

**Friends of Ringwood Forest**

# **Hampshire Minerals & Waste Plan**

**Soundness Consultation Response**

**December 2011**

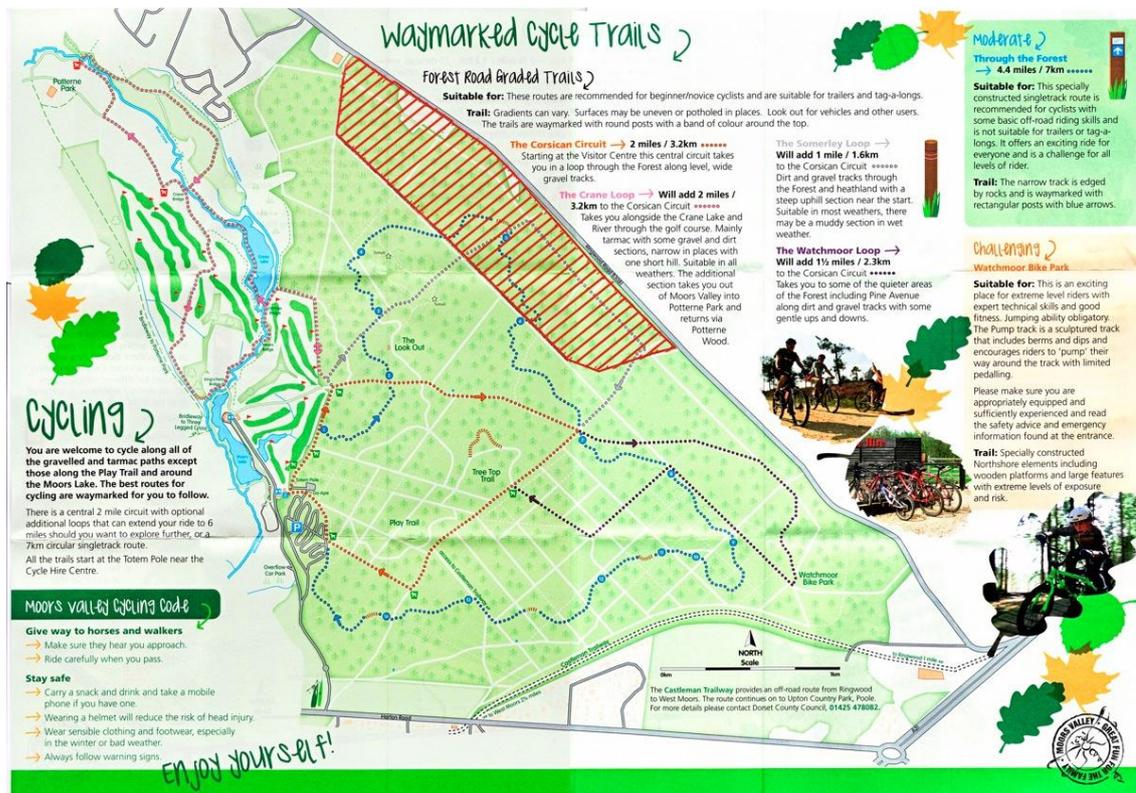
## **Contents**

1.0	Introduction.....	3
	Index of Policies .....	5
2.0	Landfill Planning at Purple Haze .....	6
3.0	Detailed Hydrological Assessment & Protection of RAMSAR site .....	7
4.0	HRA Process is Based on Assumptions.....	9
5.0	Mitigation Claims Not Supported by Evidence .....	11
6.0	Alternative Sites.....	13
7.0	Landfill Site Screening.....	15
8.0	Plumley Wood: Possible Alternative to Purple Haze Site .....	22
9.0	Operator Not Yet Selected .....	23
10.0	Purple Haze Transport Assessment.....	24
11.0	Treatment and Transportation of Minerals .....	28
12.0	Economic Scoring.....	29
13.0	Moors Valley Amenity.....	30
14.0	Open Space Amenity .....	31
15.0	Buffer Zones for Sensitive Receptors Affecting Resources.....	33
16.0	Restoration .....	34
17.0	Restoration Finance .....	36
18.0	Filling the Void.....	37
19.0	Purple Haze Sand Quantity and Quality Over Estimated .....	38
20.0	Questioning the Need for Additional Soft Sand Sites.....	39
21.0	Sustainability.....	40
22.0	Aerodrome Birdstrike Safeguarding .....	41
23.0	Conflict with New Forest District Core Strategy .....	43
24.0	Protection of Local Bat Population .....	46

# Friends of Ringwood Forest: HMWP Soundness Response

## 1.0 Introduction

- 1.1 This response to the Hampshire Waste & Minerals Plan (HMWP) Soundness Consultation is submitted by the Friends of Ringwood Forest.
- 1.2 Friends of Ringwood Forest (FoRF) is a community led campaign and action group which evolved from the Ebblake Interest Group, established in April 2011, and is the governing body for the No2PurpleHaze Campaign.
- 1.3 Ringwood Forest is where the proposed Purple Haze quarry and landfill site would be located within Moors Valley Country Park and near to the East Dorset town of Verwood. See the map of Moors Valley Country Park inserted below where the boundary of the proposed Purple Haze site is indicated by red shading:-



Source: Moors Valley Country Park Visitors Centre

- 1.4 FoRF's aim is to protect Ringwood Forest as an environmentally important and highly valued public amenity space – see [http://www.no2purplehaze.co.uk/about\\_us.html](http://www.no2purplehaze.co.uk/about_us.html)
- 1.5 FoRF represents 2,700 active supporters residing in the UK and internationally as well as close to Ringwood Forest where we represent over 35% of Verwood households (source: postcode analysis). FoRF Interest Group members alone submitted 3,159 of the comments regarding the Hampshire Draft Minerals & Waste Plan received by Hampshire County Council (HCC) between April 2011 and October 2011.
- 1.6 FoRF members' comments were accepted by HCC between the above dates because locally impacted residents, and other campaign supporters, did not become generally and personally aware of HCC's proposals until after the closing date of the February/March 2011 Have Your Say consultation period as evidenced by the table below:

## Friends of Ringwood Forest: HMWP Soundness Response

### ForF Awareness of HCC's Proposals Table: prepared 29<sup>th</sup> November 2011

HMWP Awareness Source	HMWP Awareness Date Range	Analysed 29/11/11 %	Analysed 22/08/11 %	Analysed 20/07/11 %	Analysed 04/07/11 %	Analysed 25/06/11 %	Analysed 07/06/11 %
Campaign leaflets, posters, ribbons, road signage, Mobile HQ & 40K Flyer Drop	15/4 /11- 7/9/11	47.7	39.0	34.8	30.5	29.5	5.3
Social contacts	23/3/11 - 5/9/11	20.4	23.3	23.5	24.0	22.4	17.3
Press/media items	18/2/11 - 4/8/11	15.9	15.9	15.0	11.3	8.7	6.7
Ebblake door knocking	9/5/11 - 20/5/11	5.2	6.6	8.5	10.5	12.0	28.0
Verwood Local Action Group	14/3/11 - 20/5/11	2.9	4.0	5.4	6.5	7.1	16.0
In Touch Extra (Council)	23/3/11 - 29/3/11	2.5	3.6	5.1	6.5	7.5	4.0
Association of Verwood Residents	15/3/11 - 6/5/11	1.7	2.4	2.8	4.7	5.4	14.7
Source not recalled	2005 - 5/2011	1.2	1.0	1.4	1.8	2.9	-
Council Officers	2007 - 13/4/11	0.9	1.2	1.7	2.5	1.7	4.0
Facebook	12/5/11 - 13/6/11	0.9	1.0	-	-	0.8	-
Ebblake only flyer	22/4/11	0.4	0.8	1.1	1.5	1.7	1.3
Verwood & District Chamber Of Trade	15/4/11 - 12/7/11	0.3	0.4	0.6	-	0.4	-
HCC Notification	24/1/11	0.1	-	-	-	-	-

Source: 685 respondents to a survey carried out between May & September 2011 which asked – Q1. When did you become aware of HCC's proposals for Purple Haze? Q2. How did you become aware?

- 1.7 We are authorised to make this submission on behalf of FoRF members by virtue of the FoRF Constitution. The FoRF response has been published previously via the internet for membership and public scrutiny and comment prior to submission.
- 1.8 This submission is made on behalf of our members because they have asked for direct assistance. They have found the Draft HMWP and supporting documents impenetrable, overwhelming in both scope and content and almost impossible for lay people to consider Soundness & Legal Compliance, or otherwise, where they do not have the necessary local authority planning, mining or waste management expertise.
- 1.9 We wish to meet with the Planning Inspectorate during the Public Examination stage to further explain our members' concerns where such discussion would aid consideration of our view that the inclusion of the proposed Purple Haze site within the Draft HMWP is not sound and that the site should be withdrawn from the Draft Plan.

Signed:

**Mrs Britt Poyntz** Secretary, Friends of Ringwood Forest  
**Mr Ray Wells** Chair, Friends of Ringwood Forest  
**Mrs Sarah Sumner** Vice-Chair, Friends of Ringwood Forest

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Dated: 16<sup>th</sup> December 2011

## Index of Policies

<b>Policy Number</b>	<b>Page(s)</b>
<b>Policy 2</b> Protection of Habitats and Species .....	7, 9, 11, 28, 34, 43, 46
<b>Policy 3</b> Protection of the Designated Landscape .....	7, 9, 11, 28
<b>Policy 4</b> Protection of the Countryside .....	9, 11, 28, 43
<b>Policy 8</b> Restoration of Quarries and Waste Developments.....	11, 34, 36, 37, 41
<b>Policy 9</b> Protecting Public Health, Safety and Amenity .....	6, 11, 24, 28, 30, 31, 33, 41, 43
<b>Policy 11</b> Managing Impacts from Traffic .....	24, 28
<b>Policy 13</b> Planning Conditions and Obligations .....	7, 9, 24, 41, 46
<b>Policy 17</b> Aggregate Supply – Capacity and Source .....	39, 40
<b>Policy 18</b> Recycled and Secondary Aggregates Development.....	40
<b>Policy 20</b> Sand and Gravel Development .6, 7, 9, 11, 13, 22, 23, 24, 28, 29, 30, 31, 33, 34, 36, 37, 38, 39, 40, 41, 43, 46	
<b>Policy 24</b> Sustainable Waste Management.....	6
<b>Policy 32</b> Non-Hazardous Waste Landfill 6, 7, 9, 11, 15, 22, 23, 30, 31, 33, 34, 36, 37, 41, 43, 46	

## 2.0 Landfill Planning at Purple Haze

### Policies addressed:

- Policy 9 Protecting Public Health, Safety and Amenity
- Policy 20 Sand and Gravel Development
- Policy 24 Sustainable Waste Management
- Policy 32 Non-Hazardous Waste Landfill

### Soundness Opinion: the Plan is Unsound because it is NOT....

- Justified – lack of robust, detailed evidence base
- Effective - plan is not deliverable at the Purple Haze site

- 2.1 **We do not see the need to use the Purple Haze site as either a non hazardous landfill site or a reserve landfill site because, if the minerals extraction plan is passed, Purple Haze will be used as a sand and gravel quarry well into the 2020s.**

It is Hampshire's policy to reduce domestic waste to landfill completely by the early 2020s. Is Purple Haze therefore going to be required as either an operational or reserved landfill site?

In 2009 DEFRA published a report showing that Hampshire County Council (HCC) had topped the table for diverting domestic waste from landfill for the fourth successive year. At the time Councillor Mel Kendal, Hampshire County Council's Executive Member for Environment stated: *"Having achieved 90% landfill diversion Hampshire is not resting on its laurels and has aspirations to eliminate the need for household waste to go to landfill in the coming years"*

HCC already diverts 90% of domestic waste and use recycling and energy recovery facilities based in the county. What will the reserved landfill void proposed at Purple Haze be used for and what are the long term restoration plans?

- 2.2 **Additionally, do the Plan and its supporting documents meet the requirements of the Landfill Directive?** The Landfill Directive requires a number of factors to be taken into account before a landfill site can be initiated.

**There is very limited, related information in any document produced by HCC that shows what research has been completed to identify Purple Haze as a prospective site.** For example comprehensive geological and hydrological surveys have not been published and these are required under the Landfill Directive. In numerous places in HCC documents it is stated that mitigation procedures will protect the biodiversity of the area but no details are given as to what these are, or how they will be implemented

**In annex 1 of the Landfill Directive** the location of the site in relation to recreational areas, residential areas, and water bodies etc. must be taken into account. The use of buffer zones of 250 metres, as suggested by HCC, will not be able to be easily implemented due to the adjacent location of the site to Moors Valley Country Park, Ebblake Bog and an archaeological site.

### References:

1. Council Directive 1999/31/EC
2. DEFRA Report 11.11.2009
3. Hampshire Mineral & Waste Plan; Assessment of Need for Waste Management Facilities in Hampshire: Landfill & Surcharging
4. [www3.hants.gov.uk/waste-and-recycling.htm](http://www3.hants.gov.uk/waste-and-recycling.htm)

### 3.0 Detailed Hydrological Assessment & Protection of RAMSAR site

**Policies addressed:**

- Policy 2 Protection of Habitats and Species
- Policy 3 Protection of the Designated Landscape
- Policy 13 Planning Conditions and Obligations
- Policy 20 Sand and Gravel Development
- Policy 32 Non-Hazardous Waste Landfill

**Soundness Opinion:** the Plan is Unsound because it is NOT....

- **Justified** - lack of robust and credible evidence base supporting site selection
- **Effective** - no evidence that the plan is deliverable at the Purple Haze site

**Legal Compliance Opinion:** the plan is **Unsound** because deferring mitigation to the project level would not allow a competent authority to conclude that the plan has no adverse effects.

- 3.1 **Ebblake Bog, located within the Purple Haze proposed site boundary, is a designated RAMSAR site [Dorset Heathlands Site no.964]. We are concerned that HCC are placing a heavy reliance on the outcome of later hydrological surveys to provide adequate protection, via so far undefined mitigation strategies, for the site when Purple Haze should in fact be withdrawn now from the Plan for the reasons set out below.**

Natural England expresses the opinion that Purple Haze should have been screened out of the plan at the options stage -

**P.140 Assessment Under the Habitats Regulations: Screening Report (v3)**

*"... we note that under the type of impact listed for Purple Haze it has already been considered that the changes to the hydrological regime for Ebblake bog are unlikely to be replicated through a mitigation scheme. This suggests that this site should have been screened out of the plan at the options stage."*

- 3.2 HCC notes that the proposed Purple Haze site is likely to have a significant effect alone on the emerging plan, affecting the RAMSAR site both directly and indirectly.
- 3.3 The screening matrices - see **Assessment Under the Habitats Regulations: Screening Report v3, page 78, table 3.1** – identify the proposed Purple Haze site as being in category C of potential effects of components of the emerging plan - likely to have a significant effect alone.

Purple Haze is assessed as being in both categories C1 and C2, thus would likely affect a European site both directly and indirectly: Categories C1 and C2 are defined as follows:

**Category C1** - The Option, policy or proposal could directly affect a European site because it provides for, or steers, a quantity or type of development onto a European site, or adjacent to it

**Category C2** – The Option, policy or proposal could indirectly affect a European site e.g. because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically or physically connected to it or it may increase disturbance as a result of increased recreational pressures.

- 3.4 HCC also notes in **P.28 Assessment Under the Habitats Regulations – Habitat Regulations Assessment Record (the Hampshire Authorities, 2011: "Though the detailed hydrological**

## Friends of Ringwood Forest: HMWP Soundness Response

*connection between this site and the Ebblake Bog SSSI is unknown, it is likely that extraction has potential to impact on this hydrological regime, and therefore the development consideration for this site specifically requires that the underlying aquifers, groundwater or surface water will be protected, and that hydrological investigations dictate the zone of protection of the Ebblake bog”*

Stipulating that “detailed hydrological assessments” are required is not a mitigation strategy in itself. The results of the detailed hydrological study will identify the impacts, and whether mitigation is indeed possible, which seems unlikely. The results of the assessment will then inform the design of the mitigation strategy.

The paper on “**Appropriate Assessment**” by **Levett-Therivel et al**, advises that “*plans should aim to **avoid** any negative impacts on European sites by identifying possible impacts early in plan making, and writing the plan in order to avoid such impacts”.*

They also advise that “*mitigation measures should be applied during the Appropriate Assessment process to the point where no adverse impacts on the site(s) remain.*”

If adverse effects remain, and no further mitigation is possible, then the plan should be rejected.

**REFERENCE: Scott Wilson, Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants & Land Use Consultants, “APPROPRIATE ASSESSMENT OF PLANS”, September, 2006.”**

- 3.5 **We do not believe that Appropriate Assessment has taken place when assessing this site for impacts.** HCC has not conducted a detailed hydrological assessment. As a result there are large gaps in HCC’s knowledge of the site and the possible adverse impacts. The mitigation measures referred to in the supporting documentation are not supported with evidence; and are therefore pure speculation and assumption.

**The mitigation measures, as outlined by HCC, simply shift responsibility for ameliorating the problem to the planning application stage instead of resolving the issue at Appropriate Assessment stage. The Levett-Therivel report states that this approach “could lead to a multiplicity of inconsistent measures, a more limited range of possible measures (i.e. project level rather than strategic level), and a more reactive approach to the problem.”**

- 3.6 **We also do not believe that HCC’s approach is Legal as “deferring mitigation to the project level would not allow a competent authority to necessarily conclude that the plan has no adverse effects. It also raises doubts as to whether the project would get consent as it may fail the Habitats Directive tests at the application stage.”** REFERENCE: Levett-Therivel et al

- 3.7 **The plan should not be able to proceed unless a detailed hydrological assessment for the proposed purple Haze site, in which Ebblake Bog SSSI is located, confirms that there will be no adverse effects on the integrity of this important RAMSAR site.**

## 4.0 HRA Process is Based on Assumptions

### Policies addressed:

- Policy 2 Protection of Habitats and Species
- Policy 3 Protection of the Designated Landscape
- Policy 4 Protection of the Countryside
- Policy 13 Planning Conditions and Obligations
- Policy 20 Sand and Gravel Development
- Policy 32 Non-Hazardous Waste Landfill

### Soundness Opinion: the Plan is Unsound because it is NOT....

- **Justified** - lacks a robust and credible evidence base
- **Effective** - based on assumptions; no evidence to support deliverability of the plan at the Purple Haze site; lacks flexibility - no other alternatives if Purple Haze found to be unsuitable after detailed hydrological survey

- 4.1 **With regard to the Habitats directive and the protection of European sites and RAMSAR sites, we understand that as at 16<sup>th</sup> December 2011 Natural England has yet to respond to the HRA Record. No scientific information has been provided to NE to substantiate the mitigation in the “development management criteria”.**

Only a hydrological survey can confirm whether buffering the north of the Purple Haze site will, by itself, protect the Ebblake Bog SSSI/RAMSAR site. At the top of the hill in the middle of the Purple Haze site is a marshy area, including possible springs. The hydrology of the whole site would therefore need to be investigated.

- 4.2 **Would a potential operator take the risk of paying for a substantial study without any guarantee of supporting HCC’s assumption that excluding the Northern end of the site would mitigate any effect to Ebblake Bog SSSI/RAMSAR? There is no indication of how much of the site mapped in the Draft Plan would be excluded.**

- 4.3 **The November 2011 Habitats Regulations Assessment (HRA) record, at paragraph 17, stated:** *“In accordance with the Habitats Directive and Regulations, wherever scientific uncertainty is encountered a precautionary approach should be adopted. If in doubt, further assessment should be undertaken and the worst outcome assumed. Competent authorities should conclude that the plan would not adversely affect the integrity of a European site only if it has made certain that this is the case. In order to be certain, the planning making authority should be satisfied that no reasonable scientific doubt remains as to the absence of such effects”.*

Purple Haze was one of the sites that the HRA screening process brought forward for scrutiny by way of “appropriate assessment”. **Appropriate Assessment** is the process whereby a planning making authority must satisfy itself that the plan will not adversely affect the integrity of a European site and **is required by regulation 102 of the Conservation of Habitats and Species Regulations 2010 - the Habitat Regulations.**

- 4.4 Purple Haze has been subject to “appropriate assessment” with particular reference to the River Avon SAC - **HRA paragraph 3.3.1** and the Dorset Heath SAC - **HRA paragraph 3.3.2** and potential adverse effects have been identified. See for example **paragraph 86 of the HRA which states:** *“The maintenance of an appropriate hydrological regime is required to maintain the integrity of this SAC. Some of the sites (Purple Haze, Bleak Hill) share a common minor aquifer with the SAC. Though hydrological connections will remain uncertain until more detailed investigations are carried out to inform proposed development (Policy 2: Protection of Habitats and Species, and implementation plan), the development management considerations*

## Friends of Ringwood Forest: HMWP Soundness Response

*for all the allocated sites specifically require protection of aquifers/groundwater and surface water and all of the extraction sites are to be worked dry and would have limited water take.”*

- 4.5 The exploitation of Purple Haze could directly or indirectly affect a European site which was identified in the **September 2011 screening report/scoping report**. The site was put into Category C1 and C2 - see **table 2.2, page 9 of that report and also table 3.1 at pages 76-79**.
- 4.6 With various potential direct/indirect effects having been identified for Purple Haze, **the November 2011 HRA record** deals with this, as **paragraph 86** illustrates, by pointing to the “development considerations” for the site at the application stage - see **Appendix A of the Draft HMWP, page 133**.

**We would argue it is not sufficient for the purposes of the Habitats Regulations to leave so many uncertainties to the application stage. This approach undermines the purpose of the appropriate assessment exercise. The better and appropriate course would have been to exclude Purple Haze altogether in view of the effects identified.**

- 4.7 It is understood that Natural England have yet to comment on the current HRA – see instead Natural England’s comment **in table 4.4 of the HRA (November 2011) page 81**: *“What is expected is a robust assessment, based on information which can reasonably be obtained and identifying risks as far as reasonably foreseeable; this may include primary research. Where appropriate, it is necessary to put in force a legally enforceable framework with the aim of preventing effects from materializing”* - the authors’ underlining.

The authority’s response to this is simply “Noted”.

If this “robust” assessment is carried out at the planning application stage, and HCCs assumption is proved to be incorrect about the hydrology and impacts, the supply of soft sand for Hampshire & Dorset will be affected as there appears to be no alternative site for soft sand extraction in Hampshire except for Forest Lodge which is a small site. In addition, Purple Haze would be the only landfill site for Hampshire.

- 4.8 **The whole Plan for where to put landfill and get soft sand would have to be reviewed. In the meantime, a huge assumption has been made with a significant risk to the Draft HMW Plan and a costly risk for any potential operator.**

## 5.0 Mitigation Claims Not Supported by Evidence

### Policies addressed:

- Policy 2 Protection of Habitats and Species
- Policy 3 Protection of the Designated Landscape
- Policy 4 Protection of the Countryside
- Policy 8 Restoration of Quarries and Waste Developments
- Policy 9 Protecting Public Health, Safety and Amenity
- Policy 20 Sand and Gravel Development
- Policy 32 Non-Hazardous Waste Landfill

### Soundness Opinion: the Plan is Unsound because it is NOT....

- **Justified - not founded on a robust and credible evidence base; it may fail the Habitats Directive tests at planning application stage**
- **Effective - not deliverable as too many unknown potential impacts exist so impossible to design mitigation strategies**

Legal Compliance Opinion: the plan is **Unsound** because it ameliorates mitigation to the project level, which would not allow a competent authority to conclude that the plan has no adverse effects.

- 5.1 **We are concerned that the Plan is not robust because of the extent by which the documentation repeatedly refers to the fact that “providing mitigation strategies are implemented” there will be no adverse impacts on any of the sites.**

In order to provide a sound basis for assessing the significance of impacts, baseline conditions must be defined and understood and quantified where possible. This requires field surveys, quantitative data, meaningful analyses and a broad, long-term perspective enabling cause-effect chains to be tracked in time and space. These are important elements when assessing biodiversity impacts (direct, indirect, and cumulative impacts).

- 5.2 **We do not believe that the scoping stage has been conducted thoroughly enough to inform the Appropriate Assessment.** Insufficient evidence has been obtained to identify all of the significant impacts, with responsibility for ameliorating the impacts being shifted to the planning application stage. This would not allow a competent authority to necessarily conclude that the plan has no adverse effects, and raises doubts as to whether the project would even obtain consent. It may fail the Habitats Directive tests at planning application stage.

**Section 5.12 of “Assessment Under the Habitats Regulations – Screening Report including Scoping Report version 3, the Hampshire Authorities, 2001”, identifies further research/study work required before assessment of adverse effects can be fully concluded. It is considered to be incomplete and with some glaring omissions.** These surveys and associated data gathering should be completed now and not left to be managed during a future planning application, otherwise protection measures, such as those included as “Development Considerations” for the Purple Haze site, will not be sufficient to prevent environmental harm.

The precautionary approach should be applied in decision-making in cases of scientific uncertainty when there is a risk of significant harm to biodiversity. Higher risks and/or greater potential harm to biodiversity require greater reliability and certainty of information. Therefore alternatives and/or mitigation measures should be identified and described in detail, including an analysis of their likely success and realistic potential to offset adverse project impacts.

- 5.3 **We strongly disagree with HCC’s conclusion that all adverse impacts on site integrity can be avoided by mitigation as it is simply not supported by hard facts and a strong evidence base.** Insufficient research has been conducted to assist in identifying the impacts thus it is not

## Friends of Ringwood Forest: HMWP Soundness Response

possible to design appropriate mitigation strategies. Simply stating that a survey will be conducted at the planning application stage is not in itself a mitigation strategy. The results of said survey would identify and assess the impacts to site integrity and would ascertain whether there are any mitigation strategies appropriate to deal with the impacts.

We believe that the adverse affects identified to date still remain as insufficient scientific evidence has been generated to enable the risks to be identified and appropriate mitigation strategies to be designed.

5.4 **As significant and multiple adverse affects remain we believe that the plan authors will need to proceed to Stage 3 - Article 6(4) of the Habitats Directive – and consider alternative solutions and their impacts on site integrity.**

5.5 Some examples of HCC’s many mitigation claims follow. **Source: Assessment Under the Habitats Regulations – Habitat Regulations Assessment Record (the Hampshire Authorities, 2011)**

- *“Provided the mitigation is implemented, it was considered in all cases that adverse impacts on site integrity as a result of physical damage/loss of habitat can be ruled out.”*
- *“It was not considered likely that any of the allocated minerals and waste sites would have an adverse impact on the integrity of European sites in and around Hampshire as a result of hydrological changes, provided that the identified mitigation measures are implemented.”*
- *“Based on these findings, in all cases it was concluded that, provided the identified mitigation is put in place, adverse effects on the integrity of European sites from recreation-related impacts can be ruled out.”*
- *“As such, it is considered that the mitigation provided by the development management considerations for these sites is adequate to rule out adverse effects on the integrity of European sites from dust arising from development of the allocated sites.”*
- *“As such, in all cases (as listed above), adverse effects on the integrity of European sites as a result of noise/vibration or light pollution were able to be ruled out, provided that the identified mitigation measures are put in place”*
- *“It is therefore considered that none of the sites assessed within the Appropriate Assessment would have any significant effect on the integrity of the European sites within the Avon Valley, provided that the mitigation measures identified are implemented.”*
- *“It is therefore considered that none of the site assessed within the Appropriate Assessment would have any significant effect on the integrity of the European sites within the Dorset heathland area, provided that the mitigation specified is implemented.”*

## 6.0 Alternative Sites

### Policies addressed:

- Policy 20 Sand and Gravel Development

### Soundness Opinion: the Plan is Unsound because it is NOT....

- **Justified - not founded on a robust and credible evidence base; reasonable alternatives screened out incorrectly**
- **Effective - not deliverable, not flexible as HCC screening has ensured that Purple Haze is the only suitable soft sand extraction site. If hydrological survey rules out Purple Haze as an appropriate site there are no suitable alternative sites in the Plan.**

- 6.1 We disagree that the sites listed below should have been screened out as being less sustainable than Purple Haze and for the reasons stated below:

**HRA Screening report 3.3 41. Version 1:** “It also ensures that the plan does not include any land-use policies which would be likely to fail the Habitats Regulations tests at the project application stage.”

* Grooms Farm E	1.8mt
* Dunwood Nurseries	0.6mt
* Post Hill	0.9mt (rounded)
* Glebe Farm	0.7mt
Malthouse & Osborne	1.8mt

- Sites marked (\*) above do not impact a European site.
- All are not within a National Park Boundary.
- To split the allocation more spatially across Hampshire, perhaps across any/all the sites listed above, would be positive with regard to transport.
- If one site failed at planning application stage, a soft sand resource would be available from another site, so making the plan more flexible. **We also note that the South Downs National Park has put out to tender a Soft Sand Study.**
- To split the allocation between more sites would also increase competitive pricing and would not allow one operator to have a monopoly.

- 6.2 We disagree with the screening scoring applied to the sites listed above which is set out in the table below:

	A1	A2	A3	A4	A5	A6	A7	A8	A9	A10	A11	A12	A13	A14
Grooms Farm	-/+	--	-?	0?	0	-	--	-?	0	--	0-	- -/+	0	0
Malthouse & Osborne	-	--	-	0?	0	-	0-	-?	0	--	0-	- -/+	0	--?
Glebe Farm	-	--	0	0?	0	-	0?	0?	0	--	0-	--/+	0	0
Dunwood Nurseries	-?	-	0	0?	0	-	-?	0?	0	--	0	--/+	0	0
Post Hill	-?	--	0	0?	0	-	0?	0?	0	--	0	--/+	0	0
Purple Haze	-/+	-/+	0	0?	0	-	-	-	0	-	-/+	-/+?	0	0

- 6.3 Examples follow demonstrating why we challenge the scoring applied above:-

### **A1 - Biodiversity**

## Friends of Ringwood Forest: HMWP Soundness Response

Heathland restoration has been problematic nearby at Somerley Landfill, the pitch of the land to allow natural drainage to support Heathland will impact hydrology in the area – see Natural England’s related comment: “2. *Biodiversity considerations: These relate firstly to the high biodiversity interest of Ringwood Forest, with the Purple Haze area supporting several nightjar territories as well as habitat suitable for European Protected Species, sand lizard and smooth snake. Consideration must therefore be given at the Plan level to Habitats Regulations tests relating to EPS and how these might be applied in the light of potential mitigation and relevant case law. Secondly, the forestry plantations on Dorset heathland (including Ringwood Forest) have been identified as the critical area nationally for the re-establishment of open habitats if the objectives of the Government’s open habitat policy (‘When to convert woods and forests to open habitat in England: Government policy: March 2010’) are to be achieved. Thus in the absence of sand and gravel winning at Purple Haze the prospect is that the extent of heathland within the allocation site would be substantially increased. We consider that the quality of heathland restored following mineral winning would be much lower than that of heathland on the natural geology, established following the rotational removal of plantation.*”

The experts, Natural England, state that developing the site is unlikely to increase biodiversity. **We therefore cannot agree with this scoring for Purple Haze being more positive against the other sites.**

### A2 - Townscape and Landscape

#### **Why did Purple Haze score higher than the others, when Purple Haze is the only site that impacts a RAMSAR Site?**

For example -

- The pitch of the land needed to allow natural drainage for heathland restoration would impact restoration to previous levels.
- Purple Haze is 2.5 miles from the New Forest National Park and is a critical area for Natura 2000.
- It will be difficult to screen Purple Haze from Moors Valley users and from the road.
- The sites listed above which do not impact European sites and which are not in a National Park should have been scored higher than Purple Haze.
- Blue Haze when scored had significant negative impacts to A12 and A10. Blue Haze is located across the road from the proposed Purple Haze site.

## 7.0 Landfill Site Screening

### Policies addressed:

- Policy 32 Non-Hazardous Waste Landfill

Soundness Opinion: the Plan is Unsound because it is NOT....

- **Justified** - not founded on a robust and credible evidence base; not the most appropriate strategy when considered against the reasonable alternatives

- 7.1 We do not believe that enough information was provided to the decision maker when decisions were made to screen out sites. We believe that if the Purple Haze site had been accurately portrayed to the decision maker the only logical decision would have been to screen out the site.

For example, Purple Haze adjoins Ebblake Bog RAMSAR and is part of the hydrological and ecological catchment of this site and is therefore to be located close to sensitive habitats. **As HCC states, see extract below, that it is unlikely sites close to sensitive habitats would be suitable for activities requiring open sites, Purple Haze should have been screened out at this stage.**

**The Assessment of Sites and Areas for Waste Management Facilities in Hampshire (v4) page 19** states “*This assessment process was used to suggest the broad waste management categories which would be suitable on each of the sites (and similarly those which would be unsuitable). For example, sites within sensitive landscape settings should not be considered for activities within large scale buildings. It is also unlikely that sites close to sensitive habitats would be suitable for activities requiring open sites as it is more difficult to control dust emissions and noise at such sites.*”

- 7.2 We also do not agree that all available information about the Purple Haze site was considered when the authority compiled The Assessment of Sites and Areas for Waste Management Facilities in Hampshire (v4) Table 2 Environmental and Amenity Criteria based on PPS10 page 20:

- 7.3 Our additional comments, and therefore suggested additions to the Assessment, are set out below in italic text.

a. Protection of water resources

Consider proximity to vulnerable water bodies (protection of water resources) –

Suggested Addition:

- *Purple Haze adjoins, and is in, the hydrological catchment of Ebblake Bog SSSI / RAMSAR.*

b. Visual Intrusion

- a) Direct effect i.e., removal of trees
- b) Proximity to landscape designations
- c) Proximity to sensitive view points
- d) Nature of existing landscape
- e) Presence / Absence of screening features

Suggested Additions:

- *Landfill at Purple Haze would result in impacts to a, b, c, d and e as outlined below:*
- *Landfill would result in the removal of trees and the removal of the delicate seedbank of heathland.*
- *Purple Haze is in close proximity to the Ebblake Bog SSSI / RAMSAR site and to a Natura 2000 site.*

## Friends of Ringwood Forest: HMWP Soundness Response

- *The “Lookout”, a much utilised family orientated meeting & picnic amenity, is approximately 100m away in Moors Valley Country Park*
- *Ancient burial grounds adjacent to the site provide a sensitive view point in an area of tranquillity accessible to the public*
- *The topography of the site would be difficult to screen from the view points, Moors Valley and the B3081 road*

### c. Nature Conservation

- a) **Consider proximity to sites of international importance**
- b) **Consider potential for adverse effects**

#### Suggested Addition:

- *Purple Haze adjoins Ebblake Bog SSSI / RAMSAR and is also a Natura 2000 site.*

### d. Historic Environment and Built Heritage

- c) **Consider proximity to a Registered Park or Garden or site/ building with a nationally recognised designation.**

#### Suggested Additions:

- *Purple Haze has a burial mound located within the proposed site boundary. The mound is not scheduled*
- *Scheduled burial mounds are located within approximately 50 metres of the Purple Haze boundary.*
- *Purple Haze is within a country park*
- *Moors Valley Country Park has won a green flag award and is visited by 1 million visitors a year.*

### e. Traffic and Access

- a) **Consider distance to waste source – good distance defined as 2km.**

#### Suggested Additions:

- *Purple Haze is on the western edge of Hampshire. It is proposed that it could be the only landfill site in Hampshire after 2018. Traffic will have to travel from the major urban areas of Hampshire across the New Forest National Park SSSI.*
- *There are permitted Rights Of Way linking across the Purple Haze site enabling public access to and within the country park by foot, bicycle and horseback. These Rights Of Way provide the only “safe routes” to travel by these means between Verwood and Ringwood – for example, Verwood children use them to travel by bicycle to/from schools near Ringwood as the B3081 is considered to be too dangerous.*

### f. Air Emissions

- a) **Consider proximity to sensitive human receptors and sensitive environmental receptors.**

#### Suggested Additions:

- *Purple Haze is a recreational area and cyclists, orienteers, ramblers, runners, dog walkers, tourists are in close proximity*
- *Purple Haze adjoins Ebblake Bog SSSI / RAMSAR and is also a Natura 2000 site.*
- *Purple Haze would be operated within 500m of a Special Needs School.*

### g. Odours

- b) **Consider proximity to sensitive receptors (residential areas)**

#### Suggested Additions:

- *The cumulative impact of Blue Haze, located across the B3081 from Purple Haze, is already odorous and impacts Verwood residents*

## Friends of Ringwood Forest: HMWP Soundness Response

- *The methane gas takes 25 years to dissipate, therefore the gas escaping from 2 large landfill sites should be taken into account. Some of the methane is used to generate electricity. However it must also be noted that some methane also escapes into the environment.*

### **h. Vermin and Birds**

- c) Consider proximity to sensitive receptors (residential areas) and airport safeguarding zones.**
- b) The potential attraction of waste activities to birds and vermin may potentially create a bird aircraft strike hazard (BASH), which could affect the safety of air passengers as well as those on the ground**
- c) Vermin carries the potential to adversely impact health and well being of nearby communities.**

#### **Suggested Additions:**

- *Purple haze is 500m away from Verwood, pop 15,000. Residents are already affected by the current Blue Haze landfill with vermin and birds. Seagulls have been an issue in Verwood and appear to have roosts nearby. The Environment Agency has been informed.*
- *Purple Haze lies less than 9km from Bournemouth/Hurn aerodrome and is well within the birdstrike hazard area defined by the CAA and concerning safeguarding of airports.*
- *Vermin have been reported at The Chase, Verwood, near to the Blue Haze landfill site*
- *Vermin may also upset the natural balance of species in the area. The site adjoins Ebblake Bog SSSI/RAMSAR and also hosts rare species, nightjar, bats, snakes and lizards.*

### **i. Noise and Vibration**

- d) Consider proximity to sensitive receptors (residential areas)**
- e) Increased noise and vibration may have the potential to adversely effect human and animal health.**

#### **Suggested Additions:**

- *Ebblake Bog is bordered on one side by an industrial estate which is loud and causes some vibration. On another side is a residential area, on another a golf course and then the main Verwood/Ringwood road, the B3081. Purple Haze offers the only remaining corridor to safety to the wildlife of Ebblake Bog if it is affected by these four areas.*
- *If a landfill site is put on the last remaining boundary of Ebblake Bog **the cumulative impact needs to be considered** otherwise it will become literally choked by industry, houses, landfill and a golf course.*

### **j. Potential Land Use Conflict**

- f) The presence of recreational areas and public rights of way should be considered.**
- g) Sites may be identified in local planning documents or 'allocated' for other non waste uses.**

#### **Suggested Additions:**

- *Purple Haze is a recreational area and forms part of Moors Valley Country Park. It hosts bike trails, bridle ways, footpaths, orienteering course (1/3rd), events.*
- *Purple Haze is identified in local planning documents for East Dorset as an open space and amenity for Verwood residents.*

7.4 We consider that a number of statements included within the **HRA Statement** are also not well informed, for example -

**HRA statement Page 23 states:** “13 Different types of impacts can travel different distances however, and nature conservation sites which are sensitive to changes in hydrology or contamination via water pathways could require greater distances. This will be explored in

## Friends of Ringwood Forest: HMWP Soundness Response

more detail in the Screening Report.” For Purple Haze no hydrology study has been carried out and we understand Natural England has yet to comment on the HCC Record and the Appropriate Assessment is at stage 2. **If scientific evidence has not been provided to Natural England the precautionary approach must be taken.**

### 7.5 HRA statement Page 24:

- Criteria b and I were scoped out
- Criteria b) and i) from PPS10 Annex E were 'scoped out' from the assessment of site suitability assessment - see Table 2 ' Environmental and amenity criteria considered when assessing the suitability of sites and areas (based on Planning Policy Statement (PPS) 10 Annex E)).
- **Purple Haze should therefore have been screened out at an early stage.**

7.6 We also consider that the **Landfill and Surcharging Report Hampshire 2011** is not fully informed because a number of sites have been screened out which are near to urban areas and with site considerations either similar to or less significant than those for Purple Haze. We analyse these below in order to demonstrate our reasoning.

7.7 So that the basis for our concerns may be considered in more detail, we have also included below an extract from the **Landfill and Surcharging Report Hampshire 2011** showing the understated **Site Considerations for Purple Haze** *together with our comments and suggested amendments/additions included in italic text.*

- The site is entirely coniferous plantation and part of Ringwood Forest area lying to the west of the River Avon and Ringwood Town itself – *This is NOT entirely coniferous plantation but a recreational area. See the map in Section 1.0 Introduction of this response*
- The site extends to over 2 km but is relatively narrow - *the site is very narrow and cannot extend to 2 km because of the buffers which will be required to protect Ebblake Bog and other sensitive receptors*
- Few local residents immediately adjacent to the site and is well screened by the coniferous plantations - *residential properties and a Special Needs School are located within 500m of the site. Properties are not anywhere near either well or fully screened by plantation. The site is on a hill and there are view points in the area.*
- Large site with deep sand deposit, relatively remote from urban areas and residential properties - *The site is not remote from urban areas, Verwood pop 15,000 is 500m away. No evidence supplied by HCC for large deep sand deposits. Clay seems evident in the area and marshy areas sit on top of the hill within the proposed site. A hydrology survey would be required before HCC can state the proposed site can easily accommodate mitigation measures. See also the GWP Report referred to later in this response.*
- Site can easily accommodate mitigation measures to offset development impacts - *major assumption when no hydrology report has been done in relation to the impact to Ebblake Bog SSSI/RAMSAR and Natura 2000 site.*
- Located within the Moors Valley Country Park - *buffers and screening would be needed from Moors Valley Country Park and no displacement mitigation measures have been studied yet either.*
- European nature conservation designations (including Special Area of Conservation, Special Protection Area and Site of Special Scientific Interest) within 250m - *RAMSAR & Natura 2000 site not mentioned in this desk top analysis of the site*
- Site is within Bournemouth Airport Safety Exclusion Zone- *this affects but does not rule out the use of this site for minerals/ waste development – see Section 22.0 Aerodrome Birdstrike Safeguarding of this response*
- **A number of other Site Considerations have not been mentioned in this particular report, including:**
  - *Blue Haze in relation to cumulative impacts within the area*
  - *Verwood's main water supply running through the site*

## Friends of Ringwood Forest: HMWP Soundness Response

- *Bike trails*
- *Restored areas of heathland*
- *Footpaths and cycle tracks*
- *Permissive accesses*
- *Displacement mitigation for the Sunseeker Rallye and other tourist revenue generating activities*
- *The site is an area used frequently by a large town's population and helps to address adverse impact to nearby heathland SSSI*

7.8 If all possible site considerations had been fairly assessed and all likely Site Considerations for Purple Haze known and analysed during screening, we believe the **proposed Purple Haze site would have also been screened out**. Our analysis of comparable sites not taken forward to the Plan for landfill site consideration follows:

***Please note:***

- *Sites overlying principle aquifers have been excluded*
- *Insufficient data could be identified to size the voids for all sites. If data had been available, 2 or 3 sites listed below would have been compared with the Purple Haze site in more detail.*
- *Most of the sites reviewed below are not recreational areas whereas Purple Haze is a well used recreational area and is not, as stated below, "a coniferous plantation". See Section 1.0 Introduction of this response for a map showing the extent of the recreational area - hard copies of the map can be made available.*

### **7.8.1 Land at Southleigh Forest (EHS024)**

**Assessment Findings:** Nomination considered less suitable

**Site Considerations:**

- Ancient woodland scattered about Blackbushe Copse.
- Access is contentious.
- Close to boundary of South Downs National Park
- Visibility issue related to size of the site - Boundary of Area of Outstanding Natural Beauty and proposed South Downs National Park

**Concern:** The Site Considerations for Purple Haze are at least as significant as those for this screened out site

### **7.8.2 Pickwell Farm, Old Netley, Hound, Eastleigh (ELH001)**

**Assessment Findings:** Opportunities dependent on mineral extraction- inert infilling

**Site Considerations listed:**

- Transportation Issues and traffic problems through Old Netley
- Priors Hill Brickwork and Priors Hill/Hound Grove, Site of Importance for Nature Conservation lie adjacent to the site
- Residential properties lie adjacent to the site
- A footpath lies within the site

**Concern:** Purple Haze also has Transportation Issues and other, more significant considerations

### **7.8.3 Land at Chilling Lane, Hook, Warsash (FHM002)**

**Assessment Findings:** Opportunities dependent on mineral extraction- inert infilling

**Site Considerations listed:**

- Access through Hook village would be unacceptable.
- Adjacent to Lee-on-the-Solent to Itchen SSSI.
- Sites of wildlife interest developing on the site, a former gravel workings.

## Friends of Ringwood Forest: HMWP Soundness Response

- Site adjacent to a Local Nature Reserve.
- The southern part of the site has ecological value.

**Concern:** This site appears to have site considerations which are very similar to those for Purple Haze

### 7.8.4 Land adjacent to Busta Farm, Eversley (HRT013)

**Assessment Findings:** Opportunities dependent on mineral extraction- inert infilling

**Site Considerations listed:**

- Environmental designations SSSI, NNR and Thames Basin Heath (SPA) lie round the site.
- RoW footpath and bridleway lie south and north of the site.
- In Farnborough aerodrome safeguarding area.

**Concern:** This site appears to have site considerations which are very similar to those for Purple Haze

### 7.8.5 Bickton Corner (NFT026)

**Assessment Findings:** Nomination considered less suitable

**Site Considerations listed:**

- Less than 1 km from New Forest National Park boundary.
- Special Protection Area/ Site of Special Scientific Interest/ RAMSAR site within 250m.
- Site is within an Environmentally Sensitive Area.
- Adjacent to residential properties, North Gorley village 500m to the east.
- Within aerodrome safeguarding area

**Concern:** This site also appears to have site considerations which are very similar to those for Purple Haze

### 7.8.6 Ringwood Forest (NFT039)

**Assessment Findings:** Nomination considered less suitable

**Site Considerations listed:**

- Contains area of Site of Importance for Nature Conservation and Site of Special Scientific Interest.
- Contains ancient monuments and has archaeological potential.
- Adjacent to residential properties, including urban area.
- Within aerodrome safeguarding zone.
- Two RoW bridleways cross site and recreational usage.

**Concern:** Site Considerations for the screened out Ringwood Forest Site could be considered so identical to those for Purple Haze that the two sites could be easily mistaken for each other!

7.9 A similar pattern of concerns as those detailed above is repeated throughout the **Landfill and Surcharging Report** regarding the similarities of Site Considerations for the following screened out sites when compared to those recorded for the Purple Haze site:

- **Batchley Farm (NFT044)** – possible recreational activities as in Purple Haze
- **Kings Farm (NFT045)** – similar to Purple Haze
- **Gordleton Farm, Nr Lymington (NFT059)** – “adjacent to”, not “in”, the New Forest National Park, adjacent to a RAMSAR site, opposite a landfill and there are highway concerns.

## Friends of Ringwood Forest: HMWP Soundness Response

- **Glebe Farm (TTV007)** – lots of problems and lots of opposition. 4,000 people have raised objections concerning Purple Haze and local opposition continues to run high. Opposition should not be a reason to screen out a site.
  - **Dunwood Nurseries, Romsey (TTV010)** – would have been fair to include and compare as a soft sand extraction & landfill site
  - **Post Hill Farm (TTV011)** - Opposition should not be a reason to screen out a site. Post Hill is also soft sand resource site and should have been included as soft sand is a limited resource for HCC.
  - **The Triangle, Ridge, Romsey (TTV019)** – Purple Haze may also fail at planning application for similar reasons. It is a risk to have 1 soft sand site and 1 non-hazardous landfill when hydrological and ecology issues have not been scientifically proven to be capable of mitigation.
  - **Bunny Lane Landfill (TTV032)** – similar Site Considerations once again
- 7.10 **We would like to see a full sustainability study carried for each of the sites mentioned above which is then reviewed by an independent body.** Given that data to support the screening in of the Purple Haze site was apparently lacking, there is a possibility it may also be lacking for the other sites.
- 7.11 **The current approach outlined above is not robust and makes the plan very limited in its flexibility. If a more informed and complete job had been done during initial screening, the current options may have been clearer and more flexible.**

## 8.0 Plumley Wood: Possible Alternative to Purple Haze Site

### Policies addressed:

- Policy 20 Sand and Gravel Development
- Policy 32 Non-Hazardous Waste Landfill

### Soundness Opinion: the Plan is Unsound because it is NOT....

- **Justified** - not founded on a robust and credible evidence base
- **Effective** - not flexible

- 8.1 Plumley Wood is a 142 ha sand and gravel site near to Blue Haze. It received planning permission in 2009 and has commenced with extraction.

This site was **NOT** screened as a landfill site in the Assessment of sites and areas for Waste Management facilities in Hampshire <http://consult.hants.gov.uk/file/1996531>

Access to Plumley Wood *could* be made from Blue Haze and *may* be more suitable for landfill.

- 8.2 **Suggested Addition:**

*Plumley Wood to be scored against the other landfill sites and a conclusion reached.*

## 9.0 Operator Not Yet Selected

### Policies addressed:

- Policy 20 Sand and Gravel Development
- Policy 32 Non-Hazardous Waste Landfill

### Soundness Opinion: the Plan is Unsound because it is NOT....

- Justified - not founded on a robust and credible evidence base
- Effective - it is not deliverable

- 9.1 **We believe there is inconsistency within HCC's approach to screening out sites. This is demonstrated by the following example:**

**Downton Manor Farm** was screened out because the Operator Performance could not be measured. Purple Haze has no operator interest and will be put out to tender for the best price subject to planning application (source: verbal information from Tarmac).

With all of the mitigation required and proposed, and notwithstanding the reduction of the resources due to the buffers suggested, would Purple Haze be a viable site to an operator or would they look more closely at sites that do not impact RAMSAR sites?

**Extract from HCC evidence base - ISA Nov 11 Page 639** *"This proposal is not considered to be suitable for further extraction at this stage. Mineral extraction at Downton Manor Farm has yet to commence. This means that the operator performance cannot be measured at this stage. It is therefore not suitable for further consideration as an extension at this stage."*

- 9.2 **To show fairness and a robust evidence base, either this site extension should have been included or Purple Haze should have been excluded as unsuitable for consideration at this stage.**

## 10.0 Purple Haze Transport Assessment

### Policies addressed:

- Policy 9 Protecting Public Health, Safety and Amenity
- Policy 11 Managing Impacts from Traffic
- Policy 13 Planning Conditions and Obligations
- Policy 20 Sand and Gravel Development

### Soundness Opinion: the Plan is Unsound because it is NOT....

- **Justified - not founded on a robust and credible evidence base**

- 10.1 **We consider that the November 2011 Transport Report is not comprehensive enough. It states that a full assessment will be needed by the developer of the site at the planning stage, but we consider the assessment needs to be carried out prior to this stage so that interested parties are able to study the details.**

The points requiring consideration are as follow:-

- 10.2 **The following factors have not been taken into account in the Hampshire Minerals and Waste Plan.**

- Verwood is a rapidly expanding town with a current population of 14,930 (2010).
- At March 2010 a further 62 units have permission and 30 are allocated to the local plan.<sup>[1]</sup>
- Christchurch and East Dorset Housing Core Strategy are proposing another 415 homes.<sup>[2]</sup>
- This coupled with proposals for Gypsy and Traveller sites will further increase the volume of traffic on the B3081.

The B3081 is the major access road to and from Verwood. Dorset County Council has identified the B3081 as a high risk road. Such roads have a higher than average number of collisions when compared to national and Dorset rates. **Any increase in vehicle movements will likely exacerbate the situation.**<sup>[3]</sup>

- 10.3 The Report states that there will be an increase in overall traffic flow on the B3081 of 0.9% but there will also be an increase of 21% in HGV traffic.

The Mott Gifford- Potential Mineral Extraction North of Ringwood Traffic Policy states that where Plumley Wood, Bleak Hill and Purple Haze were operating together the percentage change in HGV flow in 2016 compared to 2007 would be 25.4% north of the junction with Harbridge Drove on the B3081 and 22.3% south of the junction with Harbridge Drove.<sup>[4]</sup> Given that Plumley Wood uses a field conveyor we must assume that these figures apply to Bleak Hill and Purple Haze alone.

The cumulative impact of future quarrying, the potential increase in traffic flow from Verwood including a likely increase in HGV vehicular movements associated with building construction, plus the proposed mineral extraction from two sites in the vicinity of Verwood as quoted in the Bournemouth, Dorset and Poole Revised Draft Minerals Core Strategy we believe **make the figure of 0.9% a gross underestimate of future traffic movements on the B3081.**

- 10.4 The Blue Haze figures for traffic movements for non-hazardous landfill, on the B3081, are approximately 200-260 per 12 hour day (100-130 in, 100-130 out).<sup>[5]</sup> Given that the anticipated closure date is 2020+ , should the diversion of waste from landfill continue, Blue Haze will take longer to complete and could be operating together with Purple Haze, **thereby increasing the projected traffic movements on the B3081.**

## Friends of Ringwood Forest: HMWP Soundness Response

- 10.5 The road traffic accident figures for the B3081 quoted in the **Strategic Transport and Traffic Assessment (v3) – page 71 Table 5.18** – are misleading.

5 Year accident record -

- **Hampshire:** 0 incidents on B3081 (May2006-April2011)
- **Dorset:** 8 slight incidents on B3081 (May2006-April2011)<sup>[6]</sup>

In the **Mott Gifford Traffic Study 2002 – 2007** the following information is shown: - <sup>[7]</sup>

<u>Cluster Location</u>	<u>Severity</u>	<u>Number of accidents</u>
A - Junction of B3081 Verwood Road and Harbridge Drove	Light	5
	Severe	2
	Fatal	1
B - B3081 Verwood Road	Light	2
	Severe	0
	Fatal	2
C - Junction of B3081 Verwood Road and Road to A31	Light	4
	Severe	0
	Fatal	0

**We consider the B3081 to be a dangerous road, which any increase in traffic flow is likely to exacerbate the problem.**

The studies report that there had been no accidents at the potential access point to the Purple Haze site. This access point is a small area used for the parking of visitor cars for Moors Valley Country Park. This in no way compares with the potential hazards that could arise from HGV's entering and leaving the proposed site onto the B3081.

- 10.6 At the present layout of Bakers Hanging junction HGV's currently have to drive over the opposite carriageway to make a turn and we consider this unacceptable on this busy road. Committed improvements to the junction by Dorset County Council are needed if HGV traffic is to increase.
- 10.7 The Report states that *"It may be recommended that vehicles exit the site to the right onto the B3081 and do not go through Verwood."* At present vehicles going to Blue Haze have to exit towards Ringwood on the B3081 and we would expect a similar commitment rather than a possibility that they may be requested to exit to the right.

At peak times the flow of traffic along the B3081 is continuous and HGV's turning out of the Purple Haze site will, even though a 50 mph speed limit is in operation, be a hazardous manoeuvre unless committed road improvements are made at the entrance/exit to the site. **We feel that this potential danger has not been satisfactorily addressed.**

- 10.8 The A31 is a critical access route to the strategic network but suffers from severe capacity issues, including in the Ringwood area.<sup>[8]</sup> The link capacities on the A31 are already exceeded due to the increase in traffic generally and development outside the New Forest.<sup>[9]</sup>

The A31 trunk road is part of the road network and therefore suitable to carry significant volumes of traffic. However, there are observed traffic and potential road safety issues with access to and from the B3081 and A338.<sup>[10]</sup>

The layout of the junction of the A31/B3081 is a substandard alignment and potentially confusing. Visibility is limited for some movement.<sup>[11]</sup>

## Friends of Ringwood Forest: HMWP Soundness Response

The operation of the B3081/A31 junction is likely to be adversely affected, particularly the A31 slip roads to and from the east, which would require further investigation.<sup>[12]</sup>

HCC has quoted a figure of 0.9% increase in traffic flows. **We feel this is a gross underestimate of future vehicle movements and as such may not be acceptable to the Highways Authority. Moreover, there is no evidence in the Plan that road improvements would be made.** Given that any potential developer would only be required to make road improvements in the vicinity of the site it is uncertain whether the necessary funding would be available to make any improvements.

- 10.9 It is suggested in the Report that a rail link between Ringwood and Brockenhurst be reinstated to relieve HGV traffic movements. The Association of Train Operating Companies (ATOC) published a report in 2009 entitled **Connecting Communities – Expanding Access to the Rail Network** which suggested this link be reinstated. It would cost an estimated £70m and funding was supposed to come from private organisations, local government and central government.

However, Mel Kendal of HCC is quoted as saying that **there would be serious problems with reinstatement due to the line being in a National Park.**

In addition there would need to be a station at Ringwood and facilities for transferring goods onto trains. The movement of HGV's through the town could cause serious congestion in a busy town that is at present gridlocked at peak hour times. The A31 crosses the site of an old railway and near Holmsley the line has been converted into a road so diversion through Wilverley enclosure or Brownhill & Wooton Coppice enclosure would be necessary.

**We consider that the reinstatement of this line during the present economic downturn and with the problems mentioned above is not feasible.**

- 10.10 There is mention in the Report of the possibility of a conveyor system similar to the one in operation at another nearby site. This would help to alleviate traffic problems but the Report does not suggest where this would be located, the cost of installation and its route. **Much more information and detail are required before this can be considered as an alternative to reduce traffic flows.**

- 10.11 **Policy 9** – Given the volume of traffic increase this could have an unacceptable impact on human health and public safety.

We believe that the cumulative impact of Purple Haze, Blue Haze and Bleak Hill, potential mineral developments in the vicinity of Verwood in Dorset and overall traffic increase from an expanding population, renders Purple Haze to be an unjustified proposal.

**The possible mitigating proposals such as damping down dust on vehicles and restricting operating hours, would likely prove to be insufficient measures to protect the residents of Verwood.**

- 10.12 **Policy 11** – The impacts arising from transport of minerals and waste materials by road, if not controlled, have a significant impact on communities, including those not in the immediate vicinity of the development.

We feel that insufficient account has been taken with regard to the impact of traffic on highway safety, highway capacity and the environment and amenity impacts on Verwood residents.

**The possible mitigation measures of a rail link from Ringwood or the use of a conveyor would appear to be untenable.**

- 10.13 **Policy 13** – Planning obligations can cover financial contributions for site related highway improvement schemes. **However, it seems unlikely that they would be required to fund**

## **Friends of Ringwood Forest: HMWP Soundness Response**

**road improvements other than those in the immediate vicinity of the site, leaving funding issues as yet unresolved with regard to the A31.**

### **References**

1. Verwood – dorsetforyou.com
2. Christchurch and East Dorset Housing Core Strategy Consultation
3. Research Matter Dorset C.C. No.18 Jan 2008
4. Mott Gifford Traffic Study, Page 4-10
5. Strategic Traffic and Transport Assessment (the Hampshire Authorities 2011) Page 41.
6. Hampshire Minerals and Waste Plan
7. Mott Gifford Traffic Study – Page 5-4
8. Bournemouth, Dorset and Poole Revised Draft Minerals Core Strategy July 2011 - page 22.
9. Strategic Traffic and Transport Assessment (the Hampshire Authorities 2011) Page 23.
10. Mott Gifford Traffic Study - Page 5-9
11. Mott Gifford Traffic Study - Page 5-10
12. Mott Gifford Traffic Study - Page 8-1

## 11.0 Treatment and Transportation of Minerals

### Policies addressed:

- Policy 2 Protection of Habitats and Species
- Policy 3 Protection of the Designated Landscape
- Policy 4 Protection of the Countryside
- Policy 9 Protecting Public Health, Safety and Amenity
- Policy 11 Managing Impacts from Traffic
- Policy 20 Sand and Gravel Development

### Soundness Opinion: the Plan is Unsound because it is NOT....

- **Effective - not deliverable without causing unacceptable adverse and cumulative impacts to the area**

- 11.1 **We are concerned that HCC has included insufficient information concerning the likely treatment and transportation of minerals post extraction.**

**Policy S17** supports the co-location of minerals and processing facilities. The extracted sand and gravel will require washing and treatment; however, co-location of on-site washing facilities is not feasible for the Purple Haze site as the Environment Agency is unlikely to grant the necessary water abstraction license. Water tables are already low so there would be adverse impacts from further reduced water levels. The Environment Agency is currently restoring the Avon and further extraction would not support this restoration effort.

- 11.2 In addition, silt is a by-product of washed sand and gravel, so co-located facilities would require the creation of large silt ponds. **With reference to Policy DC8 Public Safety we would question the safety of having silt ponds located so close to public amenity space. Silt ponds are like quick sand and so are dangerous.**

- 11.3 In the absence of co-located washing facilities, the quarried aggregate will need to be transported to an appropriate washing and treatment site – the assumption is to Blashford as the most local washing plant. As no suitable rail links exist, transportation is likely to be via lorry on the local road network, or by alternative methods of transportation such as conveyors as supported by **Policy 11: Managing Impacts From Traffic**, which seeks to reduce impact of traffic.

- 11.4 In their “**Strategic Traffic and Transport Assessment**”, HCC explicitly reference an existing local conveyor system whereby minerals are currently transferred from Plumley Wood & Farm by conveyor to the washer at Burnt Hill. HCC states that “*there may be the opportunity to utilise this type of transport rather than simply relying on surface based HGVs*”.

We note that Plumley Wood and Burnt Hill are both in the Ringwood Forest Site of Interest for Nature Conservation and the conveyor crosses the Avon Valley which is a Special Protection Area, a Special Area of Conservation and a RAMSAR wetlands site of international importance.

- 11.5 **We believe that an additional conveyor servicing Purple Haze and crossing the Avon valley would cause unacceptable adverse and cumulative impacts to the area.**

## 12.0 Economic Scoring

### Policies addressed:

- Policy 20 Sand and Gravel Development

### Soundness Opinion: the Plan is Unsound because it is NOT....

- **Justified - not founded on a robust and credible evidence base**

#### 12.1 **We do not agree that the economic scoring for Purple Haze was “negligible” for the following reasons:-**

- Tourism is a key industry in this area and so developing the Purple Haze site in Moors Valley Country Park will affect small businesses.
- Any adverse impact for visitors from the development of the Purple Haze site could also impact revenues earned by East Dorset District Council and the Forestry Commission of more than £935,000 pa.
- The local caravan, camping and holiday park businesses rely on visitors that specifically use this area of Moors Valley for dog walking and using the bike trails in the site.
- The equestrian industry is also a key industry as well as the small caravan sites and golf clubs built up around the country park.

Yet the economic scoring for Purple Haze was A13 Economic Growth and Development = 0, representing a negligible or neutral impact.

#### 12.2 **The plan also does not encourage development in research to find an alternative to soft sand**, the prime reason given for Purple Haze’s inclusion as a minerals extraction site, when it eventually does run out. With more of a shortage of supply of soft sand, other green industries would benefit from the opportunity.

#### 12.3 **We therefore disagree with this scoring as it does not take into account either the industries mentioned above or the need to find alternatives for soft sand.**

## 13.0 Moors Valley Amenity

### Policies addressed:

- **Policy 9 Protecting Public Health, Safety and Amenity**
- **Policy 20 Sand and Gravel Development**
- **Policy 32 Non-Hazardous Waste Landfill**

### Soundness Opinion: the Plan is Unsound because it is NOT....

- **Justified - not founded on a robust and credible evidence base**

- 13.1 **Moors Valley Country Park and Forest is a public amenity providing much needed tranquillity, open space and recreational areas. Moors Valley users were not, however, consulted directly about HCC's proposals and the likely impact on their enjoyment of this public amenity.**

The country park receives around 1m visitors per year and generates revenue to the local authority confirmed by East Dorset District Council as £935,000 pa. It also generates revenue to the Forestry Commission, although the value is unknown to us.

Introducing an extraction and landfill site (Purple Haze) into this current and well used amenity / recreational area conflicts with the following in the Draft HWMP:

- **page 25 3.3** *“the plan aims to maintain a high quality and healthy environment and supports tourism assets.”*
- **Page 13 2.5.2** *“the amenity and living standards of Hampshire's and neighbouring areas residents and local businesses will not be harmed”*
- **Policy 9 Protecting public health, safety and amenity, page 40 4.16** *“The amenity use of such features should not be unacceptably impacted by minerals and waste development”*

The alternate sites we have mentioned elsewhere should also have been screened in, i.e., Grooms Farm E, Dunwood Nurseries, Post Hill and Glebe Farm.

- 13.2 **We believe that none of the above named sites is currently an amenity, open space or a recreational area. Purple Haze is not, therefore, more sustainable than these sites in this respect.**

## 14.0 Open Space Amenity

### Policies addressed:

- Policy 9 Protecting Public Health, Safety and Amenity
- Policy 20 Sand and Gravel Development
- Policy 32 Non-Hazardous Waste Landfill

### Soundness Opinion: the Plan is Unsound because it is NOT....

- Justified - not founded on a robust and credible evidence base
- Effective - not flexible

- 14.1 **Purple Haze has been classified throughout the Draft HMWP Draft Plan & supporting documents as a “coniferous plantation”.** It is of concern that no one from HCC Planning Policy may have visited the site otherwise this erroneous conclusion would not have been reached.

The Purple Haze site is an open space and regarded as such in **supporting evidence to the East Dorset LDF. Therefore the sustainability scoring for open spaces and amenity should reflect this and** there is public evidence to support this view – see below.

- 14.2 Moors Valley is mentioned as an important open space for the residents of Verwood in the various reports in the East Dorset Core Strategy supporting documents. The **Core Strategy Area Profile Options for Consideration Consultation 4th October – 24th December 2010 states:** “4.5 Verwood is well served with access to areas of extensive informal recreational space in that the northern end of the Moors Valley Country Park extends into the southern end of Potterne Park and there are footpath and cycleway access into the Country Park from some of the residential areas along the southern boundary of the settlement too. Stephens Castle and Dewlands Common are also extensively used areas of informal open space, but there is a serious conflict between this usage and these areas international importance for nature conservation.”

- 14.3 **East Dorset District Council PPG17 Open Space Study Section 6 Area Profile: Verwood May 2007** <http://www.dorsetforyou.com/media.jsp?mediaid=129726&filetype=pdf>

“Countryside recreation opportunities are more extensive, with the northern end of the Moors Valley Country Park effectively reaching to the southern edge of the town, and public access permitted to the forestry plantations which lie to the south-east and to the north. Adjoining the built-up area are the heathlands of Dewlands Common and Stephen’s Castle which are also open to public access and designated as Local Nature Reserves. However, they are also Sites of Special Scientific Interest (SSSIs), Special Protection Areas (SPAs), and candidate Special Areas of Protection and their protection is necessarily a key objective of their management. Bugden’s Copse and meadows in the centre of Verwood has also been designated as an SSSI. Several of the heathlands, including parts of Cranborne Common north of the town and heathlands to the south and south west of Verwood, have also been proposed as sites under the RAMSAR Convention as internationally important wetlands.”

**Open Space within Verwood** “The accompanying Map shows the location and typology of open space within Verwood. The following sites have been mapped; many were included in the quality audit; detailed scores of the assessments are held on the GIS database and should be referred to as required:- Moors Valley Country Park Amenity Greenspace (part)

**2.2.7 Country parks: Site Quality n/s** “Moors Valley Country Park Amenity Greenspace (part) n/s. Around 23ha of the Moors Valley Country Park lies within this LNA. This area has not been quality assessed.”

### **Most Visited Local Areas of Open Space by residents in Verwood:**

“26 – Moors Valley Country Park

## Friends of Ringwood Forest: HMWP Soundness Response

*18– Potterne Park, Verwood*

*13 – areas in the New Forest nearby*

*others included beaches, Hengistbury Head and Dewlands Common, Verwood”*

**14.4 The overwhelming reasons for visiting these areas are to go for walk and to visit areas of nature interest and value in tranquil amenity spaces.**

**14.5 Right of Way – Public Amenity:** Purple Haze has been enjoyed for many years as a permissive Right Of Way for members of the public to cycle and walk/run between Verwood and Ringwood. The B3081 is extremely busy and most cyclists choose to use the footpath in the middle of the Purple Haze site to get to and from Ringwood. If a progressive quarry is put here cyclists would be forced to take a longer route around the quarry – or use the main road. A cyclist has been killed on the B3081.

This same footpath is also used by many horse riders who use this safe route to access the Castleman Trailway and many areas within Moors Valley Country Park. The equestrian industry is an important industry in and around Verwood.

The footpaths are also used by joggers who like to run on Pine Avenue in the middle of the Purple Haze site.

**14.6 The ‘Country Side Rights of Way Act’ has defined some of these footpaths to Moors Valley. However, considering that the North – South paths have been used for over 50 years they should be classed for the purposes of the HMWP Draft plan as a Right of Way and even Bridle Ways.**

## 15.0 Buffer Zones for Sensitive Receptors Affecting Resources

### Policies addressed:

- Policy 9 Protecting Public Health, Safety and Amenity
- Policy 20 Sand and Gravel Development
- Policy 32 Non-Hazardous Waste Landfill

### Soundness Opinion: the Plan is Unsound because it is NOT....

- **Justified - not founded on a robust and credible evidence base**

- 15.1 **The resources to be extracted of 4mt from Purple Haze within the HWMP Plan period do not indicate that the buffers of 250 metres to sensitive receptors (see below) have been taken into account.**

A significant proportion of the site will have to be buffered from Moors Valley Country Park recreational users, who are sensitive receptors, on one side and buffered from the highway on the other. This would cause the site to be very narrow and so significantly reduce the resources available for extraction.

- 15.2 **There is no evidence from the operator or landowner what mitigation measures there will be to reduce the size of the buffer and how their resource figures have remained the same with new buffers in place. To meet the apportionment figures the resource estimation should reflect these buffer zones.**

**Policy 9 Page 41 4.13 states:** *“Developments handling bio-wastes, such as landfill and composting sites may have to have a buffer zone of 250 metres from sensitive receptors unless there are exceptional circumstances such as mitigation measures which can reduce the size of the buffer”*

- 15.3 **In the Plan document, Sensitive Receptors are described as:** *“Locations where people live, sleep, work or visit – such as houses, hospitals, schools, burial grounds etc. – which might be sensitive to the impact of minerals and waste activity on health, well-being and quality of life.”*

Purple Haze is without doubt a recreational area receiving numerous visitors. It contains 1/3<sup>rd</sup> of the Moors Valley Orienteering Course, Bike Trails, Equestrian tracks. People also use it for general recreation like running, dog walking and cycling.

- 15.4 **The Landfill Directive states:-** *“4.135 Paragraph 6(2) of Schedule 20 to the Regulations places a specific responsibility on Waste Planning Authorities (WPA) to consider the requirements of **paragraph 1.1 of Annex I to the Landfill Directive** when considering whether or not to grant planning permission for a landfill. These requirements are: the distances from residential and recreational areas; the proximity to water sources; geological and hydro-geological conditions; the risk of natural disasters; and protection of the site’s heritage”*

The Verwood water main runs through the site (North to South) and buffers would also be required for screening and mitigation.

- 15.5 **If the site is to be designed from the start as a reserve landfill these buffers should be taken into account and the resources available for extraction re-estimated.**

## 16.0 Restoration

### Policies addressed:

- Policy 2 Protection of Habitats and Species
- Policy 8 Restoration of Quarries and Waste Developments
- Policy 20 Sand and Gravel Development
- Policy 32 Non-Hazardous Waste Landfill

### Soundness Opinion: the Plan is Unsound because it is NOT....

- **Justified - not founded on a robust and credible evidence base**
- **Effective - not deliverable, not flexible and not capable of being enforced**

- 16.1 **We believe that HCC's claims to be able to restore Purple Haze to heathland are without merit and are not based upon a sound evidence base.** Despite several Freedom of Information (FOI) requests, HCC have yet to provide us with any real evidence of successful restoration of heathland over landfill.

**Assessment Under the Habitats Regulations – Screening Report including Scoping Report version 3, the Hampshire Authorities, 2011 Section 5.12 states:** *“identifies further research/study work required before assessment of adverse effects can be concluded.”*

**Table C1 (p.33, section 5.12 – Further Research/Study required)** which summarises the information needed for Appropriate Assessment (identified during scoping), does not address the need for evidence of successful restoration of heathland over landfill.

**We would like the above requirement added to the list of Further Research/Study required.**

- 16.2 **No evidence has been identified to show that despite HCC’s claims, any of the sites listed below demonstrates successful restoration of bio-diverse heathland over landfill.** One of the sites was not restored to heathland and as such is a misleading example.

- Eversley Quarry
- Fields Farm and Blackfield at Fawley
- Holbury Quarry
- Somerley Landfill

Nature After Minerals has been requested to arrange a tour of a successfully restored heathland over landfill site. They were happy to accommodate our request; **unfortunately they have yet been able to identify a successfully restored bio-diverse heathland over landfill site** for such a visit.

**Despite information requests, HCC have failed to fully answer our original restoration queries** sent on October 5th 2011. Their current position is that as the plan is in its soundness stage, they *“can no longer discuss the contents of the plan or its supporting evidence”*. HCC seems to have overlooked that our request was submitted 8 days before the Draft HMWP Plan was adopted.

HCC’s did, however, confirm: *“The exact nature of the restoration plans will be decided based on those development considerations in the plan and will be informed by the current situation at the time the planning application is made. (This could be many years in the future and various elements such as traffic levels, land-use etc may have changed)”*

**Yet in the ISA Report, and in mitigation, they contradict this position by stating in detail that restoration will include** *“a combination of deciduous woodland planting, heathland,*

## Friends of Ringwood Forest: HMWP Soundness Response

*nature conservation areas, enhanced recreation areas and public open space, linked to the Moors Valley Country Park?"*

16.3 If essential elements of the Draft HMWP Plan won't be decided until planning application stage - **and therefore completely against Levett-Therivel et al's Appropriate Assessment Of Plans, Guide for England 4.6.4** which states: "*Mitigation measures should, preferably, not simply shift responsibility for ameliorating the problem down to the project level, as this could lead to a multiplicity of inconsistent measures, a more limited range of possible measures (i.e. project level rather than strategic level), and a more reactive approach to the problem*" then how can details of the restoration be provided in the plan? HCC has yet to provide a response to this question.

16.4 **We therefore assert that evidence of successful restoration over landfill must be obtained as part of the Appropriate Assessment stage.**

Assessment of adverse affects to the heathland cannot be concluded without this, nor can it be assumed that appropriate mitigation will be successful. Without a sound scientific evidence base, any claims to be able to mitigate adverse impacts are pure conjecture.

- We have been given no assurance that the required restoration for Purple Haze will be delivered, or who will be responsible for delivering it.
- There is no guidance on how the restoration will be monitored, or who would be responsible for monitoring and for what period of time.
- There is no indication that penalties will be issued if the landowner/operator fails to comply with agreed restoration plans - for example, where the landowner loses interest. HCC has confirmed that they have powers of enforcement, but would not say whether there was any legal obligation by any party to complete the restoration programme.

16.5 **We can only conclude that HCC's failure to provide any evidence of their successful restoration of heathland over landfill means that they do not have any evidence. If this is indeed the case, then their claims to be able to mitigate any negative impacts on the site are unfounded.**

16.6 **If there is serious doubt that satisfactory restoration of bio-diverse heathland over landfill can be achieved, the Draft HWMP Plan should be considered unsound with the inclusion of the Purple Haze site due to its preferred restoration path to heathland.**

## 17.0 Restoration Finance

### Policies addressed:

- Policy 8 Restoration of Quarries and Waste Developments
- Policy 20 Sand and Gravel Development
- Policy 32 Non-Hazardous Waste Landfill

### Soundness Opinion: the Plan is Unsound because it is NOT....

- **Justified - not founded on a robust and credible evidence base**

#### 17.1 We are concerned by the use of the term “subject to finance” in Policy 8 in the Draft HMWP.

During the planning application the operator must prove that they will be able to resource financially the restoration of Purple Haze, or any other site, to the required objective because Heathland restoration is costly, takes a long time due to slow growth, involves specialist seeding, donor sites seeds and animal grazing and requires constant management over more than 10 years and possibly as long as 40/50 years.

How would the Plan support restoration if the operator goes out of business?

#### 17.2 We would therefore like Policy 8 to be more robust and reflect the implementation plan, but slightly changed to:-

*“The planning authority ~~may~~ will, as a matter of policy, attach planning conditions requiring the developer to lodge a financial bond to ensure satisfactory reinstatement of the site following the completion of extraction, ~~or~~ and if necessary to pay a contribution towards the cost of upgrading or repairing the local road network.”*

*The planning authority will, as a matter of policy, attach planning conditions that the developer will receive fines from local parishes (affected groups) if restoration is not achieved within an agreed timeframe during the planning application to acceptable standards, which support the original sustainability scoring for benefits to biodiversity etc.*

*If there is serious doubt that successful restoration can be achieved, planning permission should not be granted”*

#### 17.3 We would also hope that any local business affected by restoration not increasing the biodiversity and amenity should be compensated, this includes Moors Valley Country Park should the Purple Haze site be taken forward.

**We would also like to see this requirement included in the Policy itself and not just in the implementation plan.**

## 18.0 Filling the Void

### Policies addressed:

- Policy 8 Restoration of Quarries and Waste Developments
- Policy 20 Sand and Gravel Development
- Policy 32 Non-Hazardous Waste Landfill

### Soundness Opinion: the Plan is Unsound because it is NOT....

- Justified - not founded on a robust and credible evidence base

#### 18.1 We are concerned that the size of the void estimated for Purple Haze has been overstated.

**Table 5.2.1 Non-hazardous landfill void capacity - existing and potential in The Assessment for need for waste management in Hampshire states that** the void for Purple Haze for a reserved site for non-hazardous waste is for 4.0 million tons.

**The Assessment For Need For Waste Management in Hampshire 4.4.6 states:-** “*Under Scenario B with a low growth (0.5% per annum), a 95% diversion from landfill the estimated tonnage requiring non-hazardous landfill disposal in the plan period is 3.75 million tonnes(23). The landfill void capacity (3.1 million cubic metres) in Hampshire is estimated to be sufficient for 2.5 million tonnes (as of 31.12.10) and taking this into account means additional non-hazardous landfill capacity of 1.25 million tonnes is estimated. This equates to a landfill void of approximately of 1.6 million cubic metres.*”

This means that the void at Purple Haze is approximately 2.75 million tons too large. The over provision of a landfill void until 2030 has the following implications:-

- Lack of encouragement to make neighbouring authorities use alternative methods to recycle and use waste as a resource.
- The progressive landfill and extraction would not work in this case as there is not enough waste coming in to fill the void.
- The mitigation suggested to work a small area at any one time would be difficult to achieve.
- Not enough inert waste may be available during the plan period to fill up the remaining void.

#### 18.2 Therefore the following should be added in Policy 8 Restoration:

*“The plan should avoid the risk of over providing for disposal facilities – as this could act as a disincentive to recycling and recovery, including neighbouring authorities which lag behind Hampshire with reduction of waste going to landfill.*

*It is unlikely that sufficient inert material will be available to make a significant contribution towards restoration of larger mineral voids.*

*Regard must be made to the availability of “fill” to complete a scheme. Evidence must be provided that sufficient fill will be available to ensure satisfactory completion of the restoration scheme proposed. Policy 4M&W development will not be permitted unless it is a time limited mineral extraction or related development”.*

***If there is serious doubt that satisfactory reclamation can be achieved, planning permission should not be granted.”***

## 19.0 Purple Haze Sand Quantity and Quality Over Estimated

### Policies addressed:

- Policy 20 Sand and Gravel Development

### Soundness Opinion: the Plan is Unsound because it is NOT....

- Justified - not founded on a robust and credible evidence base

#### 19.1 We believe that the quantity of the sand available for extraction from the Purple Haze site has been significantly overestimated.

We commissioned a report from highly respected consultants GWP to establish the quantity and quality of the sand. Their key findings included:

- The landowner has overestimated the supply by 4 million tons.
- It is not proven that the sand is of sufficient quality for the market.

We commissioned the report after HCC informed us they had based their information on discussions with a potential operator and the resources extracted previously from Blue Haze on the other side of the road.

We understand that “some” bore holes were drilled by Tarmac whilst they were in the area, however, we do not know how many or where. We have been told that the landowner holds this information; it is confidential, and therefore not in the public domain. However, as boreholes are mentioned in HCC’s supporting documents, we believe that this borehole information should be provided as supporting evidence.

#### 19.2 At the HCC Extraordinary Council meeting held on 13th October 2011, Mel Kendal, in response to the GWP report said that *"their Consultants [or experts] did not agree with the findings of GWP"*.

**HCC has not provided subsequently any evidence to refute the findings of the GWP report, or to substantiate their position.**

#### 19.3 Please see the associated report, Purple Haze site cross section and letter from GWP which estimate a smaller reserve of soft sand and question the quality of the sand.

**The documents prepared by GWP have been embedded below.**

### GWP Report:



Purple Haze  
evaluation 111005.vC

### GWP Cross Section



DG1-A  
PURPLE1110.pdf

### GWP letter:



SS121011.let.pdf

## 20.0 Questioning the Need for Additional Soft Sand Sites

### Policies addressed:

- Policy 17 Aggregate Supply – Capacity and Source
- Policy 20 Sand and Gravel Development

### Soundness Opinion: the Plan is Unsound because it is NOT....

- **Justified - not founded on a robust and credible evidence base**

20.1 We question the need for any additional new sites for future soft sand provision when all the evidence and market data point towards a significant downward trend in soft sand consumption and sales.

20.2 After reviewing “Aggregates Monitoring Report 2008, South East England Partnership Board (2009)2” and “South East: Aggregates Monitoring Report 2009, South East England Regional Aggregates Working Party February 2011)” the following points are clearly stated:

- Consumption of soft sand has dropped steadily for around 10 years.
- Although Hampshire’s reserves of soft sand have decreased from 2008 to 2009 (the most recent years for which figures are available), South-East England's reserves were up from 24,302,000 to 30,664,000 tonnes, an increase of over 26%.
- Hampshire’s sales of soft sand fell from 289,000 tonnes in 2008 to 101,000 tonnes in 2009, a drop of around 65%.
- The South-East’s sales were 2,268,000 tonnes in 2008 and 1,387,000 tonnes in 2009, a drop of around 39%.

## 21.0 Sustainability

### Policies addressed:

- Policy 17 Aggregate Supply – Capacity and Source
- Policy 18 Recycled and Secondary Aggregates Development
- Policy 20 Sand and Gravel Development

### Soundness Opinion: the Plan is Unsound because it is NOT....

- **Justified - not founded on a robust and credible evidence; no consideration given to soft sand replacements/alternatives**

21.1 The European Directive 2001/42/EC (known as the Strategic Environment Assessment, or SEA Directive) states “*Regulation 27 Soundness, broadly focuses on whether a plan is: **Justified** (whether the document has been founded on a robust and credible evidence base and is the most appropriate strategy when considered against the reasonable alternatives), **effective** (it is deliverable, flexible and capable of being monitored) and is **consistent** with national planning policy*” Our underlining

21.2 **In terms of “reasonable alternatives”, it appears that no consideration has been given to soft sand replacements.**

**HCC’s Soft Sand Topic Paper (2011) states:** “*there are no substitutes for soft sand, as other aggregates, including those from marine and recycled sources, are unsuitable for the construction uses for which soft sand is largely used.*”

Upon investigation it is apparent that crushed recycled glass can be used as a complete fine aggregate replacement in concrete, while finely ground glass (powder) has pozzolanic properties and can be used as a Type II (pozzolanic) addition. Recycled glass aggregate fits within the definition of manufactured aggregate given in BS EN 12620.

21.1 In 2008, the UK recycled 1,650,000 tonnes of used bottles and jars. That means though that 1,000,000 tonnes still went through the residual waste stream and was lost in landfill. New York City has had laws in place since 1990 to fine those who do not recycle. This has yielded exceptionally high recycling rates; **has HCC even considered this approach?**

In addition, in the first decade of the new millennium, local authority collected waste generation in England has steadily decreased from its peak of 29.34m tonnes in 2002/2003 to the low of 26.20m tonnes in 2010/2011, a fall of 9.7%.

21.3 **Considering whether or not the Plan is founded on a robust and credible evidence base, our conclusion is that the Plan not only disregards the need to identify soft sand replacements but it also takes no account that the need for waste management to landfill is steadily reducing. For both these reasons, the need for the Purple Haze site to be retained within the Plan should be reviewed.**

## 22.0 Aerodrome Birdstrike Safeguarding

### Policies addressed:

- Policy 8 Restoration of Quarries and Waste Developments
- Policy 9 Protecting Public Health, Safety and Amenity
- Policy 13 Planning Conditions and Obligations
- Policy 20 Sand and Gravel Development
- Policy 32 Non-Hazardous Waste Landfill

### Soundness Opinion: the Plan is Unsound because it is NOT....

- Justified - not founded on a robust and credible evidence base

22.1 We are concerned that no evidence can be found in the Draft HMWP and supporting documents that Bournemouth/Hurn aerodrome has been consulted with regard to the proposals for the Purple Haze site.

22.2 Purple Haze lies less than 9km from Bournemouth/Hurn aerodrome and is well within the birdstrike hazard area defined in the above CAA documents concerning safeguarding of airports. Thus, consultation with Bournemouth/Hurn aerodrome is required over bird strike safeguarding, in order to minimise any adverse impacts caused by the major landscaping changes from quarrying or the subsequent landfill operation.

Air Navigation Order 2009 Articles 207, 208, 209 and 211 specify requirements for Civil Aviation Authority (CAA) licensing of UK aerodromes.

The requirement for aerodrome safeguarding and birdstrike risk management is detailed in CAP 168 (Licensing of Aerodromes), CAP 738 (Safeguarding of Aerodromes) and CAP 772 (Birdstrike Risk Management for Aerodromes).

The birdstrike hazard risk was highlighted by the loss on 15 January 2009 of US Airways Flight 1549 and history shows that even large aircraft with 4 engines can be brought down by birdstrikes.

### 22.3 AERODROME BIRDSTRIKE SAFEGUARDING

#### CAA Source Document - CAA CAP 738

**Chapter 1 para 1.1** “ A process of consultation between a Local Planning Authority (LPA) and consultees, which is made obligatory by Statutory Direction, safeguards some aerodromes and aeronautical technical sites in the United Kingdom. This is called 'statutory' or 'official' safeguarding, and concerns facilities that were originally developed under financial support from Her Majesty's Treasury.”

Note that Bournemouth/Hurn aerodrome was opened as RAF Hurn on 1st August 1941. Even if Bournemouth/Hurn is no longer within the above requirement, it falls within the scope of the next paragraph:

**Chapter 1 para 1.2** “Other aerodromes are safeguarded by privately agreed consultation with the LPA. This is called 'unofficial' safeguarding and is not obligatory under Statutory Direction; however, it is the published advice of Her Majesty's Government that all aerodromes should be safeguarded.”

**Appendix A para 2** “A (aerodrome) safeguarding map should ... show a circle of 13 kilometre radius about the aerodrome reference point representing the need for consultation about potential bird attractant developments. These developments would comprise any of the following: waste disposal sites, reservoirs, sewage works, major landscaping schemes, areas of

## Friends of Ringwood Forest: HMWP Soundness Response

*water, and bird sanctuaries. The 13-kilometre bird strike circle is based on the fact that 99% of bird strikes occur below 2000 feet. An aircraft on a normal approach will descend into this zone when approximately 8 statute miles from the runway, which converts as 13 km.”*

**HCC’s Draft Plan alludes to Aerodrome Birdstrike Safeguarding 2.4.2** *“The vision is interpreted into a policy framework for minerals and waste development for Hampshire which recognises the need to....*

**Sub-para 7:** *To ensure the high quality restoration and aftercare of mineral workings and landfill, in order to promote the enhancement of safe public access, biodiversity, agricultural and forestry considerations, including opportunities to adapt to or mitigate to climate change and taking into account aerodrome safeguarding and local community aspirations.”*

**Policy 9: Protecting public health, safety and amenity,** also refers to safeguarding zones, *“Minerals and waste development should not:*

**Sub-para vi** *“cause an unacceptable impact on public safety safeguarding zones.”*

However the **‘Development Considerations (p133/4)** fail to mention the necessity to consult with Bournemouth/Hurn aerodrome over the impacts on birdstrike safeguarding of landfill or major landscaping caused by quarrying.

- 22.4 Once mineral extraction has taken place, any delay in refilling the void could result in large ponds/lakes developing in the quarries. New areas of water with the potential to attract new, and potentially larger, bird species would also have a significant impact on the birdstrike risk posed to aircraft operating from Bournemouth/Hurn and their formation might not be permitted unless further consultation, as required under **CAP 738** guidelines, identified adequate mitigations for the sustainment of flying and non-flying public safety.
- 22.5 If HCC has already consulted and have agreement on this topic, the plan should be updated to reflect this. **If, however, HCC has not consulted on this matter, then it is impossible for them to know whether any adverse impacts can be mitigated adequately; thus Purple Haze could end up being unsuitable for landfill because of the risk of birdstrike.**

## 23.0 Conflict with New Forest District Core Strategy

### Policies addressed:

- Policy 2 Protection of Habitats and Species
- Policy 4 Protection of the Countryside
- Policy 9 Protecting Public Health, Safety and Amenity
- Policy 20 Sand and Gravel Development
- Policy 32 Non-Hazardous Waste Landfill

Soundness Opinion: the Plan is Unsound because it is NOT....

- **Justified - not founded on a robust and credible evidence base**

### 23.1 We believe that putting the Purple Haze site forward will conflict with the New Forest District (outside the National Park) Core Strategy: Adopted 26 October 2009

*“To promote and safeguard biodiversity, protection and enhancement of wildlife, and landscape quality in the Plan Area. To avoid harmful impacts on the New Forest National Park and the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. To promote public education and understanding of the care and quiet enjoyment of the natural environment.”*

### 23.2 Natural England comment in HRA Screening Report V3 page 113: “Ringwood Forest, with the Purple Haze area supporting several nightjar territories as well as habitat suitable for European Protected Species, sand lizard and smooth snake.

*Consideration must therefore be given at the Plan level to Habitats Regulations tests relating to EPS and how these might be applied in the light of potential mitigation and relevant case law. Secondly, the forestry plantations on Dorset heathland (including Ringwood Forest) have been identified as the critical area nationally for the re-establishment of open habitats if the objectives of the Government’s open habitat policy (‘When to convert woods and forests to open habitat in England: Government policy: March 2010’) are to be achieved. Thus in the absence of sand and gravel winning at Purple Haze the prospect is that the extent of heathland within the allocation site would be substantially increased. We consider that the quality of heathland restored following mineral winning would be much lower than that of heathland on the natural geology, established following the rotational removal of plantation”.*

*“To provide a range of accessible and varied opportunities for good quality leisure and recreation activities within local communities for all ages and sectors of the District’s population and to promote participation in active recreation. To facilitate the enjoyment of the coast and the area’s other special qualities by visitors as well as local communities. To manage recreational pressures within areas subject to environmental designations, to minimise human impacts while maintaining appropriate opportunities to enjoy and experience the special qualities of the area.”*

*“protecting networks of natural habitats identified through the local Biodiversity Action Plan, where appropriate including them in access routes and areas of natural green space”*

### 23.3 Natural England state in the HRA Screening report V3 page 112: “Secondly, the proposal would displace current recreational activity on the site to designated heathlands, a recent visitor survey having shown that Ringwood Forest receives a large number of visitors. The Dorset heath N2K sites and the internationally designated New Forest would be likely to receive a good proportion of these visits. We consider it would be extremely difficult to provide mitigation that would avoid an adverse effect on the Dorset heath N2K sites. An equivalent area of new alternative greenspace capable of supporting and attracting a similar level and type of public access would be needed”

*“The New Forest National Park and other Natura 2000 sites of national and international importance are valuable assets to the district for recreational and education purposes. The New Forest is used extensively for informal recreation (mainly walking and dogwalking) by residents of the Plan Area. However, overuse of sensitive areas could result in the loss of the biodiversity and geological features which makes them so valuable. The Habitats Regulations Assessment identifies this as a potential issue in terms of pressures on the vulnerable European habitats of the National Park, and identifies a need for mitigation in the form of provision of alternative natural green space for informal recreational use.”*

## Friends of Ringwood Forest: HMWP Soundness Response

- 23.4 **Natural England state in the HRA Screening report V3 page 113:** “ Consideration must therefore be given at the Plan level to Habitats Regulations tests relating to EPS and how these might be applied in the light of potential mitigation and relevant caselaw. Secondly, the forestry plantations on Dorset heathland (including Ringwood Forest) have been identified as the critical area nationally for the re-establishment of open habitats if the objectives of the Government’s open habitat policy (‘When to convert woods and forests to open habitat in England: Government policy: March 2010’) are to be achieved. Thus in the absence of sand and gravel winning at Purple Haze the prospect is that the extent of heathland within the allocation site would be substantially increased. We consider that the quality of heathland restored following mineral winning would be much lower than that of heathland on the natural geology, established following the rotational removal of plantation”
- “This will include the development and implementation of green infrastructure strategies in order to improve local access to informal open spaces, the countryside and the coast in easily accessible but less sensitive areas and the provision of new alternative natural greenspaces. This could, for example, include the provision of a new country park.”
- “There will be a presumption against any development that involves the loss of a sport, recreation or play facility except where it can be demonstrated that alternative facilities of equal or better quality will be provided in an equally accessible location as part of the development. New open space provision should contribute to wider open space objectives, including enhancing local biodiversity and healthy lifestyles”
- 23.5 **The Purple Haze site embraces part of the Moors Valley orienteering course, used by schools and groups. It also embraces bike trails for off road mountain biking. Purple Haze’s tracks offer the horse rider, dog walker and runner excellent recreational facilities.**
- 23.6 **Purple Haze also hosts the Sunseeker Rallye, Reindeer Racing, Dog Sledge Racing, etc.**
- 23.7 “The main focus for tourism in the Plan Area includes the historic towns and villages of Lymington, Hythe, Ringwood, Fordingbridge and Milford-on-Sea, and the coast. These areas can provide facilities and amenities which will complement and relieve visitor pressures on the National Park, as well as being visitor destinations in their own right”
- 23.8 **There is no mention in the plan about the provision of alternative areas to relieve the visitor pressure on the National Park.**
- 23.9 **Natural England state in HRA Screening report V3 page 138:** *Natural England supports the consideration of impacts under Draft Policy MIN 11 and the conclusion that site allocations for sand and gravel will require appropriate assessment. However, we note that under the type of impact listed for Purple Haze it has already been considered that the changes to the hydrological regime for Ebblake Bog are unlikely to be replicated through a mitigation scheme. This suggests that this site should have been screened out of the plan at the options stage. Further to this the potential need for an alternative area for recreation (to ensure that no displacement to the Dorset Heaths SPA takes place) may bring the feasibility of the site in to question. We trust that this matter is in discussion with the landowners/extraction companies to ensure that appropriate development criteria can be written into the plan, should the hydrological issue be overcome.*
- “The South East Plan seeks to regenerate coastal resorts, promote rural tourism, improve the quality of tourist attractions and encourage consideration of the need for tourist accommodation.”
- “The strategy is to raise the quality of the tourist ‘offer’ and extend the length of stay of visitors to the area. An emphasis on the retention and provision of serviced accommodation; improved visitor facilities and information; and enhanced recreational opportunities and access to the coast should increase the economic and environmental benefits arising from tourism.”
- 23.10 **The location of the Purple Haze site would certainly not raise the quality of the tourist offer.** Ringwood’s visitors would enter the park from the B3081, therefore would be impacted

## **Friends of Ringwood Forest: HMWP Soundness Response**

with the quarry and landfill more directly. Tourists who regularly visit the area have come to know that the parking is free from these accesses and they can avoid car park charges.

*“A31 Ringwood area – The Highways Agency have recognised an existing need to improve road safety and reduce congestion on the A31 westbound carriageway west of Ringwood. The limited amount of new development proposed in this spatial strategy at Ringwood will have some, albeit relatively small, impact on the existing problems on the A31 and may be required to incorporate appropriate mitigation measures to reduce its impact to enable the development to proceed. It is expected that the Highways Agency will make a decision on their proposed improvement during the early part of the Core Strategy period.”*

- 23.11 Reducing congestion west bound conflicts with the plan that Purple Haze will provide soft sand for Dorset as well as other areas. This would increase traffic on an already busy stretch of road.**

## 24.0 Protection of Local Bat Population

### Policies addressed:

- Policy 2 Protection of Habitats and Species
- Policy 13 Planning Conditions and Obligations
- Policy 20 Sand and Gravel Development
- Policy 32 Non-Hazardous Waste Landfill

### Soundness Opinion: the Plan is Unsound because it is NOT....

- **Justified - not founded on a robust and credible evidence base**

- 24.1 **There is no evidence in the Plan that a Bat Survey is to be carried out for the Purple Haze site although one will be required.**

A Moors Valley Country Park Ranger confirmed that 5 species of bat can be found in Moors Valley Park and Forest: Daubenton's bat, Common pipistrelle, Soprano pipistrelle, Brown long-eared bat, and Noctule.

All native bat species are UK and European legally protected species and are material considerations for individual planning applications under **Planning Policy Statement 9 (PPS9)**. The proposed extraction at Purple Haze will impact local bat populations if any roosts are destroyed.

**Section 5.12 of “Assessment Under the Habitats Regulations – Screening Report including Scoping Report version 3, the Hampshire Authorities, 2001”**, identifies further research/study work required before assessment of adverse effects can be concluded.

**Table C1 (p.33, section 5.12 – Further Research/Study required)** which summarises the information needed for Appropriate Assessment (identified during scoping), does not address the need for a bat study to be conducted.

- 24.2 **A bat survey will be required to identify any impact on the bats, so that appropriate bat mitigation strategies can be designed and implemented. This bat survey would need to take place as part of the Appropriate Assessment stage.**