and increase in traffic.
- Increase in production will require further water from existing aquifer. This will result in rivers upstream drying up.
- Adverse affect on natural life and ecology of Bourne Rivulet.
- Restrictions on night-time lorry movements should be imposed.
- Increased risk of flooding.
- Need for development has not been demonstrated.
- Development is about cheap water and no longer has a genuine agricultural justification.
- Vehicle workshop unjustified - is not limited to VSL vehicles and is sited too close to local residents.
- Waste dumping by VSL in flood plain is visually harmful and possibly polluting.
- The ES does not adequately address the issue of waste and pollution which were highlighted in the Secretary of State's screening direction in respect of BDB 55966 and are referred to in the Council's screening opinion on the current application.

Forty four letters of support from individuals and employees and eleven from local organisations and business groups raising the following points:

- Proposals will improve the working environment for employees.
- Reduction in light pollution.
- Improve carbon footprint/save energy.
- Reduction in noise levels.
- Benefit to local environment overall.
- Benefit local employment
- Meet competitive demands for industry.
- Support rural business.

Response to Additional Consultation:

Fifteen letters of objection reiterating previous objections and raising the following additional points:

- Additional information fails to address previous concerns and reinforces the lack of any link between the industrial nature of the activity and the original agricultural use.
- Water extraction excessive and used inappropriately for non-agricultural purposes.
- Failure to properly evaluate alternative sites.
- EIA's requirements have not been met and no expansion of activity should be allowed until they are satisfied.
- Additional information does not address the inadequacy of the ES in respect of waste and pollution matters.

Material Considerations

Planning Policy

In July 2010 the Government revoked the Regional Strategies including the South East Plan and the Development Plan now comprises the saved policies of the Basingstoke and Deane Borough Local Plan (July 2006) (BDLP) only. Supplementary Planning Documents remain and Planning Policies Statements remain material considerations.

The policy framework for considering this application at a national level is broadly supportive in general terms to schemes that support rural enterprises, subject to consideration of any economic, environmental or social impacts. The national planning framework is primarily set out in PPS1 (and its supplement on Climate Change), PPS4, PPS5, PPS7, PPS9, PPG13, PPS23, PPS24 and PPS25. Of these, PPS7 (Sustainable Development in Rural Areas) and PPS4 (Planning for Sustainable Economic Growth) are of greatest relevance and sets out the Government's objectives for rural areas, including:

- promoting sustainable, diverse and adaptable agricultural sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants.

PPS7 goes on to provide more detail on particular aspects of development in the countryside, some key elements of which are highlighted below;

(Para 15) – Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development.

(Para 22) – Major development should not take place in (nationally designated areas, including AONBs), except in exceptional circumstances. Major development proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of such applications should therefore include an assessment of:

- (i) the need for the development, including any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- (ii) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- (iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

(Para 27) – planning authorities should support development proposals that will enable farming and farmers to:

- (i) become more competitive, sustainable and environmentally friendly;
- (ii) adapt to new and changing markets;
- (iii) comply with changing legislation and associated guidance
- (iv) diversify into new agricultural opportunities; or
- (v) broaden their operations to ‘add value’ to their primary produce.

Planning Policy Statement 4 (PPS4) sets out the Government’s comprehensive policy framework for planning for sustainable economic development in urban and rural areas. The objective is sustainable economic growth in both urban and rural areas. Policy EC6: Planning and Economic Development in Rural Areas sets out that ‘in rural areas...local planning authorities should:

- f. set out criteria to be applied to planning applications for farm diversification, and support diversification for business purposes that are consistent in their scale and environmental impact with their rural location

Policy EC10: Determining Planning Applications for Economic Development states that ‘Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development’ and that they should be assessed against (amongst other factors) whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change. Policy EC11 goes on to state that ‘In determining planning applications for economic development other than for main town centre uses which are not in accordance with the development plan, local planning authorities should:

- a. weigh market and other economic information alongside environmental and social information
- b. take full account of any longer term benefits, as well as the costs, of development, such as job creation or improved productivity including any wider benefits to national, regional or local economies, and
- c. consider whether those proposals help to meet the wider objectives of the development plan.

It is clear that there potentially exists scope to positively consider the principle of the proposed development, subject to confirmation that consideration has been given to alternative solutions, such as locating some of the activities off-site. In addition, it will be necessary to consider the detailed design and layout of the scheme, in the context of the site’s countryside location in the AONB and in proximity to a Conservation Area.

PPS4 serves to highlight that local planning authorities should consider proposals for economic development in a positive manner, and that these should be supported unless the social, economic and social costs of development are likely to outweigh the benefits.

PPS1 Delivering Sustainable Development, and its supplement Planning and Climate Change, seek to facilitate and promote sustainable and inclusive patterns of urban and rural development. A key planning objective is to make a full contribution to delivering the Government's climate change programme, which includes a target to reduce carbon dioxide emissions by at least 60% by 2050.

PPS5 Planning for the Historic Environment, sets out planning policies on the conservation of the historic environment and heritage assets (which include designated conservation areas). Policy HE7 sets out policy principles including HE7.2 the need to avoid or minimise the conflict between the heritage asset's conservation and any aspect of the proposals and HE7.5 local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. HE9.1 states that there should be a presumption in favour of the conservation of designated heritage assets. When considering applications for development that affect the setting of a heritage assets, (HE 10.1) local planning authorities should weight any harm against the wider benefits of the application.

PPS9 Biodiversity and Geological, includes the broad aim that planning construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment. The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Para 8 (Sites of Special Scientific Interest) states that where a proposed development on land within or outside a SSSI is likely to have an adverse effect on a SSSI, it should not normally be granted.

Para 15 of PPS23 Planning and Pollution Control states that Local Planning Authorities' must be satisfied that planning permission can be granted taking full account of environmental impacts with close co-operation with the Environment Agency and other relevant authorities such as Natural England and drainage and sewerage authorities. Annex 1 to PPS23 deals with Air and Water Quality and states (para 1.21) that the Environmental Agency is responsible for protecting and enhancing the quality of surface (inland and coastal) waters and groundwater, for conserving and enhancing water resources, and for licensing some water extractions. Details of the relevant water policy framework are set out in Appendix 1D.

PPS25 Development and Flood Risk seeks to ensure that flood risk is taken into account at all stages in the planning process; to ensure that planning applications are supported by site specific flood risk assessments (FRA's) as appropriate. A sequential approach seeks to minimise risk by directing the most vulnerable development to areas of lowest flood risk.

Turning to Local Plan Policies, in terms of the Basingstoke and Deane Borough Local Plan (BDLP), the site is located outside of any defined Settlement Policy Boundaries, and is therefore considered to lie in the open countryside, where the more restrictive policies apply. The site also falls within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), where special protection is afforded to the landscape, and is in proximity to the St Mary Bourne Conservation Area to the north of the site and the Hurstbourne Priors Conservation Area to the south. Accordingly, policies E3 (Areas of Architectural or Historic Interest) and E6 (Landscape Character) are of relevance, together with Policy E1 (Development Control). Policy E7 (Nature/Biodiversity conservation) is also relevant in respect of ecological and biodiversity issues. Local Plan Policy E8 (Water Environment) was not saved. In view of the conclusions drawn in respect of lawful use of the site (see below), it is not considered that Policy EC7 (Farm Diversification) is relevant. Also of

relevance is the AONB Management Plan and the Village Design Statement for St Mary Bourne. The AONB Management Plan seeks the maintenance of the sense of place, open and remote character, isolation and tranquillity of the AONB and the need to conserve and positively increase the integrity of the dark night sky. The St Mary Bourne VDS notes the importance of the Bourne Rivulet and associated meadows and the importance of appropriate landscaping of new development.

It is further considered that Policy D9 is relevant given the conclusions reached on the existing and lawful use of the site (see below). This policy was originally conceived to provide a framework for the consideration of redundant sites in the countryside, such as former garages / service areas or builders yards. It was not intended to deal with this type of application on a large scale commercial basis. The weight to be attached to its use therefore needs to be tempered with other material considerations.

Policy D9 is permissive of proposals for the re-use of 'brownfield' sites in the countryside, where these are in 'sustainable locations'. In this instance, the site is considered to have 'brownfield' parts of the site (or previously developed) in respect of the definition set out in PPS3. This is on the basis that it does not appear to have been used for an agricultural activity for some time (based on information submitted by the applicant regarding the processing of imported products and the length of time that this has been occurring).

In terms of the requirement to be in a 'sustainable location', this is defined in the Adopted Local Plan as:

'A location which, for new housing, is easily accessible to employment, education, retail, community and other facilities by a choice of attractive means of transport other than the private car. For other uses the primary consideration will be that the site itself is easily accessible by a choice of attractive means of transport other than the private car'.

The site is not considered to be sited in a sustainable location as defined in view of its location and the limited local provision of alternative modes of transport.

Relevant Planning History

A watercress farm has been established on this site for many years, the first commercial lease dates back to 1905 and Vitacress has been packing bunched watercress on the site since 1960. Over time this process has become increasingly mechanised and Vitacress has diversified the agricultural operations with other salad leaves and salad products brought to Lower Link Farm for washing, mixing and packing. Key to the development of watercress production on the site is the ready supply of natural spring water which is abstracted from underground aquifers to flow through the watercress bed. VSL say that locating the packhouse operations at Lower Link Farm is essential to enable VSL to use the readily available fresh spring water, pumped under licence from boreholes on the site, for the washing of salad products. Several planning applications have been submitted relating to the development of the site, as noted above. In their supporting information VSL state the site now comprises the following functions:

- 'The growing and harvesting of watercress, including all ancillary agricultural operations
- The washing, mixing and packaging of both salad products derived from the site, and imported onto it
- The import of salad leaves from other, predominantly VSL farms, and the distribution of packed salad products to customers
- The maintenance and parking of VSL's HGV distribution fleet
- VSL's administrative offices'

Of particular relevance to this application is BDB/55966, which was for a similar form of development, including 10 rather than 9 despatch bays as now and also including a new office suite which is no longer part of the proposals. That application was considered by the Council's Development Control Committee on 10/12/2003 who resolved to grant planning permission subject to a S106 agreement to secure a contribution towards BEST and a Landscape Management Plan. The agreement was completed and planning permission was issued on 14 April 2004. The decision was challenged in the High Court in July 2004 on several grounds. Legal advice to the Council was that the Council had not considered whether the development was a Schedule 2 development and if so whether it was an EIA Development in accordance with the Regulations and that the Council had failed to undertake a screening opinion required by the Environmental Regulations. The Council submitted to judgement which quashed the planning permission dated 14 April 2005 in respect of BDB/55966. In September 2004 the applicant requested that the Secretary of State make a screening direction as to whether the application was an EIA development. In his response, dated 9 November 2004, the Secretary of State stated that:

'Since the proposal is located in a sensitive area, the Secretary of State considers your client's application to be a 'Schedule 2 application' within the meaning of the 1999 Regulations. Furthermore, having taken into account the criteria in Schedule 3 to the 1999 Regulation, in the opinion of the Secretary of State, the proposed development would be likely to have significant effects on the environment because of its nature, size and location, having regard to the likely impact of the development on the River Test Site of Special Scientific Interest, in particular:

- (i) the production of waste
- (ii) pollution

Accordingly, in exercise of the powers conferred on him by regulations 7(7) and 6(4) of the 1999 Regulations, the Secretary of State hereby directs that the proposed development for which planning permission is sought by your client's application, reference number BDB 55966 is 'EIA development' within the meaning of the 1999 Regulations.

The letter invited the applicant to confirm preparation of an Environmental Statement but in the event no further progress was made with the application, which was eventually treated as withdrawn on 22 January 2007.

Lawful Use of the Site

The Planning Supporting Statement (PSS) accompanying the application describes the existing operation of the site as lawful, being a long established agricultural operation, benefitting from a series of planning permissions. It considered that the site should be considered as agricultural land and buildings, and that the activities taking place constituted agricultural diversification and as such, there was no single policy in the Development Plan which would relate specifically to the development applied for although clearly a number of other area and subject specific policies would be relevant. In order to establish what the appropriate application of policy should be further information was sought from the applicants about the proportion of watercress which is grown on Lower Link Farm, and a breakdown of the different types of salad produce which are washed and packed at the site.

This further information was received in a letter dated 16/1/2009. That stated that, 'It is considered that by site area, the largest use on the site is agricultural. In terms of the scale of physical activity on the site, including traffic generation, the largest element relates to the diversified agricultural operations within the packhouse buildings (the washing and packing of salad products) and the accompanying headquarters offices of

VSL. During relevant seasons however, the scale of agricultural activity relating to the growing and harvesting of salad products is very significant.'

Of the total amount of watercress handled on site, 15% is grown at Lower Link Farm and that watercress constitutes 15% of the total produce processed on the site. Therefore 3% of the total produce processed on site is grown at Lower Link Farm. The conclusion drawn is that the majority of activities involve the washing, mixing and package of salad stuffs not grown on-site and that this activity should be considered as an industrial process. Accordingly there are two planning activities taking place industrial and agricultural, the majority of those relating to this application being an industrial process, although the agricultural activity remains - the farming and harvesting of watercress. Officers wrote to the agents in March 2009 to advise them of their view that the use of the site appears to have developed incrementally from its original use as a watercress farm with ancillary washing and packing facilities to a mixed use as a watercress farm and an industrial facility (for the washing, mixing and packaging) of salad products. In view of the length of time that the activities appeared to have been carried on VSL were invited to submit evidence which might demonstrate that the stated uses had become established together with any comment they wished to make on the issue of existing or lawful use. This information was submitted, together with other additional and amended information on 30 November 2009 and a full re-consultation took place during December 2009.

Appendix A of the addendum to the Planning Supporting Statement (PSS) sets out a chronology of the development and use of the site.

Chronology of Activities

The submitted chronology of the use of the farm details the following key stages in the farm's activities:

- 1986 / 1987 – approximate date when the proportion of watercress imported to the farm exceeded 20% of the total watercress washed and packed on site
- 1988 – non-watercress salad leaves start to be imported to the site from elsewhere in the UK and overseas
- 1988 – potatoes start to be brought to the farm for wholesale
- 1989 – 1990 – approximate date when the proportion of watercress imported to the farm exceeded 50% of the total watercress washed and packed on site
- 1991 – 1992 – approximate date when the proportion of total salad products imported to the farm exceeded 20% of the total washed and packed on site
- 1992 – 1993 – approximate date when the proportion of total salad products imported to the farm exceeded 50% of the total washed and packed on site

Based upon the information submitted and summarised above, it is clear that the farm has been processing imported watercress and salad products for a considerable period of time, and that this exceeded 50% of the total salad products in the early 1990s. On this basis, and in the absence of any contrary evidence, officers consider that the importation of the majority of produce for washing and packing is an activity which has continued in excess of 10 years and as such appears to have become established.

In the addendum to the PSS the 16/1/09 letter is again quoted and the agent states VLS's position at paragraph 4.8 'The site is considered to be a mixed (or composite) agricultural and industrial use, resulting from the farm diversification that has taken place functionally linked to the historic agricultural use of the site'.

Whilst the applicant considers that the current use of the site is firmly related to the original agricultural operation, it is considered that the degree of diversification that has taken place has taken it beyond a solely agricultural use, with ancillary operations. The application should therefore be considered on the basis of policies which relate to rural enterprises, rather than those that specifically support agricultural activities and diversification. It is acknowledged that this is a change of position to the one taken in respect of BDB 55966 where the Committee report variously commented that 'the site is an established foodstuffs packaging and production operation', 'the activities that take place are considered to be within the remit of agricultural diversification' and 'this is an existing commercial building on an established commercial site.' There have been some changes in the period since the previous application, although these mainly appear to relate to the chain of handling rather than the proportions of produce brought to site. The on-site produce is now transported to the central cold store at Amesbury and back to site for washing and packing.

Conclusion on Lawful Use

Officers consider that on the basis of the original and additional submitted information, both of which have been subject to full local consultation, and in the absence of any contrary evidence, it does appear that the use of the site is a mixed agricultural/industrial use with the industrial element predominant and this has occurred more than 10 years ago and would therefore be likely to be immune from enforcement. Legal advice to the Council is that there is an established use at the site without any limit, either in respect of the amount of watercress that can be grown or in respect of the amount of salad that can be imported and processed. If the appellant were to intensify the use it may be possible to enforce against this, although the concept of change of use through intensification is notoriously somewhat difficult to enforce against. This conclusion has a significant impact on the potential scope for controlling the use through conditions or Section 106 agreement – this issue is discussed in detail under 'Consideration of Conditions and Limitations' below.

Environmental Assessment

Screening

A request for a screening opinion (ENQ/20772) was sought from the Council in respect of this development in May 2007 and a screening opinion was issued on 5 July 2007. The Council consulted with the Environment Agency and Natural England and concluded that an Environmental Statement would be required for the following reasons:

'The site of the proposed development is located on the Bourne Rivulet which flows into the River Test Site of Special Scientific Interest, located approximately 5km from the site. Given the nature of the proposed development and the existing activities which require groundwater abstraction and water discharge into the Bourne Rivulet, the Local Planning Authority consider that the development has the potential to harm the freshwater environment.

Furthermore, the site is located within the North Wessex Downs Area of Outstanding Natural Beauty whereby the development proposals and its visual impact on the scenic quality of the locality needs to be addressed. The Local Planning Authority has given careful consideration to the size, scale, location and characteristics of the proposed development including the possible cumulative impacts of associated development, having regard to the selection criteria in Schedule 3 of the Regulations and thereby determines that the proposed development is EIA development, requiring the submission of an Environmental Statement.'

Scoping

A request for a scoping opinion under the Regulations was submitted by the applicant's agent in November 2007. The scope of the Environmental Statement (ES) was agreed by BDBC in its Scoping Opinion of 14 January 2008. The scoping opinion required information under the following headings: landscape and visual amenity, traffic and highways, ecology and water environment, potential for habitat enhancement, flood risk and land drainage, construction and demolition, noise and vibration and impact on the conservation area.

Content of the Environmental Statement (ES)

The submitted ES contains a description of the site and surroundings (Section 2) the proposed development (Section 3), the construction methodology and phasing (Section 4) including an analysis of construction traffic, construction materials and storage and removal of waste, an assessment of the need for and alternatives to the development, including alternative development scenarios (Section 5), the policy context (Section 6), the scope and methodology of the EIA (Section 7) and the remaining sections 8 - 13 dealing with the issues scoped in the ES namely landscape and visual impact, traffic and highways, ecology, water and hydrology, noise and vibration and air quality.

Adequacy of Environmental Statement

Several objectors have raised concerns about the adequacy of the Environmental Statement, both as originally submitted and the addendum in response to the Council's Regulation 19 request, which sought further information from the applicant's agent. Specific concerns have been raised that the ES does not make reference to the need to address 'pollution' and 'waste products' of the factory process, which were identified in the Secretary of State's scoping opinion on BDB 55966. The Council has sought legal advice on this and on the adequacy of the submitted ES and has been advised that there is no requirement for the Council's screening opinion to mirror the earlier opinion of the Secretary of State and, in any event, the combination of the Council's scoping opinion and subsequent Regulation 19 request does clearly require an assessment of the potential impacts from waste production and pollution to be included in the ES. Specifically counsel has advised as follows:

'The most important question to be asked it seems to me is whether the ES produced is adequate to meet the provisions of the Regulations. Again, although this is not a technical view based on the underlying science, on the face of it, it seems to me that the matters considered in the ES do include the matters identified in Part I of Schedule 4. If there are any 'holes in the science' then these need to be identified by someone with expert knowledge.

The other point of concern for the Council is whether the ES has failed to assess the potential scope of activities on site. It seems this argument is based on the concern that the current proposals may lead to higher levels of activity on site. This is a difficult issue: VSL have been pushed on this point and maintain that the current development would not lead to any more operations being undertaken at the site. Although the Council have been concerned about this and have properly asked for more information, I do not understand that the Council have any evidence to question the assertion that the development proposed will not lead to any greater growing of watercress or packing/washing of salad leaves. In the circumstances it seems to me that the EIA regime is not designed to bite on the impact of existing development, but of the proposed development (if necessary considered in connection with existing development). This much is clear from Circular 02/99 paragraph (part) 46-47, which discusses 'changes or extensions to existing or approved development' as follows:

(Circular 02/99 part para. 46-47)

“Development which comprises a change or extension requires EIA only if the change or extension is likely to have significant environmental effects. This should be considered in the light of the general guidance in this Circular and the indicative thresholds in Annex A. However, the significance of any effects must be considered in the context of the existing development. For example, even a small extension to an airport runway might have the effect of allowing larger aircraft to land, thus significantly increasing the level of noise and emissions. In some cases, repeated small extensions may be made to development. Quantified thresholds cannot easily deal with this kind of 'incremental' development. In such instances, it should be borne in mind that the thresholds in Annex A are indicative only. An expansion of the same size as a previous expansion will not automatically lead to the same determination on the need for EIA because the environment may have altered since the question was last addressed

47. It should be noted that a developer can be asked to provide an Environmental Statement only in respect of the specific development he has proposed, though the statement will need to address not only direct, but also indirect effects of the development. Any wider implications would be for the local planning authority to consider, although it is open to developers to assist the local planning authority by supplying any additional information relevant to this consideration.”

If VSL are right in their assertion about whether the current applied for development has the potential to increase production, then it seems to me the scope of the ES is adequate for the purposes of the EIA regime.

In the circumstances I consider that the approach the Council have taken in the screening opinion was perfectly lawful, and that taking into account both the screening opinion, the scoping opinion and the Regulation 19 request the relevant information was requested and appears (unless there is any holes in the science) to have been provided.’

Conclusion on the Environmental Statement

The submitted and supplementary ES are considered to fulfil the requirements of the scoping opinion and to adequately address the issues raised, in accordance with the EIA Regulations 1999. Legal advice to the Council is that in view of the applicant’s assertion that the current development would not lead to any more operations being undertaken at the site, then the scope of the ES is adequate for the purpose of the EIA regime. The EIA regime is not designed to bite on the impact of existing development, but of the proposed development (if necessary considered in connection with existing development).

Matters raised and responded to in the ES are detailed below.

Other Material Considerations

Transportation and Vehicle Movement

The application was accompanied by a Transport Assessment. HGV's accessing the site follow a designated lorry route to avoid passing through the villages of St Mary Bourne to the north and Hurstbourne Priors to the south. This lorry route has been operated by Vitacress for several years. The lorry route is indicated on Figure 4, page 10 of the submitted PSS. No changes are proposed to the existing vehicular or pedestrian access to the site or existing car parking provision. The configuration of the HGV parking will alter

but no increase in the number of HGV's parking is proposed. The Transport Assessment concludes that aside from temporary construction traffic there will not be an increase in operational traffic resulting from the proposed development. HCC Highways Development Control accept this conclusion and do not raise any highway objection subject to the securing of a financial contribution towards the implementation of safety improvements at Harrow Road railway bridge which will include enhanced direction and warning signs and the securing of a lorry routeing in relation to construction traffic to be based upon the existing lorry routeing which is secured against the existing operation. Construction traffic would use Gate 2 (the northern access). The applicant has confirmed that construction traffic would be subject to the same lorry routeing restriction as existing HGV traffic and have agreed in principle to the lorry route (for both existing and construction traffic) being included within a S106 agreement. Plan VSL/37 has been submitted as part of the additional information to show potential safety improvements at the Harrow Way railway bridge at New Barn Farm to the south east of the site. VSL has agreed to provide funding via a S106 agreement to provide the works.

Whilst HCC seek to secure the existing lorry route in respect of construction traffic only, officers consider that the requirement should be extended to cover existing HGV traffic. There is a planning condition (no. 11) attached to BDB/36188 approved on 22/7/94 which requires all HGV's to access the site via the route currently in use by Vitacress but officers have concerns over the enforceability of this condition, and consider that the route should be secured under Section 106 agreement to consolidate and secure the existing position, as well as to extend the restriction to construction vehicles. HCC and Vitacress are both in agreement with this proposal.

Additional information relating to interim arrangements during the construction period has now been submitted which is considered satisfactory. There is an inaccuracy in drawing no VSL/27C in relation to the existing hedgerow and a condition is necessary to ensure that visibility splays are secured. Further conditions are sought in respect of construction controls and parking provision.

Amenity Considerations

No objections to the development have been received from BDBC consultees on environmental or amenity grounds subject to conditions and there are no transport objections from HCC or BDBC subject to controls as set out above. A number of third party concerns are raised on grounds of noise, vibration and disturbance, linked both to current levels and concerns about future traffic levels and on site operations including vehicle movements and site lighting. Many of these concerns relate to fears about the future expansion of production resulting from the development, a matter which is dealt with elsewhere in this report. The relocation of the agricultural and vehicle workshop further to the north will bring this activity and associated vehicle manoeuvring and parking approximately 100 metres closer to existing residential properties, specifically Link Cottage and Derrydown Farm than at present (approximately 400 and 600m at present). However the noise assessment, submitted as part of the ES concludes that there would be a net reduction on existing ambient noise levels as a result of the proposed changes to the Vitacress buildings and operations. Notwithstanding this, it is considered appropriate to impose conditions (as recommended) limiting the hours of use of the workshop and further requiring the workshop doors to remain closed apart from the access and egress of vehicles to minimise the potential for disturbance arising from the use of this building

Similarly in respect of lighting, the existing site lighting is intrusive in this sensitive location in the AONB and the development proposes a full scheme of replacement lighting which has been designed to reduce the lightspill associated with the current lighting on the site. Whilst some details have been submitted with the application a planning condition would be necessary to secure the detailed provision of new lighting to a satisfactory standard and its subsequent implementation and maintenance.

Water Environment, Pollution and Ecology

Chapter 11 of the ES deals with water and hydrology and considers surface water and groundwater quality and quantity and flooding issues. Further information in respect of water use and waste water are contained within the addendum to the ES submitted in response to the Council's Regulation 19 request. The ES considers the sensitivity of the aquatic receptors, an evaluation of the significance of the potential changes in water quantity and quality and mitigation measures, as appropriate. The assessment concludes that the overall impact of the proposed development on water quality and hydrology will be insignificant once mitigation measures have been incorporated. This conclusion is based on the premise that the quantity and quality of discharges will not change as a result of the development. The flood risk assessment concludes that none of the existing or proposed buildings would be at risk during a 1 in 100 year flood (taking climate change factors into account), nor give rise to increased flood risk in any other areas.

Chapter 10 of the ES deals with ecological matters other than aquatic ecology which is dealt with in Chapter 11. The report concludes that following mitigation and habitat enhancement the development will have an insignificant impact on terrestrial ecology and nature conservation.

The Environment Agency have no objections to the proposed development subject to a number of conditions and informatives detailed in their response to consultation above. They accept the findings of the ES in respect of biodiversity and suggest a condition to secure habitat enhancement as proposed. English Nature also have no objections to the development subject to conditions (as recommended).

Noise and Vibration

This is dealt with in Chapter 12 of the ES. The study included the impact of construction-related noise and vibration, the impact of traffic movement associated with construction activities, an assessment of the existing operational noise impact and the proposed operational noise impact. A comparison between the baseline and proposed operation predicted noise levels indicated that the proposed changes to the Vitacress building and operations should produce a net reduction in the noise level and no change in noise level from Vitacress-related road traffic movements. The report does identify some short-term minor disturbance from construction noise and vehicle movements and proposes a series of mitigation measures – set out in para 12.73 of the ES. These can be secured by conditions relating to construction as set out below.

Air Quality

Chapter 13 of the ES provides an air quality assessment including information on the existing air quality in the vicinity of the Vitacress site and the likely effects of the proposed development on local air quality. The assessment concludes that there would be no permanent air quality effect as a result of the proposed development. It would however, lead to a reduction in energy consumption and, consequently, total carbon dioxide emissions would be reduced. Construction related impacts, specifically dust emissions would need to be mitigated to minimise the risk of adverse effects.

Construction Methodology and Phasing

A detailed scheme of construction methodology is contained within Chapter 4 of the ES, which includes proposals for the phasing of the development. Further details of mitigation measures to address impacts arising from construction activity are contained within Chapter 12 Noise and Vibration and Chapter 12 Air Quality of the ES. A Code of Construction Practice would be required for the construction of the scheme which could be secured by planning condition.

Landscape, Conservation and Visual Impact

The Conservation officer considers the impact of the development to be acceptable and the proposed removal of the existing leylandii hedging and replacement with native species a positive benefit in visual terms. The Councils landscape officer is now satisfied with the proposals as revised. The tree officer has now confirmed that the additional information submitted to address his earlier comments is acceptable and there are no objections to the development in relation to trees. There is an acknowledged conflict between the screening function of the existing hedge and the incongruous nature of this feature in the wider landscape, however on balance it is considered that the proposed landscape strategy and phased replacement of the leylandii hedging will be of overall benefit. A landscape management and maintenance plan has been submitted with the application and its implementation can be secured by planning condition.

Conclusion on Consideration of Material Planning Impacts

The assessment of impacts, set out above, has led officers to conclude that the development is consistent both with national planning guidance and local plan policy, with the exception of Local Plan Policy D9 because of the relatively unsustainable location of the site. In highways and transport terms, the development is considered to be acceptable subject to conditions and a financial contribution towards local safety improvements and to be consistent with the provisions of PPG13 and Policy E1(iii). In terms of impact on the two Conservation Areas and the North Wessex Downs AONB the development is considered to be acceptable and the landscape proposals provide a positive benefit in terms of its wider landscape setting. The lighting proposals will similarly make a positive improvement on the existing situation and be consistent with the AONB Management Plan. The development is therefore considered to comply with PPS5 and Policies E1, E3 and E6 of the Local Plan. In terms of local amenity considerations and specifically in relation to noise, vibration and air quality, all of which are dealt with in detail in the submitted ES, the development is considered to comply with Policy E1 and PPG24.

In terms of ecology, hydrology, pollution and flood risk, both the Environment Agency and English Nature are satisfied that the development is acceptable subject to conditions (as recommended). The development is considered to be consistent with relevant national policy guidance contained in PPS9 and PPS23 and PPS25 and with Local Plan Policy E1 and E7.

Consideration of Conditions and Limitations

Any condition imposed on an application must fairly and reasonably relate to the permitted development. Circular 11/95 says that a condition ought not to be imposed unless there is a definite need for it and unless a condition fairly and reasonable relates to the development to be permitted, it will be ultra vires.

All the elements applied for in the planning application – intake and despatch bays, workshop, storage building and plant and facilities – some of which replace existing

facilities, would support the existing site operations. The analysis in Section 5 of the ES of alternative development scenarios emphasises the fundamental link between the proposed facilities and the existing site operations and hence the need, in terms of operational requirements, for the different elements to be provided on this site, rather than elsewhere. Paragraph 5.14 makes it clear that the location of the packhouse operation at Lower Link Farm is essential to enable VSL to use the readily available supply of fresh spring water from boreholes for the washing of salad products. Similarly, the replacement of the workshop in situ rather than off-site is justified on the basis of the need to maintain speed of delivery to customers due to the perishable nature of the salad product handled on the site. Paragraph 5.25 of the Planning Supporting Statement states that each element of the application is locationally specific to Lower Link Farm, demonstrating a requirement for developing within this countryside location.

A key concern of local residents and interested parties is the degree to which the development for which planning permission is now sought might lead to the intensification and/or expansion of the operations at the site, to the point where existing impacts, which some third parties consider are already environmentally damaging may increase. The most significant concern is traffic together with issues relating to water abstraction and water quality and ecological impact, but also include noise and light pollution. VSL's position on this is that the driver for this development is the need to close the existing breaks in the cold chain, which is a very high priority for VSL and its customers, and to reduce costs through removing unnecessary vehicle movements and handling of goods. VSL state (para 1.4 of the PSS) that

' It is important to note that the proposed development at Lower Link Farm will not lead by itself to an increase in the productive floorspace within the Packhouse. Improvements in efficiency do not equate to increased production. Increases in capacity could take place without the proposed development as there are no planning restrictions on the use of that capacity. What is proposed is a development which would enable improvement in product quality and reduction in costs, together with environmental benefits, but whether that leads to increased production depends on other factors such as market demand, seasonal production, weather conditions, etc. The proposed development will not result in an increase in traffic volumes to and from the site by the same reasoning.'

Officers are mindful of the fact that Vitacress is an existing commercial operation, and that the Council has to consider this application on its own merits and not seek to retrospectively apply controls to an existing, established, commercial operation. However, the Council has a responsibility to ensure that the actual and potential impacts of the development are properly considered. To that end, therefore, the Council requested further information from the applicant, through a Regulation 19 request which, amongst other things, sought an assessment of the degree to which the development applied for could lead to the capability for increased productive capacity at the site. In response to that request the applicant has stated that the development applied for will not lead to the capability for increased productive capacity on the site. They have stated (para 2.3.7 of the addendum ES):

'The productive capacity at the site is determined by the physical size of the area of the packhouse building that is devoted to the washing, mixing and packing of salad products. This physical space will not be altered by the development for which permission is sought.'

and (para 2.4.2 of the addendum ES):

'The existing intake and dispatch operations, whilst inefficient in cost and environmental terms, are not a constraint on the productive capacity of the packhouse.'

The concerns of third parties about the potential for activities on this site to intensify – with consequential harmful environmental impact, are acknowledged but in view of the conclusions drawn above in relation to the established nature of the existing site operations the Council does not have the legal power to control the existing use. The Council may, however, impose conditions on the impacts of the proposed development, providing that such controls are necessary, reasonable, precise and enforceable.

The Council has explored with the applicant a range of controls and limitations which might seek to address concerns about environmental impacts. The Environment Agency are not seeking monitoring requirements regarding water quality to be included as part of any planning controls and have said that they consider that should additional monitoring be required, this could be achieved through the current licence and consent process. The following controls and contribution have been agreed with the applicant, in principle:

- payment of a financial contribution to pay for a scheme of safety improvements at the Harrow Road railway bridge
- a lorry routing agreement for existing and construction traffic
- a limit on the use of the proposed covered storage area to storage uses only
- a limit on the use of the proposed workshop to agricultural and vehicle maintenance and fabrication associated with the on-site operations only
- a limit on the hours of use of the proposed workshop, apart from emergencies

The Council has further explored with the applicant a condition which would limit the proposed development to be ancillary to the established use of the site for the growing of watercress and the storage, washing and packing of watercress, baby leaf and salad products. Legal advice was sought on various wording options including the following;

“The use of the development hereby permitted, namely the 3 intake bays, 9 dispatch bays, covered and enclosed storage area; agricultural and vehicle workshop; relocated plant, lorry wash and steam cleaning bay shall be limited to activities ancillary to the established use of the site for the growing of watercress and the storage, washing and packing of watercress, baby leaf and salad products and for no other purpose whatsoever unless otherwise agreed in writing by the Local Planning Authority.

Reason: The justification for the development is centred on the existing established uses on the site and the local access to a supply of spring water and an unrestricted commercial use in this sensitive location would be contrary to local and national policies of planning restraint.”

Legal advice to the applicants, which has been sent to the Council, is that, even if the condition were to be considered necessary within the terms of Circular 11/95, it unlawfully seeks to restrict the current lawful use because it specifies the existing use rather than referring to it as mixed ‘agricultural/industrial’. The advice also states that given that there is an unrestricted mixed agricultural/industrial use on the site the use of the words ‘unrestricted commercial use’ in the draft reason, as a purported justification for restricting the development the subject of the current application, is both unwarranted and inappropriate.

Officers sought their own supplementary legal advice in respect of two alternative wordings to the condition. In her original advice, Counsel advised as follows:

‘Therefore the background principle is that there is, to all intents and purposes, an unlimited use on the site. Limits can only be placed on the use of the site through the current application in so far as it is properly connected with the current application.

This point rather goes to the heart of the difficulties in this case. The applicant maintains that the current application will not lead to any change or increase in the use of the site (either for industrial or agricultural use). As set out above there is no evidence to contradict that.

Therefore it seems to me that the conditions and any section 106 agreement attached to the current application can only relate to the impacts of the applied for buildings and not to general impacts from the current or any increased use of the site. I anticipate that this will mean in practice the limits that can be placed on the use are relatively limited, unless the Council can satisfy itself that there will be some increase in use in relation to the buildings applied for, or that the buildings themselves will have some impacts.'

In applying the Circular tests, Counsel has expressed concerns as to whether the condition would be necessary – i.e. would the development have to be refused in the absence of the condition. The advice states,

'I understand the Council's desire to try and prevent an independent commercial use at the site as a whole. However I do not see how an independent commercial use could be established in the extended areas which does make me question the necessity of the condition. The condition is essentially attempting to prevent an independent commercial use of the site as a whole through the condition.'

In commenting on whether the condition would be reasonably and fairly related to the development to be permitted, Counsel reiterated her original advice and quoted from Circular 11/95 as follows:

'Relevance to the Development to be Permitted

24. Unless a condition fairly and reasonably relates to the development to be permitted, it will be ultra vires.

25. Thus it is not sufficient that a condition is related to planning objectives: it must also be justified by the nature of the development permitted or its effect on the surroundings. For example, if planning permission is being granted for the alteration of a factory building, it would be wrong to impose conditions requiring additional parking facilities to be provided for an existing factory simply to meet a need that already exists, and similarly wrong to require the improvement of the appearance or layout of an adjoining site simply because it is untidy or congested; despite the desirability of these objectives in planning terms, the need for the action would not be created by the new development. Nevertheless it is proper for conditions to secure satisfactory access, for example, or parking facilities, genuinely required by the users of the proposed development. Conditions can also be proper where the need for them arises out of the effects of the development rather than its own features; where a permission will result in intensification of industrial use of a site, for instance, a condition may be necessary requiring additional sound-insulation in the existing factory buildings. It may even be justifiable to require by condition that an existing building be demolished-perhaps where to have both would result in the site being over-intensively developed.'

Counsel went on to refer to two cases, Kingston-upon-Thames Royal London Borough Council v Secretary of State for the Environment and Another [1973] 1 WLR 1549 and Penwith District Council v Secretary of State for the Environment and Another (1977) 34 P & CR 269. Both cases dealt with the issue of limiting existing use rights through conditions attached to planning permissions. In the Penwith case, conditions to limit hours and noise were considered acceptable because the purpose of the development applied for was to allow for the extended working of the original factory. Counsel advice to this Council is;

'It seems to me that there is no problem in principle with a condition that purported to interfere with existing rights, the question is whether it is sufficiently connected with the proposal. The fact that the condition is specifically limited to the use of the proposed extension seems to me must mean it is sufficiently connected to the proposal itself.

I should make it clear that I have not changed my earlier view. Unlike the Penwith case I do not think that there is any justification for attempting to place limits on the existing use of the remainder of the site because of the new development. I understand officers have accepted the appellant's argument that the new development will not allow them to increase throughput and as such there can be no basis for seeking to limit the currently unlimited use of the remainder of the site.

Therefore as phrased I have no concerns either on alternative 1 or 2 on the question of connection with the development permitted. The concern in both cases relates to the necessity for and the effectiveness of the proposed conditions.'

Whilst objectors have cast doubt on the applicants stated objectives for the development, and there is no guarantee that activity levels would not alter as a result of the development, equally there is no evidence to dispute the applicants assertions regarding the key drivers for the development and the absence of a link between the development applied for and future productivity and output levels. In the circumstances and in the light of the advice received officers have concluded that it would not be reasonable or lawful to impose a condition on a planning consent to limit the existing established mixed use of the site. Controls and limitations on the different elements of the development applied for as set out above are considered to be justified and consistent with Circular advice and should be imposed on any grant of permission.

Departure and Referral to Secretary of State

At the time the application was registered the relevant guidance on the referral of applications which constituted a departure from the Development Plan were Circular 7/99 and the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999. This guidance was cancelled on 20th April 2009 when the new Circular 2/09 came into effect.

Under the terms of the new Circular, there would be no requirement to refer the application to the Secretary of State prior to determination. However the provisions of the new Circular are not retrospective. There is therefore a question as to which advice, if either, is applicable to the current application. Advice from GOSE is that the final decision whether or not to refer an application rests with the local planning authority. They also said that most applications received before 20 April 2009 will have been assessed against the criteria set out in the previous directions and local authorities will have formed a view on whether or not a particular application should be referred to the Secretary of State prior to the grant of a planning permission. The Secretary of State could in any event still exercise his power to call in such applications for determination if appropriate.

Agents for the applicant have pointed out that there is no requirement in current legislation for the application to be referred and also stated that if the 1999 Direction were to be applied, referral is not automatic but would only apply if the development, by reason of its scale or nature or the location of the land, would significantly prejudice the implementation of the development plan's policies and proposals. The applicant considers that the evidence in support of the application demonstrates that there would be no likely

significant adverse environmental effects arising from the development and that, on an objectives assessment of the requirements of the 1999 Direction, had it remained in force, the Council could determine the application without referral to the Secretary of State.

Officers sought legal advice on the point. Counsel advice is that reading the two Directions strictly it would appear that there is no applicable guidance and the legislation is clearly poorly drafted. In her opinion she states,

‘One fairly sensible way of reading the two Directions together is that the new Direction cancels the old Direction in so far as it purports to apply to applications received, so that the old Direction would still apply to applications received and undetermined at the date of the new Direction coming into force. Although this does not accord strictly with the language of the new Direction which purports simply to be a repeal, it does provide a sensible answer to what would otherwise on the face of it be a lacuna.

Although neither solution fits in perfectly with the legislative scheme, it seems to me that the requirements under the old Direction would simply require the matter to be referred to the Secretary of State for a decision on whether to call it in. It gives the Secretary of State an opportunity to consider whether to call the matter in. While there may be some criticism if the Secretary of State is not given that opportunity, it is difficult to see how there can be significant criticism of giving the Secretary of State the opportunity. It seems that given the representations of third parties this is a matter that the Secretary of State is likely to be considering whether to call in, in any event, but I do not see how the Council can be criticised for referring the matter. Once the matter is referred whether the matter is called in will obviously depend on the view taken by the Secretary of State in accordance with their own call-in criteria.’

Officers have been advised that GOSE have received a request from a third party that the application be called-in. Officers are of the view that the pragmatic advice above is followed and that if the application is recommended for approval then it should be referred to the Secretary of State under the provisions of the Town and Country Planning (Development Plans and Consultation) Direction 1999 as a departure application.

This is because the saved policies of the Basingstoke and Deane Borough Local Plan are silent on how development such as this should be determined. While relevant policies are quoted and development would be determined against all relevant policies, there is no direct policy which refers to the extension of a mixed use site within the open countryside. Further to this the referral advice sets out that where a development does not accord with the provisions of the development plan and where the development proposed to be approved would significantly prejudice the implementation of the development plan’s policies and proposals weight to the need to refer the application should be given to applications where an environmental assessment is required.

Conclusion

The issues raised by this application are quite complex. The site is in a sensitive location within the AONB, adjacent to a Conservation Area and accessed by a rural road network. The location is relatively unsustainable in terms of the application of policy. Added to this are the proximity of the SSSI and concerns regarding the sensitive local water receiving environment. The proposed development is sought to support and facilitate the operation of the existing business, which, whilst it has developed from agricultural origins as a watercress farm which still remains, is now a substantial international business largely concerned with the importation, processing and despatch of watercress and other baby leaf salad products grown elsewhere. The existing use is considered to be established on

the site and any controls the Council may impose must only relate to the development now proposed, they cannot seek to control the underlying use.

The acceptability or otherwise of this planning application must be seen in the context of the established nature of the existing use. To that extent issues relating to the suitability of the site for the existing operation are irrelevant. The issues for consideration are whether the impacts of the development applied for as set out above and analysed in the application and accompanying ES are acceptable. Consideration also needs to be given to the fall-back position, or the situation which would exist either in the event of refusal or the development not being proceeded with. The Council has no powers to require the existing use to relocate as advocated by a number of third parties. Equally there is no guarantee that the input, throughput or output from the processing and packing operation would stay the same, reduce or increase as a result of the development.

The identified impacts arising from the proposed development are not considered, either individually or cumulatively to be so harmful as to justify refusal of the planning application provided that mitigation or controls, where appropriate, are secured, either through planning condition or legal agreement. The development sits in something of a Local Plan policy vacuum given the limited applicability of Policy D9, however, it is considered that, in view of the fact that the site cannot be considered a sustainable location and therefore conflicts with the provision of that policy the development ought to be referred as a departure to the Development Plan if the Committee is minded to approve it.

Reasons for Approval:

1.	Whilst the proposal does not meet the sustainable location requirement of Policy D9 of the Basingstoke and Deane Borough Local Plan 1996-2011, in view of the existing established agricultural/industrial use on this site, and the business case and locational justification for the proposed development it is considered to be acceptable and consistent with the provisions of PPS 1 (and climate change supplement), PPS4 and PPS7.
2.	The traffic impacts of the developments are considered to be acceptable and consistent with the advice contained in PPG13 and PPS4 and comply with Policy E1 (iii) of the Basingstoke and Deane Borough Local Plan 1996-2011.
3.	The development is considered to be acceptable in terms of its impact on the water environment, biodiversity and flood risk consistent with relevant national policy guidance contained in PPS9, PPS23 and PPS25 and to comply with Policy E1 (vii) and Policy E7 of the Basingstoke and Deane Borough Local Plan 1996-2011.
4.	The development is considered to comply with policies E1 and E6 of the Basingstoke and Deane Borough Local Plan 1996-2011, in terms of its landscape impact and location within the North Wessex Downs Area of Outstanding Natural Beauty and to be consistent with the provisions of the AONB Management Plan.
5.	In terms the location of the development adjacent to two existing Conservation Areas, the development is considered to be acceptable and to comply with the provisions of PPS5 and Policy E3 of the Basingstoke and Deane Borough Local Plan 1996-2011.
6.	The development as proposed is considered to be acceptable in terms of its impact on noise, vibration and air quality and to be consistent with the provisions of PPG24 and Policy E1 of the Basingstoke and Deane Borough Local Plan 1996-2011.

RECOMMENDATION:

It is RECOMMENDED that the applicant be invited to enter into a planning obligation/legal agreement (in accordance with Department of the Environment Circular 05/05 and Policy IMP1 of the Hampshire County Structure Plan 1996-2011(Review), Policy IMP1 of the Basingstoke and Deane Local Plan and Policy C1 of the Basingstoke and Deane Borough Local Plan Review 1996-2011(as proposed by modifications)) with the Borough Council to secure:

- Contribution to Basingstoke Environmental Strategy for Transport (BEST)
- Lorry routeing

the application be granted subject to referral to Secretary of State subject to the following conditions:

1.

The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority:

VSL/04	Proposed Site Layout Plan
VSL/07a	Proposed Intake Bays – Floor Plan
VSL/08	Proposed Intake Bays – Elevations
VSL09a	Proposed Despatch Bays – Floor Plan
VSL/10a	Proposed Despatch Bays - Elevations
VSL/11a	Proposed Covered and Enclosed Storage Area – Floor Plan
VSL/12	Proposed Covered and Enclosed Storage Area – Elevations
VSL13a	Proposed Workshop – Floor Plan
VSI/14	Proposed Workshop – Elevations
VSL/16	Temporary Relocation of Cratewash Room – Plan and Elevations
VSL/17	New and Relocated Plant and Equipment Plan
VSL/18	Proposed Lorry Wash – Plan and Elevations
VSL/19	Proposed Steam Cleaning Bay – Plan and Elevations
VSL/20	Relocated Water Tank and Pumphouse – Plan and Elevations
VSL/21	Proposed Diesel Storage Tanks – Plan and Elevations
VSL/22	Relocated Compactor – Plan and Elevations
VSL/23	Relocated LPG Tanks – Plan and Elevations
VSL/24	Relocated Condensor – Plan and Elevations
VSL/27 rev C –	Landscape Proposals Plan
VSL/29	Proposed Site Drainage Plan
VSL/31	Proposed Workshop Roof Plan
VSL/32	Proposed Main Building Roof Plan
VSL/36	Final Parking Layout
VSL/37	Harrow Way Bridge Proposed Signage and Road Marking Improvements
VIT/CONS_LAYOUT_1B	Construction Phasing Plan
VIT/CONS_LAYOUT_2B	Construction Phasing Plan
VIT/CONS_LAYOUT_3B	Construction Phasing Plan
VIT/CONS_LAYOUT_4B	Construction Phasing Plan
VIT/CONS_LAYOUT_5B	Construction Phasing Plan

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
REASON: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and to prevent an accumulation of unimplemented planning permissions.
3. No development shall commence on site until a schedule of materials and finishes to be used for the external walls and roof(s) of the proposed building(s) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of the visual amenities of the area and in accordance with Policy E1 of the Basingstoke and Deane Borough Local Plan 1996-2011.
4. No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied and thereafter maintained unless otherwise agreed in writing by the Local Planning Authority
REASON: In the interests of visual amenity and in accordance with Policy E1 of the Basingstoke and Deane Borough Local Plan 1996-2011.
5. Prior to the commencement of development a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- Details on the extent and type of new planting. It should be demonstrated that all planting will consist of appropriate native species.
- Details of maintenance regimes for managed habitat areas.
- Details of any new habitat created on site, including bird boxes and nesting areas for over fauna.
- Details of treatment of site boundaries and/or buffers around water bodies

REASON: To ensure the obligations set out in Paragraph 10.103 of the Environmental Statement are carried through to the final development in accordance with Planning Policy Statement 9 and Planning Policy Statement 1. In particular, the provision of new habitat; provision of species; and the protection of the SSSI from invasion by foreign species of flora.

6. Notwithstanding any indications on the submitted plans and details, no development shall commence on site until a lighting management plan to minimise the use of external lighting to the minimum necessary to meet health and safety and operational requirements and including hours of operation has been submitted to and approved in writing by the Local Planning Authority. The approved scheme of lighting shall be installed and brought into use before any part of the development hereby approved in occupied, and shall thereafter be operated and maintained in accordance with the approve scheme.
REASON: In order to reduce the impact of light spillage and light pollution in this sensitive area in the North Wessex Downs Area of Outstanding Natural Beauty and to protect the amenity of the occupants of neighbouring property and in accordance with Policies E1 and E6 of the Basingstoke and Deane Borough Local Plan 1996-2011.

7. No development shall commence on site until a detailed Foul and Surface Water Pipe Layout and drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The approved layout shall be implemented on the site thereafter. This layout should demonstrate, but not be limited to:
- Demonstrating how spillages from the fuel storage area will avoid entering the surface water drainage system.
 - Demonstrating how spillages from any part of the site for all List 1 and List 2 pollutants (As defined by the Groundwater Regulations 1998) will avoid draining to the surface water system.
 - Demonstrating how all other clean surface water runoff will drain to the appropriate surface water drains.
 - Demonstrating where all outfall points shall be, in particular: the location of infiltration trenches; the location of all soakaways; the location of any interceptors to be passed through; and the location of all foul pipe networks and off site outfalls and/or treatment plants.

REASON: To ensure the water quality of both groundwater and that of the Bourne Rivulet is adequately managed and controlled as a result of this development in accordance with Planning Policy Statement 23, Planning Policy Statement 9 and Policy E8 of the Basingstoke and Deane Borough Local Plan 1996-2011.

8. No development shall commence on site until a scheme for the colour coding of manhole covers as dictated in Paragraph 11.118 of the Environmental Statement has been submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure mitigation measures for the protection of both surface water and groundwater quality are implemented on site in accordance with the plans submitted and Policy E8 of Basingstoke and Deane Borough Local Plan 1996-2011 and Planning Policy Statement 23.
9. Before development commences, a detailed scheme for the design of foundations for all development on the site, in accordance with paragraph 11.130 of the Environmental Statement, shall be submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure the installation of foundations on this site will not result in an impact on groundwater quality and flow. In accordance with Planning Policy Statement 23, Planning Policy Statement 25 and policy E8 of the Basingstoke and Deane Borough Local Plan 1996-2011.
10. The development hereby permitted shall not be commenced until such time as a scheme for the following has been submitted to, and approved in writing by, the Local Planning Authority:

- the storage of chemicals
- the storage of oil and fuels
- the storage of hazardous materials
- the proposed methods of decommissioning tanks, demolition and construction
- the provision of vehicle wash-down facilities

Any such scheme shall be supported, where necessary, by detailed calculations; include a maintenance programme. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme. Upon completion, all schemes shall be maintained for the lifetime of the development.

REASON: To ensure the provisions set out in the Environmental Statement are carried through to the final development. To ensure that pollution prevention control is

maintained on this site for the lifetime of the development such that the risk of pollution to controlled waters and its subsequent effect on aquatic biodiversity is minimised. This is in accordance with Planning Policy Statement 1, Planning Policy Statement 9, Planning Policy Statement 23 and policy E8 of the Basingstoke and Deane Borough Local Plan 1996-2011.

11. No development shall take place until a scheme for the provision and management of compensatory habitat creation has been submitted to and agreed in writing by the local planning authority and implemented as approved. Thereafter the development shall be implemented in accordance with the approved scheme.

REASON: To ensure the obligations set out in Paragraph 10.103 of the Environmental Statement are carried through to the final development in accordance with Planning Policy Statement 9.

12. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall demonstrate:

- That rates and volumes of surface water runoff will not increase as a result of development up to the 1 in 100 year (with an allowance for climate change) storm.
- That no flooding on site will occur during the 1 in 30 year storm.
- That any water which has to be attenuated can be done so safely and in designated areas.

REASON: To ensure that excess surface water runoff on this site does not increase the risk of flooding elsewhere in accordance with Planning Policy Statement 25.

13. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To ensure that all pollution potential risks to controlled waters are fully understood and mitigated for in accordance with Planning Policy Statement 23 and policy E8 of the Basingstoke and Deane Borough Local Plan 1996-2011.

14. Prior to commencement of use of the completed final phase of construction, vehicle parking space shall be constructed, surfaced and marked out in accordance with the approved plan Drawing VSL/36 and those areas shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles, unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of highway safety and in accordance with Policies E1 and A1 of the Basingstoke and Deane Borough Local Plan 1996-2011
15. No development shall commence on site until details of measures to be taken to prevent spoil/mud being deposited on the public highway from vehicles leaving the site during the construction works have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be fully installed and implemented before the development commences and shall be retained for the duration of the construction period in order that no vehicle shall leave the site unless it has been cleaned sufficiently to prevent mud/spoil being deposited onto the highway. REASON: To comply with Policy E1 of the Basingstoke and Deane Borough Local Plan 1996-2011
16. No development shall commence on-site until a detailed Code of Construction Practice (CoCP) has been submitted to and approved in writing by the Local Planning Authority. The CoCP shall include proposals for measures to address the construction methodology and environmental issues as set out in Chapter 4 and Chapter 12 of the Environmental Statement submitted with the planning application. Upon approval, the development shall be carried out strictly in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.
REASON: In order to ensure that the various impacts arising from the construction of the development are adequately addressed and in order to comply with Policy E1 (v) of the Basingstoke and Deane Borough Local Plan 1996-2011
17. A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
REASON: To ensure that satisfactory remediation and mitigation measures are implemented on the site, if deemed necessary. This is in accordance with Planning Policy Statement 23.
18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
REASON: To ensure that all pollution potential risks to controlled waters are fully understood and mitigated for in accordance with Planning Policy Statement 23 and policy E8 of the Basingstoke and Deane Borough Local Plan 1996-2011.
19. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
REASON: To ensure that no inadvertent pollution of controlled waters occurs as a result of penetrative foundation methods in accordance with Planning Policy Statement 23 and policy E8 of the Basingstoke and Deane Borough Local Plan 1996-2011.

20. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance Policy E1 of the Basingstoke and Deane Borough Local Plan 1996-2011.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the level of land as hatched green on the version of plan Drawing VSL/29 shall be kept low so that the land and anything on it shall not be more than 0.6 metres above the level of the carriageway and the resultant visibility splays shall thereafter be kept free of obstacles. Fences, hedging or other means of enclosure shall be set behind the defined visibility splays so that the splays are kept permanently free of obstacles.
REASON: In the interests of highway safety and in accordance with Policy E1 of the Basingstoke and Deane Borough Local Plan 1996-2011.
22. Temporary storage, parking and turning areas shall be provided and co-ordinated with the consecutive phases of construction as shown on the Phase drawings VIT/CONS_LAYOUT_1B, VIT/CONS_LAYOUT_2B, VIT/CONS_LAYOUT_3B, VIT/CONS_LAYOUT_4B, VIT/CONS_LAYOUT_5B.
REASON: In the interest of highway safety and to ensure satisfactory access is provided and in accordance with Policy E1 of the Basingstoke and Deane Borough Local Plan 1996-2011
23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no vehicular or pedestrian access other than that shown on the approved plans shall be formed to the site.
REASON: In the interests of highway safety and in accordance with Policy E1 of the Basingstoke and Deane Borough Local Plan 1996-2011.
24. The agricultural and vehicle workshop hereby approved shall be used only for the repair and maintenance of vehicles and the repair, maintenance and modification/fabrication of plant and machinery owned and operated in connection with the operational activities on the site and for no other purpose whatsoever unless otherwise agreed in writing by the Local Planning Authority.
REASON: As the workshop is sited in a sensitive location where an unrestricted use would be contrary to local and national policies of planning restraint.
25. The external shutter doors to the agricultural and vehicle workshop hereby approved shall be kept closed except for the purpose of access or egress, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To reduce the potential for nuisance arising from the use of the workshop in terms of noise and disturbance to local residents in the interests of residential amenity and in accordance with Policy E1 of the Basingstoke and Deane Borough Local Plan 1996-2011.
26. The agricultural and vehicle workshop hereby approved shall be used only between the hours of 7am and 5pm every day and not at any time on Sundays or Bank Holidays other than to conduct emergency repairs only to the plant, machinery and vehicles

specified under condition 24 above which are essential for the operational activities on the site.

REASON: To reduce the potential for nuisance arising from the use of the workshop in terms of noise and disturbance to local residents in the interests of residential amenity and in accordance with Policy E1 of the Basingstoke and Deane Borough Local Plan 1996-2011.

27. The replacement agricultural and vehicle workshop shall not be brought into use until such time as the use of the existing workshop has ceased and all plant and machinery associated with the use been removed from the existing building. The existing workshop shall be demolished within 6 months of the new workshop being brought into use.

REASON: To prevent the unacceptable intensification of activities within the site and to provide for the proper phased provision of development as provided for in the planning application.

28. The covered and enclosed storage area identified on drawing no.VSL/04 shall be used only for storage ancillary to the use of the adjacent packhouse and shall not be used for the sorting, washing, packing or activities related to the processing of watercress, baby leaf and salad products or for any other purpose whatsoever unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent a material intensification of the use of the covered and enclosed storage area and because it is sited in a sensitive location where an unrestricted use would be contrary to local and national policies of planning restraint.

Notes to the Applicant:

1. 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.
- 1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.
- 1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £85 per request or £25 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.