0 2 MAY 2012

Hampshire County Council

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Enquiries to	Peter Chadwick	*My reference*	PLAN/PC/WR227
Direct Line	01962 846728	*Your reference*	
Date	30 April 2012	*Email*	planning@hants.gov.uk

Dear Sir/Madam,

Scoping Opinion: Proposed Development of Advanced Conversion Technology and Anaerobic Digestion Facility at Micheldever Rail Sidings, Micheldever, Hampshire

I attach the Scoping Opinion, and consultation responses, regarding proposal by Clean Power Properties Ltd and Network Rail Infrastructure Limited for proposed Advanced Conversion Technology and Anaerobic Digestion facility at Micheldever Rail Sidings.

Yours faithfully,

pp

Peter Chadwick
Development Control Manager

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

Hampshire County Council
Director of Economy, Transport & Environment

Applicant: Clean Power Properties Ltd & Network Rail Infrastructure Ltd

Scoping Opinion: Proposed Development of Advanced Conversion Technology and Anaerobic Digestion Facility at Micheldever Rail Sidings, Micheldever, Hampshire (No. SCO/2012/0111)

(Received: 13 March 2012)

General

Proposal is for the development of a waste management facility consisting of a 6MWe Pyrolysis Advanced Conversion Technology (ACT) plant which would handle approximately 90 – 150,000 tpa of non hazardous Municipal Solid Waste (MSW) and commercial and industrial (C&I) waste and a 1.6 MWe Anaerobic Digestion (AD) facility handling approximately 50 – 60,000 tpa of organic , digestible food (food waste, green waste etc).

Site location consists of about 6 hectares north of Micheldever railway station and immediately south of the A303 and includes land adjacent to the railway line used or rail freight and adjoins site identified as a potential aggregate rail depot in the draft Hampshire Minerals and Waste Plan. Nearest property is Western Farm about 80m to south west, Micheldever Station is about 530m to south and Micheldever village is about 4km to the south.

Building and equipment would be situated on an impermeable concrete pad. The new building would measure about 120m x 40m by 9m height to ridge. The building would house the ACT plant. The building would be sealed and operated under negative pressure. Additional infrastructure would include weighbridge and offices, gas storage (about 6m diameter and 9m high), stack for pyrolysis ACT plant (about 100cm diameter and 20 -30m high), emergency flare, electricity sub station (5m x 3m and 3m high), 2 AD digester tanks (about 25m diameter and 9.5m high) and 2 AD digestate tanks (about 32m diameter and 9.5m high) and new access road and car parking for visitors and 10 staff.

Assessments assume all transport by road, although rail interface is included and option of rail transport is being investigated.

Development Plan

Hampshire Portsmouth Southampton, and New Forest National Park Minerals and Waste Core Strategy (2007) is the adopted plan. Policies S1 (Sustainable Design, Construction and Demolition), DC2 (Sites with International and National Designations), DC3 (Impact on landscape and Townscape), DC4 (Historic Heritage), DC6 (Highways), DC7 (Biodiversity), DC8 (Pollution, health, quality of life and amenity), DC10 (Water Resources, DC13 (Waste management and Recycling).

Draft Hampshire Portsmouth, Southampton, New Forest and South Downs Minerals and Waste Local Plan is emerging policy. The Plan has been submitted to the Secretary of State. An independent Planning Inspector will now consider the draft Plan at Public Examination on its 'soundness'. The public hearing sessions are scheduled for June 2012.

National Planning Policy Framework (NPPF) is a material consideration. Consideration needs to be given to the presumption in favour of sustainable development and the Core Planning Principles.

Consultations

Councillor Porter comments need to address noise, dust and smell including impacts from lorries. Concern at use of Overton Road in terms of highway safety. Need for both plants should be demonstrated. Consider alternative use of gas to benefit local community. Receptors should include local businesses and rail users. Impact on setting for listed railway station. Mitigation for SINC designation. Evidence of brown field use needs to be demonstrated

Micheldever Parish Council comment no assessment included for impact on tourism. Concern about lighting and low frequency noise. Need to consider alternatives.

Winchester City Council (planning and Environmental health) no comments received

Highways Agency no comments received

Environment Agency comment proposal may require an Environmental Permit.

Natural England comment should give consideration to impacts on Micheldever Spoils Heap Site of Special Scientific Interest (SSSI), Micheldever Oil Terminal Local Wildlife Sites, should be surveys for protected species(eg great crested newts, reptiles, water voles, badgers and bats), should be a habitat survey to identify any important habitats, and opportunities taken to incorporate features in the design beneficial to wildlife.

Highway Authority comment generally content with scope of transport assessment proposed.

Ecology (HCC) not clear about layout connection with existing highways and consequently extent of works outside the site. Ecological surveys should include all areas affected not just within application site.

Archaeology (HCC) comment that Hampshire HER should be consulted as it has fuller coverage of search area.

Commentary

The issues proposed to be addressed by the EIA are appropriate and the methodology proposed is also appropriate for assessing the proposals. The proposed structure of the Environmental Statement is also appropriate in providing the required Non Technical Summary (NTS), the Environmental Statement Chapters and Technical Appendices. It is likely these technical appendices should also include noise data and landsape/visual/ design assessment. However there is significant uncertainty about the proposals regarding the extent of engineering works required to implement the proposals which needs to be fully addressed in the EIA.

The proposals appear to locate the main building at the same level as the railway, stating that the previous use was as a rail freight yard and rail head at end of the line, with rail interface shown on the preliminary site layout. However the location plan shows the site as being on substantial former fuel storage tanks which means the site is at a significantly higher level above the rail line and sidings. In addition at this location the railway enters the tunnel therefore there is a substantial difference in height between the site and adjoining land, particularly in relation to the A303 and slip roads, from which it is proposed to access the site

Consequently the EIA will need to provide certainty about the proposals and the extent of the works involved. This aspect is critical in the assessment and affects many issues substantially. Whilst the surface may not have issues regarding contamination, the presence of the fuel tanks is not mentioned, and there would be issues of potential contamination if they were to be removed. Alternatively potential structural issues and potential for contamination if the plant is constructed above them. Similarly the major issue of visual impact is affected as construction on top of the tanks is significantly more visually intrusive than construction at the same level as the railway. Similarly the gradients for the access to Overton road and A303 slip roads will be significantly affected depending on whether the plant is constructed at the elevated level or at the lower level. This issue would also significantly impact on the noise assessments and air quality assessments. It would also have a significant impact on the assessment of the temporary construction impacts, as the extent of the engineering works could be very extensive.

In conclusion subject to the comments of consultees, which are attached, the proposed structure of the Environmental Statement, topics to be covered and proposed methodology for assessment are appropriate. However there is a significant element of uncertainty in the proposals regarding whether the proposed plants would be constructed at the existing higher level on top of the former fuel tanks, or at the lower level having removed the fuel tanks. It is essential to fully address this issue in the EIA, as it fundamental and has a widespread and significant impact on the assessments.

Recommendation

This report and consultee responses attached constitutes the formal scoping opinion of the County Council as Mineral Planning Authority for proposed Proposed Development of Advanced Concersion Technology and Anaerobic Digestion Facility at Micheldever Rail Sidings, Micheldever, Hampshire (No. SCO/2012/0111)

Case Officer P. Chadwick.....
Peter Chadwick

Date 30-4-12....

Authorised on behalf of the Director of the Economy, Transport & Environment

Date: 04 April 2012
Our Ref: 48459
Your ref: PLAN/PC/WR227

Peter Chadwick
Hampshire County Council

NATURAL ENGLAND

Land Use Operations

Cromwell House
2nd Floor
15 Andover Road
Winchester
SO23 7BT

T 0300 060 4922

By email only, no hard copy to follow

Dear Mr Chadwick,

Scoping Opinion: Proposed Development of Advanced Conversion Technology and Anaerobic Digestion
Location: Facility at Micheldever Rail Sidings, Micheldever, Hampshire

Thank you for consulting Natural England regarding the above application in your email dated 15 March 2012.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Although Natural England considers the probability of no likely significant effect on nationally designated sites exists, in line with best practice, we would still recommend that the application should consider, at the appropriate stage, the likely effect to protected sites, along with consideration of protected species and opportunities for biodiversity enhancement.

Case law[1] and guidance from the Office of the Deputy Prime Minister[2] has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Natural England therefore advises that the Environmental Impact Assessment (EIA) should give full consideration to:

1. Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is within close proximity to the following designated nature conservation sites:

- Micheldever Spoils Heap Site of Special Scientific Interest (SSSI)

Further information on the SSSIs can be found at www.natureonthemap.org.uk or by request from this office. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

[1] Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)
[2] *Note on Environmental Impact Assessment Directive for Local Planning Authorities* (April 2004)

2. Local Wildlife Sites

Our records indicate that the development site is within the **Micheldever Oil Terminal** Local Wildlife Sites.

Local Wildlife Sites are identified by the County ecologist/local wildlife trust and are of county importance for wildlife. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife interests of the sites identified above. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the County ecologist/local wildlife trust for further information.

3. Species protected by the Wildlife and Countryside Act 1981 (as amended) and by The Conservation of Habitats and Species Regulations 2010

We strongly recommend that surveys for protected species (including, for example, great crested newts, reptiles, water voles, badgers and bats) should be carried out within the area affected by the development.

If any protected species are found the Environmental Statement should include details of:

- The species concerned;
- The population level at the site affected by the proposal;
- The direct and indirect effects of the development upon that species;
- Full details of any mitigation or compensation that might be required;
- Whether the impact is acceptable and/or licensable.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out by suitably qualified and where necessary, licensed, consultants.

The great crested newt, dormouse and all species of bats are European protected species such that it is illegal to intentionally kill, injure or otherwise disturb them. If any of these species are found to be present you should also consult Natural England's Wildlife Management and Licensing Unit in Bristol (Tel. 0845 6014523) about licensing implications before any work can proceed.

4. Other features of nature conservation interest, e.g. habitats and species identified within the UK and County Biodiversity Action Plans.

Natural England advises that a habitat survey (analogous to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether BAP priority habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should avoid adversely impacting the most important wildlife areas within the site, and should if possible provide opportunities for overall wildlife gain.

5. Biodiversity Enhancement

This application also has many opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting, for example. We would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006)

which states that "*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*". Section 40(3) also states that "*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*".

Natural England would advise that any landscaping/planting schemes use native species of local provenance and that existing wildlife habitat and corridors are retained. Further information about what plants to use can be found from this web site:
http://www.nhm.ac.uk/nature-online/life/plants-fungi/postcode-plants/index.html

I trust these comments are helpful but please do not hesitate to contact me if you require any other information.

Yours sincerely,

Stewart Coles
Environmental Planning Adviser
Land Use Operations Team - Winchester

Agombar, Wendy

From: Highways Development Control
Sent: 10 April 2012 12:13
To: County Planning
Cc: Admin Support EII 1 (ETE)
Subject: FW: Scoping Opinion Micheldever Rail Sidings

Please find below, response from Highways Development Control.

From: Wright, Graham
Sent: 10 April 2012 11:53
To: Highways Development Control
Subject: RE: Scoping Opinion Micheldever Rail Sidings

Dear Admin
Would you please forward this response to CPO.

Thank you for the consultation on the EIA scoping opinion for the proposal at Micheldever Sidings.

I can confirm that I am generally content with the scope of the transport assessment proposed.

To date I have had minimal discussion with the applicant or agents.

Kind regards

Graham Wright
Senior Engineer
Strategic Transport
Economy, Transport & Environment
Tel: (01962) 845148

From: Highways Development Control
Sent: 21 March 2012 15:39
To: Wright, Graham
Subject: FW: Scoping Opinion Micheldever Rail Sidings

From: County Planning
Sent: 15 March 2012 09:32
To: Highways Development Control
Subject: FW: Scoping Opinion Micheldever Rail Sidings

From: County Planning
Sent: 15 March 2012 08:18
To: Ecology Group; Crutchfield, Thomas; Historic Environment;
Cc: Wilson, Mark
Subject: Scoping Opinion Micheldever Rail Sidings

Dear DC, Ecology, Landscape and Archaeology

Town and Country Planning (Environmental Impact Assessment) England and Wales) Regulations 1999
Scoping Opinion: Proposed Development of Advanced Conversion Technology and Anaerobic Digestion Facility at Micheldever Rail Sidings, Micheldever, Hampshire

May I please have your observations on the above application.

It is important that I have your reply by 11 April 2012. If I do not hear from you by that date I will assume that you have no comments to make.
<< File: 12-03-13 402 03620 00004 Scoping Opinion Request FINAL ISSUED.pdf >>
Thanks
Wendy

Agombar, Wendy

From: Warriss-Simmons, Sarah
Sent: 11 April 2012 11:33
To: County Planning
Subject: .Scoping Opinion Micheldever Rail Sidings - Ecology ref 12.0386

Attachments: 12-03-13 402 03620 00004 Scoping Opinion Request FINAL ISSUED.pdf

Thank you for consulting us on this EIA Scoping Opinion.

I am satisfied that the SLR report (March 2012) describes adequately the relevant ecological issues relating to this scheme.

I would, however, raise a query regarding the access to the site and the redline boundary. I am not clear whether the site layout connects with an existing highways link outside of the site, or whether the proposal would in fact require further highways infrastructure works outside of the redline boundary shown on the plans within the report. Relating directly to this, the ecological surveys carried out must assess the site **and** its surrounds, particularly including any directly impacted habitat currently shown to be outside of the redline boundary.

Please do not hesitate to contact me further,

Kind regards

Sarah

Sarah Warriss-Simmons
Senior Ecologist - Development & Biodiversity, Ecology
Strategic Environmental Delivery Group,
Economy, Transport and Environment Department
Hampshire County Council
Capital House, 48-52 Andover Road, Winchester, SO23 7BH
Tel: 01962 832318; Fax: 01962 832312
E-mail: sarah.warriss-simmons@hants.gov.uk; www.hants.gov.uk/biodiversity
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From: County Planning
Sent: 15 March 2012 08:18
To: Ecology Group; Crutchfield, Thomas; Historic Environment; Chadwick, Peter; Davey, Julia; King, Kristina; Snell, Katherine
Cc: Wilson, Mark
Subject: Scoping Opinion Micheldever Rail Sidings

Dear DC, Ecology, Landscape and Archaeology

Town and Country Planning (Environmental Impact Assessment) England and Wales) Regulations 1999
Scoping Opinion: Proposed Development of Advanced Conversion Technology and Anaerobic Digestion Facility at Micheldever Rail Sidings, Micheldever, Hampshire

May I please have your observations on the above application.

It is important that I have your reply by 11 April 2012. If I do not hear from you by that date I will assume that you have no comments to make.

12-03-13 402
)3620 00004 Scopi..

Thanks
Wendy

Chadwick, Peter

From: PlanningSSD [PlanningSSD@environment-agency.gov.uk]
Sent: 21 March 2012 10:41
To: County Planning
Subject: EA Response to - PLAN/PC/WR227 - Scoping Opinion Micheldever Rail Sidings

Dear Planning,

Thank you for consulting the Environment Agency on the above Scoping Opinion.

The Environment Agency has no comments make to the proposed development as submitted in terms of our planning remit.

Environmental Permit
Please note that this development may require an Environmental Permit or an exemption from an Environmental Permit from the Environment Agency. The applicant must ensure that the operations at the site are in accordance with the Environmental Permitting Regulations 2008. The applicant is advised to contact the National Customer Contact Centre (NCCC) on 03708 506 506 or information can be found through the following link:

http://www.environment-agency.gov.uk/business/topics/permitting/32330.aspx

Under the Environmental Permitting (England and Wales) Regulations 2010 the operator of a waste site will require a environmental permit for the importation, storage and treatment of waste.

The need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an environmental permit.

Kind Regards
Planning Liaison
Environment Agency
South East Region
Solent & South Downs Area
Solent Office

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From: County Planning [mailto:planning@hants.gov.uk]
Sent: 15 March 2012 07:53
To: PlanningSSD
Subject: Scoping Opinion Micheldever Rail Sidings

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Environment Agency - Planning Liaison
Colvedene Court
Wessex Way
Colden Common

Nr Winchester
SO21 1WP

Economy, Transport and Environment Department
Elizabeth II Court West, The Castle
Winchester, Hampshire SO23 8UD

Tel: 0845 603 5638 (General Enquiries)
0845 603 5633 (Roads and Transport)
0845 603 5634 (Recycling Waste & Planning)
Textphone 0845 603 5625
Fax 01962 847055
www.hants.gov.uk

Enquiries to Peter Chadwick *My reference* PLAN/PC/WR227
Direct Line 01962 846728 *Your reference*
Date 15 March 2012 *Email* planning@hants.gov.uk

Dear Sir/Madam,

Town and Country Planning (Environmental Impact Assessment) England and Wales) Regulations 1999
Scoping Opinion: Proposed Development of Advanced Conversion Technology and Anaerobic Digestion
Facility at Micheldever Rail Sidings, Micheldever, Hampshire

May I please have your observations on the above application.

It is important that I have your reply by 11 April 2012. If I do not hear from you by that date I will assume that you have no comments to make.

Should you have any further queries please do not hesitate to contact the case officer on the above extension.

Yours faithfully

pp

Peter Chadwick
Development Control Manager
<<12-03-13 402 03620 00004 Scoping Opinion Request FINAL ISSUED.pdf>>

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Chadwick, Peter

From: Hopkins, David (ENV)
Sent: 21 March 2012 09:47
To: County Planning
Subject: Scoping Opinion, Micheldever Station

Dear Sir,

Scoping Opinion, ACT Anaerobic Digestion Facility, Micheldever Station, Siding

Thank you for your recent consultation. I was very pleased to note that it is proposed that their will be an archaeology and cultural heritage chapter, and that the impact of the development on these will be considered. This is both welcome and appropriate. However I would note that the brief review in the scoping opinion has a flaw that should not be repeated when the EIA is embarked on. The absence of archaeological data within that part of the search area that lies within Basingstoke and Deane is because of the nature of the data search undertaken. The Hampshire HER is not yet available on Heritage Gateway, and the Winchester HER which is available on Heritage Gateway is limited in its extent to that district. I would recommend that the Hampshire HER should be consulted as it has a fuller coverage for the search area.

Yours sincerely

David Hopkins
County Archaeologist)

Strategic Environmental Delivery Group
Economy, Transport and Environment Department
Capital House, 48 - 52 Andover Road
Winchester, SO23 7BH

Email david.hopkins@hants.gov.uk
01962 832339

Mr P Chadwick,

Minerals and Waste Team,

Hampshire County Council.

11th April 2012

Dear Peter,

Further to our conversation a few days ago, I would like to respond to the consultation on the **Scoping Report prepared by SLR proposing a development of Advanced Conversion Technology (Pyrolysis) and Anaerobic Digestion Facility at Micheldever Rail Sidings** at Micheldever Station.

My comments are:

- The noise, dust, and smell must be part of the EIA. Although the plant is subject to negative air pressure, the vehicles are not, and there will be considerable lorry movements in and around the site, reversing etc, which will cause noise, dust and smells.
- The particular site is not in the Minerals & Waste plan. This has been acknowledged in the report.
- There should be a better plan to take the road 'out' nearer to the A303. The environmental impact of 210,000 tons in and 70,000 tons out p.a. is potentially devastating. At an average of 20 tons per load (an optimistic figure), this equates to at least 550 movements a week. The Overton Road is quite narrow, and is accepted by Police and County as a fast one, with through traffic regularly exceeding the speed limits, and I believe that the road traffic proposal is neither safe nor environmentally acceptable. It is frustrating that this proposal alongside a railway line cannot use the track facilities and material does not enters, or at least leaves, by rail.
- The report describes how this plant will enable HCC to fulfil its energy from waste policy, with minimum to landfill. However, it is my understanding that Chineham and the other two plants have more than enough capacity to deal with Hampshire's municipal waste. The description of taking out metal etc after sterilisation describes dealing with industrial waste: this is not a requirement of HCC, although I do accept that it is a general aspiration.
- The socio economic impact of such a large impact plant must be assessed. The community is a small one with multiple semi industrial employment opportunities. The plant will employ 27 people on shifts.

- Does the site have to sustain both anaerobic and pyrolysis plants? The combination of the two plus the current usage of the sidings seems overdeveloped on this small area.
- What value could this be to a community without natural gas? It is ironic that the community of Micheldever Station, and its neighbouring communities will not benefit from the gas produced. I believe this is an omission in the plan which could be addressed.
- I suggest that other "receptors" are: the other local businesses, rail passengers, Network Rail tenants and these should be part of the EIA and consultees.
- I am concerned about the setting of the Station. The effect of the five stacks on the skyline will be dramatic. The setting of the listed Railway station is just one aspect of the impact on the street scene here.
- Visually this is a green field, with SINC designation. What evidence of brownfield use is there on this site? What is the influence of a SINC designation if it can be ignored in this case? If it is not ignored what mitigation is planned? This must be covered in future documentation.

I hope that these consultation responses will be considered when SLR provide further information. I believe that all the points are relevant and that they are supported by the local Parish Council.

Yours sincerely,

Jackie Porter
Councillor Jackie Porter, County Councillor, Itchen Valley Division.

From: **Micheldever Parish Council**

Date: 9th April 2012

Ref: PLAN/PC/WR227

Development Control Manager: Mr P. Chadwick

Closing Date for comments: 11th April 2012

Scoping Opinion: Proposed Development of Advanced Conversion Technology and Anaerobic Digestion Facility at Micheldever Rail Sidings, Micheldever, Hampshire.

Comments

- The Parish Council has attempted, within the limited time frame that has been made available to us and with limited scientific information, to seek the views of our Parishioners as to any additional information that should be included in the report.

- Residents throughout the Parish are totally and vehemently opposed to the sighting of this facility in such a visually and environmentally sensitive position. A far more detailed analysis of the impact on the surrounding area is required.

- No assessment is made in the 'scoping report' as to the impact on tourism. Forest Holidays has been granted planning permission for holiday cabins in 'Black Wood' by Winchester City Council, providing a boost to tourism in the area. No consideration has been given to the negative impact on this scheme.

- Light pollution and low frequency noise emanating from such a scheme is a matter of great concern and will require close examination when considering the environmental impact of this development.

- Detailed traffic statistics are required. There are real concerns relating to the volume of traffic resulting from the proposal and the associated environmental impact. A detailed assessment is required as to the likely number of traffic movements and the impact this will have on nearby communities.

- Whilst it may not be the requirement of the applicant to consider alternative sites, our Parish would certainly expect Hampshire County Council to reject this unsuitable site and identify a far more suitable location.

- The Parish Council are seeking further professional advice and the involvement of local groups such as the 'Dever Society' who are fundamentally opposed to the positioning of this scheme.