HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	17 December 2014
Title:	Application for Clay extraction at School House Field and Hillside Field and restoration to agriculture, temporary storage of clay within existing quarry and restoration to agriculture including variation of conditions to enable extension of time for clay storage and restorations at Michelmersh Brick & Tile Co Ltd, Hill View Road, Michelmersh, SO51 0NN. (Application No. 14/01234/CMAS) (Site Ref: TV111)
Reference:	6360
Report From:	Head of County Planning

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1. Executive Summary

1.1 This report considers an application with accompanying Environmental Statement, for Clay extraction at School House Field and Hillside Field at Michelmersh Brickworks (Michelmersh Brick and Tile Co. Ltd.) Hill View Road, Michelmersh. It includes low level restoration (post clay extraction) to agriculture and variation of conditions to enable a 5 year extension of time for clay storage and restoration on the current quarry known as the western extension area.

1.2 The sites of Hillside Field and School House Field lie adjacent to the existing brickworks and are allocations within the Hampshire Minerals and Waste Plan 2013 which also lists the Development Considerations for the sites. An extract from the Plan is attached as Appendix C. The proposed site also comprises the haul route between the extraction site and the existing western extension area. An extension of time for the restoration of the western extension is sought for an additional period of 5 years because it needs to be used for the temporary storage of clay from the proposed School Field extraction site.

1.3 The proposed extraction site at School House Field is a sloping steep site bordered by a public footpath on its northern and western boundaries and the Old School House a property with some local historic interest along with two further properties to the east. . Hillside Field lies adjacent and more gradually slopes downhill towards the houses on its southern boundary and also adjoin

gardens to the east. There is one property that sits almost between the two sites, Croft House, and thus is the property that is likely to be most exposed to both parts of the extraction proposal..

1.4 The applicant states the brickworks company decision to bring forward a planning application for both sites will provide the company with the long term permitted reserves they require to continually invest in the brickworks, and will inform the local community of the long term development of the brickworks.

1.5 The local member Councillor Gibson is objecting to the extraction of Hillside Field. The parish Council is objecting to the proposal along with seven local residents. There is one letter of support for the principle of the low level proposal.

1.6 The key issues raised by the application are :

The development is a Schedule 2 under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and a full Environmental Impact Assessment has been undertaken. Accordingly, an Environmental Statement (ES) accompanied the planning application. The topic areas included landscape and visual impact, ecology, cultural heritage (including archaeology and conservation), highways and traffic, noise, land and slope stability, flood risk, hydrology and hydrogeology and dust.

1.7 It is recommended that planning permission be granted subject to conditions for the following reason:

It is considered that the proposal, on balance, subject to proposed mitigation secured through conditions and approved documentation, would be in accordance with the Hampshire Minerals and Waste Plan (2013) as it provides clay for the Michelmersh Brickworks and addresses the development considerations (Policy 22), is a sustainable form of development (Policy 1, 2) and that the impacts of the development on landscape have to be balanced against the need of the rural economy and local employment but with mitigation are considered acceptable (Policy 5, 10, 13) The amenity of the local residents (Policy 10) would be satisfactory subject to mitigation, and , there would be no significant health or pollution impacts generated by the development or its restoration (Policy 9, 10)It would cause no significant biodiversity impacts and would enhance biodiversity through its restoration (Policy 3) There would also be no significant impacts to groundwater, or flood risk (Policy 10,11) and the development would provide for a sustainable after use and it would be acceptable in terms of highway safety and convenience (Policy 12).

2. Site History

2.1 The electronic link to the site's planning history is included in Integral Appendix A. The existing quarry, known as the western extension area, was granted in 2007 and is due to be restored back to agricultural use within 12 months of the

clay extraction ceasing on or by 30 June 2015. Extraction was commenced in 2008.

2.2 Michelmersh Brickworks is the last operational brickworks in Hampshire. The company was established in 1842 and has been producing bricks and tiles from the present site for over 160 years. The brickworks produces high quality facing bricks that are widely used throughout southern England including prestigious projects such as the recent refurbishment of Hampshire County Council Offices, Winchester.

2.3 The brickworks is a major local industry in this part of rural Hampshire and provides employment for approximately 80 staff at the factory. The works contributes significantly to the local economy and is an integral component of the village scene. The brickworks is part of the Michelmersh Brick Holdings Plc (the Michelmersh Brick Group) that operates other brickworks in West Sussex, Telford and Leicestershire. Brick manufacture is dependent upon maintaining a supply of brickmaking clay with the necessary characteristics. Clays vary considerably in their nature, and the quality of the bricks manufactured at Michelmersh is dependent upon the local clay.

2.4 A detailed assessment of potential future sources of clay has been undertaken by the company. This identified School House Field and Hillside Field as the only significant remaining reserves of suitable clay at Michelmersh.

2.5 Hampshire County Council has the responsibility for the long term planning for mineral provision in the county, including clay for brickmaking. The applicant therefore promoted the allocation of this land for clay extraction in the Hampshire Minerals and Waste Plan. The land allocation was supported by the Planning Inspector and included in the Adopted Plan (October 2013).

2.6 This planning application has therefore been prepared to extract clay from the allocated site in accordance with the criteria included in the Adopted Minerals Plan. The additional clay will enable brick production to continue at Michelmersh for another 20 years.

3. Site Description

3.1 The site extends in total across an area of approximately 12.9ha within which approximately 4.14ha would be worked for minerals, and 2.9ha would be used for stockpiling on the base of the existing quarry. The red line boundary of the site also includes the existing clay stockpiling area at the rear of the brickworks and the settlement lagoons.

3.2 The brickworks is located within the village and the Parish of Michelmersh located approximately 5km north of Romsey This historic core of the village is part of a Conservation Area designated by Test Valley Borough Council in 1987. The site abuts this core at its north-eastern corner.

3.3 The brickworks is accessed from Hill View Road which links with the A3057. The applicant ensures no vehicles associated with the brickworks travel through the centre of the village. The site comprises three key parts: Western Extension Area (existing quarry), the School House Field and Hillside Field.

School House Field

3.4 School House Field, as shown on the attached plan, is the northern most area allocated for Mineral Extraction at Michelmersh Brickworks and is located immediately to the south of the historic village centre. It is semi-improved grassland in agricultural use. It has an area of 2.19ha of which 1.09ha would be worked for minerals. The field slopes from the higher ground to the north- east down towards the brickworks operating area in the south west. Three houses are located immediately to the north eastern boundary of the field – The Old School House (building of local historic interest), Majorlaine and Croft House. The site is bound to the north and west by agricultural land separated by mature trees and hedgerows. Two public footpaths run across the boundaries of the site including the northern edge of School House Field.

Hillside Field

3.5 Hillside Field, as shown on the attached plan, lies to the east of the brickworks and extends across an area of 4.34ha of which 3.05ha would be worked for clay. It comprises of improved grassland in agricultural use with mature trees bordering the west, north and south. The rear gardens of residential properties back on to Hillside Field and are at the nearest distance 40m from the site boundary. The site slopes downhill from the east in the direction of the brickworks. Croft House is located close to the boundary of both School House Field and Hillside Field. Both fields are shown as Grade 3 on the Regional Agricultural Land Classification (ALC) Map.

Western extension – existing quarry

3.6 The existing quarry extension site to the west of the brickworks has had approximately 75% of its clay extracted from it. The current planning permission (07/00750/CMAS) requires the site to be restored to lower level agricultural land by 30 June 2015. To the south of the site lie five houses which are accessed off Hill View Road; Plestin, Hillcrest, The Thatched Cottage and East and West Cottage. Some of these properties are listed buildings. A small engineering works is also located on the southern boundary.

3.7 The geology of the proposed extraction areas comprise of Lambeth Group clay overlying the Upper Chalk. The Upper Chalk constitutes a public water supply and is classified as a Principal Aquifer by the Environment Agency. The Timsbury Water Supply Works (owned by Southern Water) abstracts water from the chalk. The application area, in the main lies within Source Protection Zone (SPZ) 2, the Outer Zone. However the eastern corner of Hillside Field lies within the designated Inner SPZ, SPZ1 for the Timsbury Water Supply. The River Test is located approximately 1.25km to the west of the site. At present site operations are facilitated by water being pumped periodically from the existing workings to silt settlement lagoons which are located to the northwest of the brickworks. These also comprise part of the site overall drainage system compliant with Environment Agency requirements.

3.8 The Mottisfont Bats Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) are located approximately 3km to the west of the site. The SSSI comprises several tracts of woodland that support the only known maternal roost of barbastelle bats in Hampshire. The hedgerows that surround the wider site are considered to be of high ecological value due to the fact that they support a number of native woody species, mature trees and create a habitat network around the site and into the surrounding countryside.

4. Proposal

4.1 Planning permission is sought for the extraction of 188,000m^3 of clay and 28,800m^3 of sand for brickmaking associated with the Michelmersh Brickworks. The existing brickworks use approximately 10,000m^3 of clay each year. Consequently the proposed extraction areas would provide clay for approximately 19 years. Sand is presently imported to be blended with the clay, and the on-site sand would off-set this requirement.

4.2 There are two proposed extraction areas; School House Field and Hillside Field. The depth of clay varies between the two areas (1m to 9.5m in thickness). The sand, which overlies the clay in places, has a thickness of up to 4.6m. The maximum depth of extraction in School House Field measures approximately 10m and in Hillside Field about 13m. The lower one metre of clay (minimum) is not going to be extracted. Survey boards are to be used to inform the extraction depths. This has been proposed to reduce the impact upon groundwater quality within the chalk aquifer.

4.3 The proposed extraction and restoration would take place in three stages:

(i) *School House Field Stage 1* – Year 1 – this field would be worked in one single operation around 2016/2017 over a period of six months (spring to autumn), with the clay extraction taking approximately 5 weeks. A subsoil bund of 2m in height would be placed along the north eastern boundary of the site between the properties of Old School House, Marjolaine and Croft House. An access through the existing hedgerow in the south western corner of the field (approximately 30m in width) would be created. Following soil stripping, clay would be extracted by a 360^o excavator and transported by dump truck, along the haul road to the existing quarry that is west of the brickworks. During the works a temporary sump for surface water will be formed from which water will be pumped to the existing settlement ponds as necessary. Restoration would be to a low level to grassland With regard to drainage it is proposed that within the field a system of French drains and open ditches would be constructed to intercept groundwater seepages and surface water run-off. A wet/marshy area would temporarily exist in the field which would be allowed to overflow into a drain which would convey water to the existing ditch course. This wet/marshy area would develop a flora that is characteristic of the wet flush which currently exists within the grassland. On completion of the works planting would take place to increase the tree belt along the southern boundary and fill in the gap created for the haul road.

(ii) *Western extension Area (Existing Quarry)* clay from School, House Field would be stored in the existing quarry between years 1 to 6. In addition to this the topsoil will be temporarily stored within this area. During the following year the clay and sand would be removed from this storage area to the clay storage area at the rear of the brickworks for use in the following 12 months. The same operation will be carried out for approximately the next three years.

(iii) *Hillside Field - Stage 3* – Extraction of Clay would take place from years 5 to 20 and will be worked on an annual campaign basis of 3-4 weeks duration. It is anticipated that quarry operations would commence in 2021 and it is stated that the reserves are such that they would supply the brickworks for a further 15 years. Prior to extraction of Hillside Field commencing advanced planting is proposed in the south eastern corner A haul road is to be created through the existing hedgerow in the south western corner of the site (between 30 and 40m in width) to the rear of the brickworks which would result in the loss of mature oak trees. The existing sewer that runs across the northern section of the site will be re-routed closer to the northern boundary. Extraction would then commence in the south western corner of the site; in the lowest lying area. It would then progress towards the northern boundary on an annual basis. During the works a temporary sump for surface water will be formed from which water will be pumped to the existing settlement ponds as necessary. The minerals would be extracted by an excavator and loaded onto a dumper truck for transporting the clay to the rear of the brickworks and into the clay storage area. Following completion of extraction the quarry floor and remaining faces will be graded to form the final restoration levels. Slopes would be graded at around 1 in 3. The topsoil and subsoil will be replaced and the drainage installed. The drainage will comprise of a system of French drains and open ditches to manage the groundwater and surface water run-off. Where possible the water will be intercepted and diverted away from the base of the restoration and directed to existing and improved drainage along the southern/south eastern margin of Hillside Field. During restoration tree planting would take place along the western and southern boundaries of the site. New native shrub and hedgerow planting is proposed within the haul road gap, along the western boundary, across the site in the northern section and then along the southern boundary. Following this a five year aftercare programme will commence.

4.4 It is proposed that the site would be worked in accordance with its current permitted hours of operation: 0800 to 1730 Monday to Friday with no working on Saturday, Sunday or recognised Public Holidays. There would be no change to the vehicle movements associated with the extraction or brickworks operation. All movements would be retained within the site. The existing vehicle movements to the site would continue to use the A3057 and Hill View Road. No lighting is proposed as works will be carried out only during daylight hours.

4.5 Baseline noise measurements were undertaken close to dwellings nearest to the existing working areas and the proposed School House Field and Hillside Field. During the baseline noise surveys, normal operations were taking place at the brickworks. Noise calculations methods were based on the methods contained in BS5228-1: 2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise". For School House Field an upper noise limit of 70dB $L_{Aeq,\ 1\ hour\ free\ field}$ is proposed. It has been identified that this noise level could be exceeded during a small section of the soil stripping/bund formation works; it could reach 72dB $L_{Aeq,T}$ for a short time (one to two days). Further to this, users of the public RoW could experience noise levels of 78dB $L_{Aeq,\ 1\ hour\ free\ field}$ when walking within around 10m of the excavator or dozer as there would be no bunding to provide attenuation. Again, for Hillside Field an upper limit of 70dB $L_{Aeq,\ 1\ hour\ free\ field}$ is proposed with the level potentially being exceeded at Hillside Cottage where levels may reach 72 $L_{Aeq,\ 1\ hour\ free\ field}$ for one or two days whilst operations would be taking place within 25m of the property boundary. As with School House Field the proposed noise level could be exceeded during the short periods of the soil stripping and restoration/re-grading works due to there being no bunds in place to attenuate the noise. This higher noise level is proposed to last for one to two days.

Environmental Impact Assessment

4.6 The development is a Schedule 2 under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and a full Environmental Impact Assessment has been undertaken. Accordingly, an Environmental Statement (ES) accompanied the planning application. The topic areas included landscape and visual impact, ecology, cultural heritage (including archaeology and conservation), highways and traffic, noise, land and slope stability, flood risk, hydrology and hydrogeology and dust. The conclusions of these assessments are summarised below:

Landscape

4.7 This assessment concludes that, the impact on the extension area will be minimal apart from the extension of time for an additional 6 year period. Both extraction areas at Hillside and School House Field are .screened by woodland all year round with no obvious significant impacts when viewed right up close adjacent to the extraction areas. With School Hose field this shall only be for a minimum period of 6 months. Following restoration there shall be no long term residual visual impacts. The adverse impacts on School House Field and its operation will be short lived. The final restoration is not too dissimilar to the original landform and it is considered there would be no residual visual impacts on the landscape character of the area or the conservation area.

4.8 During the working, life of Hillside Field there will be a gradual adverse effect as the work progresses leading up to an adverse effect of high/ substantial. The level of adverse effect being due to the new landform that will not be in keeping with the landscape character of the wooded Test Valley landscape.

Following restoration this will reduce to an adverse effect of medium /moderate following the establishment of the proposed planting. This will also have an effect on Michelmersh Conservation Area but as hillside field is some distance away from the conservation area boundary the adverse effect will be Minor/Low.

Ecology

4.9 In conclusion there are considered to be no residual impacts on the ecology of the site of the proposed scheme with the mitigation strategies in place. Habitats that will be affected by the proposals include areas of species-rich grassland and hedgerows. Habitat creation during the restoration phases will ensure that these habitats are maintained into the future and that the ecological function of the habitats is also sustained. Species which will require Mitigation Strategies include reptiles (slow worms and grass snakes) and amphibians (great crested newts in particular). With these strategies in place, it is considered that the conservation status of these species can be retained and that populations of these species will be maintained within the site and the local area.

4.10 Of particular note is the proximity of the site to the Mottisfont Bats SSSI/SAC, which is designated for its value to breeding barbastelle bats as well as a number of other species. The small-scale impacts of the proposals on hedgerow habitats will have no foreseeable impacts on the ecological function and integrity of the SSSI/SAC and compensation measures will ensure that habitat connectivity within the site is maintained into the future. With the proposed measures in place, there are considered to be no significant impacts on the SAC and an Appropriate Assessment is not considered to be necessary in this instance.

Cultural Heritage

4.11 The proposals will have no effect on the fabric of any of the heritage assets within the Study Area, nor will they alter the significance of any of the spatial associations or historical relationships. The majority of heritage assets will be unchanged with the impact on the setting of a few being confined to largely temporary visual effects and alterations to noise or sound quality. All of the affected assets are of medium to low significance and are part of a dynamic historical environment that should have a capacity to absorb most types of essential, well managed change.

4.12 The significance of the affected assets, the magnitude, nature and duration of impact and the effects of the proposals are outlined are summarised below. This summary excludes the pottery found within the proposed extraction areas) and heritage assets which have lost much of their original historical character such as the brickworks and the backfilled sand pit near Croft House.

Site	Name	Designation	Significance	Magnitude and Nature of Impact	Effect
Stage 1 – Mineral Extraction and Restoration of School House Field (c. 3 to 4 months operation within a 6 month period)					
23	Michelmersh Village	Conservation area	Medium	Minor (visual and noise)	Slight
-	Historical landscape	None	Medium	Minor (visual and noise)	Slight
37	Old House	Grade II Listed building	Medium	Negligible (noise)	Neutral/ Slight
39	The Cottage	Building of local historical interest	Low	Negligible (noise)	Neutral/ Slight
55	Old School House	Building of local historical interest	Low	Moderate (visual and noise)	Slight
Stage 2 – Storage of Minerals from School House Field in Current Working Area (c. 5 years)					
-	Historical landscape	None	Medium	Minor (visual and noise)	Slight
59	The Thatched Cottage	Grade II listed building	Medium	Moderate to Minor (visual and noise)	Moderate to Slight
Stage 3 – Progressive Mineral Extraction and Restoration of Hillside Cottage's Field (c. 15 years on an annual campaign basis)					
23	Michelmersh Village	Conservation area	Medium	Negligible (noise)	Neutral/ Slight
-	Historical landscape	None	Medium	Minor (visual and noise)	Slight
55	Old School House	Building of local historical interest	Low	Negligible (noise)	Neutral/ Slight
68	Site of 19th century post office	None	Low	Negligible (noise)	Neutral/ Slight

Highways and Traffic

4.13 The extension of the quarry will have no effect on the level or pattern of traffic generation from the works. The existing traffic conditions will therefore continue. It is recognised that Hill View Road is not an ideal brickworks access route. However it has served satisfactorily for many years, the traffic generation from the works is quite small, and there have been no recently recorded accidents. It is therefore considered fit for purpose.

4.14 The existing voluntary arrangements requiring lorries to travel to and from the site only via Hill View Road to the west of the site will continue as an effective mitigation measure to protect the amenity of village residents.

4.15 To protect the amenity and safety of users of Footpath No.8 the existing safe crossing arrangement will be maintained. When not in use the crossing gates into both the existing and proposed extraction areas will be shut and locked allowing completely open passage on the footpath.

4.16 The proposal does not affect the existing traffic levels generated by the brickworks. The daily movements varied from 20 – 30 per day (10 – 15 loads). On the busiest days this represents an average of less than 3 movements an hour. In conclusion it is considered the proposal would not give rise to any unacceptable impacts for access and highways reasons.

Noise

4.17 Noise limits at dwellings for noise from the continued operation of the site and stripping/extraction in the proposed extension area are suggested, based on the guidance contained within the Planning Practice Guidance and having regard to the measured background noise levels at locations taken to be representative of the dwellings selected for this assessment.

4.18 Site noise calculations have been undertaken for the ten locations, taken to be representative of the nearest dwellings to the existing operations and the proposed extension areas. The calculated site noise levels are presented for inspection and comparison with the suggested site noise limits at the dwellings.

4.19 The calculated site noise levels for normal operations at the brickworks comply with the suggested site noise limits at all ten assessment locations.

4.20 The calculated noise levels due to the soil stripping, clay extraction and restoration in the proposed School House Field and Hillside Cottage Field extension areas comply with the suggested noise limits for temporary operations apart from short periods when activity is taking place within 25 to 30 metres of some properties. Mitigation is proposed but the time period for extraction are so short that on balance it is considered the levels are acceptable subject to proposed mitigation.

4.21 The calculated noise levels due to the transporting of clay and sand from the stockpile/current working area to the storage area adjacent to the brickworks on an annual campaign basis comply with the suggested site noise limits for both temporary and routine operations at all ten assessment locations

Slope Stability

4.22 Provided that the quarry faces are worked and restored in close accordance with the submitted schemes and recommendations, and that Geotechnical Assessments are undertaken every 2 years by a Geotechnical Specialist, in accordance with the Quarries Regulations 1999, then the hazards associated with slope failure and the resulting impact on the general public, 3rd party land and 3rd party property is considered to be negligible and non-significant.

4.23 The risk of settlement associated with the lowering of the perched water table, is considered negligible and non-significant. Notwithstanding that the risk is negligible, Michelmersh would agree to undertake a structural survey at 3 properties (Old School House, Marjolaine and Croft House) prior to the commencement of soil stripping and mineral extraction, providing a baseline for each property

Flood Risk

4.24 The proposed development will be undertaken in three stages: Stage 1 – mineral extraction from School House Field with stockpiling in the Western Quarry Area (1 year), Stage 2 – use of clay from stockpiles and restoration of the Western Quarry Area (5 years) and Stage 3 – mineral extraction and restoration of Hillside Field (15 years).

4.25 There will be a short period, less than one year, of overlap between Stages 1 and 2. The site will be restored to agriculture at a lower level using site-derived soils. The Application Area is located entirely within Flood Zone 1 and therefore is not considered to be at risk from fluvial flooding. However, since its area is greater than 1 Ha, a Flood Risk Assessment (FRA) is required under the National Planning Policy Framework (NPPF).

4.26 During the operational phase, fluvial flood risk to the proposed development or to external receptors as a result of the development is considered to be not significant. The risk of groundwater flooding associated with the development, to internal or external receptors, is considered to be 'low' .The risk of flooding by surface water run-off, to internal or external receptors, is considered to be 'very low' during the 6-month time span of School House Field operations and 'low' during the 15-year span of operations in Hillside Field. The risk of sewers or water mains-derived flooding associated with the development, to internal or external receptors, is also considered to be 'very low'.

4.27 The existing run-off storage of the two silt settlement lagoons is considered to be sufficient to mitigate the flood risk exposure during the operational phase of School House Field and use of subsequent stockpiles. Further mitigation of flood risk during the operational phase is provided within the lowest parts of the Hillside Field quarry void and this additional attenuation storage is needed during the Stage 3 of the development. During the restored phase, fluvial flood risk to the proposed development or external receptors due to the development is considered to be not significant. The risks of groundwater and sewers or water mains-derived flooding are similarly considered to be not significant post-restoration. In light of the flood risk assessment and proposed mitigation measures, it is considered that the proposed development will satisfy the flood risk requirements of the National Planning Policy Framework.

Hydrology and hydrogeology

4.28 Groundwater levels and flow - Once mineral extraction has ceased the protective in-situ layer of clay (unworkable clay supplemented with mineral where necessary) remaining in the base of the workings will be covered by overburden soils. Therefore, long term recharge characteristics effecting groundwater levels are not likely to be significantly impacted. Groundwater seepage from the sand horizon in the upper part of the Lambeth Group will be collected via a series of French drains. In this way the perched groundwater will continue to discharge to the surface water system as in the pre-extraction

regime. The installed drainage may lower the perched groundwater levels locally. The predicted most likely radius of influence of operational dewatering is 30 m. This will reduce during the post-restoration phase hence, it is unlikely that groundwater levels will be affected beyond the site boundary. The risk to perched groundwater levels due to the proposed restoration is therefore considered to be 'low' with a significance of effect of 'minor'

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4.29 Surface water flows -Post-extraction the landform in the quarried areas will remain at a lower elevation than the surrounding land and passive drainage off site will prevail. All run-off which previously entered the natural drainage system will continue to do so post-restoration at greenfield run-off rates. Ad-hoc run-off across Hill View Road from Hillside Field will be controlled post-restoration hence drainage at properties on Hill View Road will be improved as a result of the proposed development and restoration. The impact of the restoration on surface water flows is therefore considered to be 'negligible' and the significance of impact 'minor'.

4.30 Impacts on groundwater quality- The restoration of the quarry will not involve importation of material for infilling, but a simple replacement of the overburden soil. It is therefore considered that impacts associated with pollutants imported to the site during the restoration process will not occur. The use of mobile plant, provision of stockpiles and disturbance of soils will cease on completion of the restoration of the site hence impacts associated with accidental spillage or increased suspended solids in the groundwater will also not occur.

4.31 Impacts on surface water quality-Active management of surface water will cease on completion of the restoration of the site. Potential for impact on surface water quality will therefore not exist.

4.32 The importance of water issues at the site are mainly associated with the Timsbury Water Abstraction Works owned by Southern Water 0.5 km to the south and the presence of the River Test 1 km to the west. The regional geology comprises the Upper Chalk which is partially covered by clays from the Reading Formation. The economic mineral within the Application Area comprises sand and clay of the Lambeth Group, part of the Reading Formation. Superficial deposits are however, absent from the site itself.

4.33 A distinctive marker horizon comprising a bright yellow clay defines the base of the useable clay which overlies a sandy green clay. A minimum of 1 m of clay will be left in-situ above the underlying chalk after the completion of mineral extraction to ensure protection of the chalk groundwater quality.

4.34 Extraction areas will be restored to agriculture at a lower level using indigenous soils derived from the site. Importation of soils will not occur. The principal aquifer in the vicinity of the Application Area is the Upper Chalk, which underlies the clay of the Reading Formation. The overlying clay will have a low hydraulic conductivity hence protects the chalk from pollution due

to near surface activities. Groundwater also exists in a sand horizon in the upper part of the Lambeth Group.

4.35 Four licensed groundwater abstractions and thirteen private groundwater supplies occur within a 2 km radius of the Application Area. The closest of these to the site is the Timsbury Water Supply Works, which at its closest point lies approximately 265 m to the south of the existing extraction area. Timsbury Water Supply Works comprises a series of vertical shafts and horizontal adits excavated into the Upper Chalk beneath the overlying clay. The majority of the site lies within the outer source protection zone, SPZ2, for the Timsbury abstraction and a small area of Hillside Field extends into the inner source protection zone SPZ1.

4.36 Groundwater levels within the sands will be passively lowered as the sand is extracted. The radius of influence associated with this dewatering is estimated to be approximately 30 m. Water within the site will be managed as per current practices, i.e. pumping from the operational area as necessary to two existing silt settlement lagoons which discharge offsite.

4.37 An assessment has been made of potential impacts to the site during the operational phase and post-restoration. All potential impacts were found to be negligible with the exception of groundwater quality. With the designed mitigation of leaving a minimum of 1 m of clay (where unsuitable clay is less than 1 m thick this will be supplemented by mineral clay) and application of best practice in managing fuel and chemical storage and use, the residual impact to groundwater quality was assessed as negligible.

Ecology

4.38 There are considered to be no residual impacts on the ecology of the site of the proposed scheme with the mitigation strategies recommended in this ES being put in place. Habitats that will be affected by the proposals include areas of species-rich grassland and hedgerows. Habitat creation during the restoration phases will ensure that these habitats are maintained into the future and that the ecological function of the habitats is also sustained in perpetuity. Species which will require Mitigation Strategies include reptiles (slow worms and grass snakes) and amphibians (great crested newts in particular). With these strategies in place, it is considered that the conservation status of these species can be retained and that populations of these species will be maintained within the site and the local area. Following recent surveys this Autumn and last month in November, no dormice have currently ben found on the site in particular within some sections of hedgerow. However mitigation is proposed to prevent harm to other non-protected species of small mammal which have been found to be present within the hedgerows

4.39 Of particular note is the proximity of the site to the Mottisfont Bats SSSI/SAC, which is designated for its value to breeding barbastelle bats as well as a number of other species. The small-scale impacts of the proposals on hedgerow habitats will have no foreseeable impacts on the ecological function

and integrity of the SSSI/SAC and compensation measures will ensure that habitat connectivity within the site is maintained into the future. With the proposed measures in place, there are considered to be no significant impacts on the SAC and an Appropriate Assessment is not considered to be necessary in this instance.

Dust

4.40 The relationship of houses close to School House Field and Hillside Field is similar to the relationship of houses in Hill View Road to the existing quarry. Here the boundary of the existing quarry is close to four houses in Hill View Road. These houses are set back from the common boundary by approximately 20 metres. A buffer zone is provided between the excavation area and the site boundary. The distance between the working area and the houses is therefore approximately 50 metres (The Thatched Cottage and Hillcrest) and 40 metres (East and West Cottages). The latter are separated by buildings related to the engineering works. There have been no issues raised relating to dust regarding the working of the existing quarry.

4.41 The quarry operates in accordance with an approved dust management scheme and this will be amended for the additional extraction area. The quarry operates on a 'campaign' basis and is therefore active for limited periods each year. The amenity of users of Footpath No.8 also needs to be considered.
Dust may arise from the following activities:

- The stripping and subsequent replacement of topsoil and subsoil. Of necessity this is carried out during dry weather – normally between May and September.

- The excavation of the clay. The present quarry operates on a 'campaign' basis whereby extraction takes place for a limited period of approximately 2 – 3 weeks in any year. Of necessity this is in the dry summer period. This method will apply to Hillside Field, but School House Field will be worked in a single campaign. Clay (and sand) is normally damp and consolidated and does not cause dust. There will be no stockpiling of clay on the excavation site

- The movement of vehicles within the site and along the haul road to and from the brickworks.

4.42 The landscaping proposals are designed to screen the workings will also have the benefit of assisting in mitigation dust emissions from the site.

4.43 Footpath No.8 is separated from the existing quarry by an established hedgerow which substantially mitigates dust. The Footpath No. 20 within the boundary of School House Field will be open to the workings. However this will be for a relatively short period and subject to the proposed limitation on working on windy days dust will not be a problem. The generation of dust by

the workings will be carefully monitored and appropriate practical measures taken where necessary.

4.44 It is concluded that the proposal is not assessed to be a significant source of dust emission. Simple practicable measures should be taken to eliminate dust at source, and these can be dealt with by an amendment to the existing Dust Management Scheme through a planning condition. The bunding and planting proposed will additionally protect the amenities of local residents and users of the adjacent footpath. It should be recognised that farming activities, particularly arable farming, have significant potential for dust emission during ground preparation (ploughing and harrowing etc.) and during harvesting.

5 Development plan

The Hampshire Minerals and Waste Plan (2013) and the Test Valley Borough Local Plan (2006) are the appropriate development plan documents for consideration.

5.1 The relevant policies for consideration from the Hampshire Minerals and Waste Plan are:

Policy 1 (Sustainable minerals and waste development)

Policy 2 (Climate Change)

Policy 3 (Protection of habitats and species)

Policy 5 (Protection of the countryside)

Policy 7 (Conserving the historic environment and heritage assets)

Policy 8 (Protection of soils)

Policy 9 (Restoration of minerals and waste developments)

Policy 10 (Protecting public health, safety and amenity)

Policy 11 (Flood risk and prevention)

Policy 12 (Managing traffic)

Policy 22 (Brick-making clay).

5.2 Test Valley Borough Local Plan (2006) : http://www.planvu.co.uk/tvbc/contents_written.htm

Policy SET 03 (Development in the Countryside) and ENV 15 (Development in Conservation Areas).

5.3 **The National Planning Policy Framework (NPPF)** is a material consideration:

Para. 12 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

Para. 142. Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.

Para. 144. When determining planning applications, local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of landbanks of non energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;
- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source,[31] and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- not grant planning permission for peat extraction from new or extended sites;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
- consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long

duration of planning permissions reflecting the intermittent or low rate of working at many sites.

Para. 28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

Para. 19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

5.4 Mineral policy guidance on Noise: http://planningguidance.planningportal.gov.uk/blog/guidance/minerals/assessing-environmental-impacts-from-minerals-extraction/noise-emissions/

5.5 **Michelmersh and Timsbury Village Design Statement** (2001). http://www.testvalley.gov.uk/resident/planningandbuildingcontrol/planningpolicy/village-design-statements/michelmershandtimsburyvds/ formally adopted by Test Valley Borough Council as Supplementary Planning Guidance in July 2001. There is no Neighbourhood Plan for the parish of Michelmersh.

6. Consultations

6.1 **Councillor Gibson** raises objection to the proposed development. Whilst he is sympathetic to the request to dig out School House Field he is strongly opposed to the excavation of Hillside Field. Hillside Field sits behind a number of village houses in the middle of the village and is on a slope. The soil stripping, quarrying and restoration work is within metres of peoples properties and will leave a very large quarry/crater behind the resident's houses. It will be an enormous blot on the landscape. It is strongly felt that HCC rushed through this section of the Minerals and Waste Plan without true consideration for the residents. The Brickworks had miscalculated its reserves and in order to meet the 25 years of clay reserves, it was easier to include Hillside Field than to ask the Michelmersh Brickworks to manage its long term sourcing of clay reserves better. The solution chosen by HCC is not reasonable and detrimental to the village and the residents for the long term.

6.2 **Southern Water Services Ltd** raises no objection in principle to the proposed development. It is noted that there is a public foul sewer crossing the site. There is a need for the exact position of the public sewers needs to be known by the applicant. It is stated that it is possible to divert the public sewer, so long as it would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions. Guidance is provided on the diameter of the sewer and the clearance distances required to protect the sewer from construction works and for allowing future access for maintenance, the distance that new tree planting should have from the

centreline of the public sewer, the need to protect the sewer from construction works, and the distance of soakaways from the sewer. It is noted that legislation came into force on 1st October 2011 regarding the future ownership of sewers. It is noted that the site is located within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. As the majority of the proposed area falls within GPZ2, proposals for mineral extraction would not be the subject of an objection in principle, subject to appropriate aquifer protection details being provided on the working and restoration of the site. Such details should include provision for the retention and/or placement of an appropriately designed impermeable layer of clay, to be in place both during the working of the site, and to be left in place on the base of the restored workings. It is urged by SW that the EA re-classify the worked out area as GPZ1 (on the basis that much of the aquifer protection has been removed, thus increasing aquifer vulnerability). It is requested that any proposals involving the stockpiling of minerals in the current quarry would need to ensure that an impermeable base remained in that area (to prevent percolation fro stockpile run-of into groundwater). All run-off from the development should be disposed of via surface discharge options, rather than soakaway to groundwater. In conclusion it is noted that the proposed development poses a significant risk of contamination to SW Timsbury WSW, unless appropriate aquifer protection measures are put in place.

6.3 **Environment Agency** raises no objection in principle to the proposed development, however conditions are requested should planning permission be granted. The conditions relate to:

a) the submission of information for the storage of oil/provision of road and wheel cleaning facilities and proposed scheme for monitoring; and

b) scheme for the disposal of surface water drainage.

6.4 **English Heritage** does not wish to offer any comments on this occasion. It is stated that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

6.5 **Highway Authority** raises no objection to the proposed development as it is noted that within section 5 page 19 of the Environmental Statement that the quarry operations would not involve any traffic movements on public highway and therefore the application would not generate any additional traffic to and from the sites as there is a limit of the kiln capacity. It is also noted that use of the sand from the site will reduce the need to import sand from elsewhere and therefore may reduce vehicle movements slightly. Existing traffic movements are 20 to 30 per day (10-15 lorry loads). Access to the brickworks will remain unchanged via the A3057 and Hill View Road. No personal injury accidents have been recorded in the last 5 years (01/01/2009 and 31/12/2013) along Hill View Road including the junction of the A3057. No accidents in this period including lorries have been recorded on the A3057 between Oakley Road and Heron Lane.

6.6 **Defence Infrastructure Organisation -** raises no objections.

6.7 **Rights of Way** comment that subject to measures being identified and agreed to ensure that the Michelmersh & Timsbury Footpath 8 is protected from any slippage and water run-off then no objection is raised.

6.8 **Conservation Officer - Test Valley Borough Council** – has been informed of the proposal and no comments received.

6.9 **Test Valley Borough Council -** has been informed of the proposal and no comments received.

6.10 **Environmental Health, Test Valley Borough Council** raises no objection to the proposed development. The noise assessment has been considered which predicts noise levels for the proposed operations. Existing ambient (LAeq) and background (LA90) sound levels were measured. These may be compared against the different stages of the clay extraction proposals. A summary of the operations and predicted noise levels are summarised:

The works of longest duration, 3-4 months, are proposed for Year 1 (2016) when the School House Field will be worked, clay removed and moved to the existing extraction area, then the land restored. The noise levels for this stage, up to 72dB at would be at Old School House and Croft House. At most properties the noise levels are predicted to be substantially lower than this however, below 60dB. In each of year's 2-6, a year's worth of clay will be moved from the existing quarry to the brickworks clay storage area, a process lasting 2-3 weeks. The highest noise levels at closest homes are expected to be 50dB. In year 5, preparation and bund forming works for the Hillside Field are proposed to enable subsequent clay extraction to take place, lasting 2-3 weeks, with annual clay extraction to follow on. Predicted noise levels associated with the preparation and bund forming works are shown to reach a maximum level of 72dB. In each of year's 5-20, a year's worth of clay extraction from the Hillside Field are proposed to take place, with the clay moved to the brickworks storage area. Operations are expected to take 3-4 weeks each year. Predicted noise levels are shown to be highest at 72dB. Technical minerals policy guidance is proposed in the NPPF guidance. The guidance daytime noise limits are either 10dB above the background noise level, with an upper limit for normal mineral activities of 55dB. However, for noisy operations of restricted duration (up to 8 weeks per year), it suggests 70dB as the "normal maximum". It is therefore suggested that the advisory 70dB maximum is applicable in this case, though this limit is predicted to be marginally exceeded for some of the operations and for short periods. Given that the exceedances are minor, no objection is raised subject to conditions. The minor exceedances of the 70dB guideline upper limit obviously present a difficulty in setting a noise limit of 70dB, as is suggested by the noise report's author, because it is foreseen that they would or may be breached. It would of course be an option to set the limit at 72dB at the worst affected properties, though the costs of monitoring compliance against the likely benefits should be carefully considered. Advice is that the principle of the works is accepted, and that it may be better to focus on agreeing noise mitigation scheme to minimise the noise impact as far as reasonably practicable rather than the monitoring of a noise limiting condition.

It is recommended that the current restriction in timings (0830 – 1700 Weekdays, excluding public holidays) is retained for the development and a further condition attached requiring good practice dust control measures to be applied as necessary. In the noise report there are suggestions regarding setting the noise limits for the normal brickwork operations. It is considered that this is outside the scope of the planning application and the suggested approach is not supported.

6.11 **Michelmersh & Timsbury Parish Council** raises objection to the proposed development. The Parish Council recognises that the proposed extraction sites are allocated in the adopted Hampshire Minerals and Waste Plan. The Environmental Statement provides a comprehensive impact assessment and it is the request of the Parish that the decision will be based on an objective review of that information, without any presumption that planning permission should be granted because the sites were allocated in the HMWP. The Parish Council believe that working these sites in the way proposed will cause very severe (and in their view unacceptable) harm to the village, which cannot be adequately mitigated, because of the location of the sites, their proximity to dwellings and their importance in the landscape. The main concerns are summarised below:

Impacts on Residential Amenity
Soil-stripping, quarrying and restoration works would take place close to houses. Visual impact may be partially mitigated by the proposed bunding and planting, but residents are concerned about the effects of dust and noise. The working of the site during the summer months would impact on the residents who are likely to be outside. The Council are not satisfied that the impacts are adequately addressed.

Dust
The ES dust statement has not been prepared by a specific dust expert and does not provide an adequate assessment of the potential dust issues or proposed mitigation measures.

Noise
The noise assessment has been considered and the Parish state that it is clear that there would be significant noise impacts during the working periods, which would be during the summer months when residents are more likely to be outside, windows would be open. The background noise level of 35dB L_{A90} is noted and it is identified that the potential range in noise levels could be between 40-72dB $L_{Aeq,1h}$. Reference is made to the National Planning Policy Framework which makes recommendations regarding acceptable noise levels for different activities. It is noted that some of the predicted noise levels exceed the upper levels recommended within the NPPF. It is the view of the Parish that the NPPF has not been applied correctly. An increase in such noise levels (35dB) would, during the summer months, be extremely intrusive.

Landscape Impacts
The Parish Council are of the opinion that the 'restored' sites would take the form of steep-sided depressions with slopes of up to 1 in 3. It is felt that the change is not appropriately represented in the photomontages within the landscape and visual impact assessment and that no final restoration levels are provided, only plans with height contours. It is noted that Hillside Field is identified on the Michelmersh Conservation Area Map as an 'important Open Space' and the view from Haccups Lane across the field is an 'important view'. The final restoration levels would have an appearance that is out-of-character resulting in permanent damage to the landscape. Screening of the workings from Haccups Lane would limit the longer views, identified within the Conservation Area Map as 'important'. Proposed restoration would restrict the use of the field for agriculture or amenity.

The Parish states that possible safeguards are proposed if planning permission is granted. That planning permission is only granted for School House Field so that this site is restored and the experience then Hillside Field should be submitted and considered based on the experience at School House Field. This will reduce community disturbance and ensure good quality restoration is secured. Adequate safeguards should be in place to ensure that the sites are fully restored in accordance with the agreed plan, and that any agreed aftercare programmes are carried out. A financial bond is suggested. It is acknowledged that the applicant has offered to fund baseline structural surveys at the nearest residential properties and it is noted that these are matters to be agreed between the applicant and residents. It is asked whether this could be secured by the Council via a S106 agreement. Funding should also be made available for funding of additional surveys during and after the work, as required, to enable any evidence of building damage to be detected. Appropriate conditions should be in place to ensure that the development proceeds in the agreed way, and the necessary mitigation measures carried out, and that these conditions are rigorously enforced.

6.12 **Geotechnical Engineering (Hampshire County Council)** raises no objections to the proposals subject to the mitigation contained within the Environmental Statement reports. Given that the steepest slopes will only be cut during the temporary excavation works i.e. less than six months and that works will be undertaken during the presumed driest periods of the year and that the maximum slope angles will be 1:2, Engineering is comfortable with the proposals. The working slopes are set back further from the neighbouring properties than the final slopes. Engineering considers that the works will not cause any instability within the neighbouring properties. Reducing the final slopes to between 1:3 and 1:5 is also acceptable. The School House field as with the final regrade, the School House property will be around 7m from the crest of the slope. The land will be graded to a 1:5 slope which will be perfectly acceptable. The screening bunds will be constructed with discarded site materials. If these are suitably compacted during construction, they should be stable in the short term. However as they are a temporary screening measure, Engineering considers it would not be concerned about their stability. They will have no impact on nearby properties.

The proposals detail use of a hydraulic excavator, two to three articulated dumpers and a dozer. It may be prudent to suggest that vibration monitoring is undertaken adjacent to nearby properties.

Given the assumptions recorded in the Land and Slope Stability Assessment, the Geology, Reserves and Working Scheme Report and the Hydrology & Hydrogeology Report, the risk of drawdown affecting properties seems minimal. From the data provided, it appears that the drawdown will cause no greater fluctuations than the seasonal groundwater variations.

The flow of surface water runoff is likely to change due to the School House Field and Hillside Field excavations. The surface runoff would have contributed minimally to the perched groundwater as it would only be able to easily percolate through the shallow deposits not the clay deposits. As described above, the overall works are likely to represent a summer drought scenario which the neighbouring properties would have previously experienced. It is not anticipated that the excavations will cause detrimental shrinkage of the soils and subsidence.

7 Representations

7.1 Seven objections have been received to the planning applications. The following issues have been raised:

- Noise and dust impacts on the local residential properties in a peaceful rural area; request no working during May bank holiday and throughout the main summer holiday (late July through August); soil bunding should be used around all of the site; Insufficient screening & bunding to the proposed extraction/infilling – in particular from Croft house – no protection after stage 2 hillside field;

- Tree preservation orders; bigger root protection area may be needed around TPO's; Large Oak tree - 300 years old – 25m in height – not shown on tree protection plan – suggest that T1 Category A tree – should be taken into consideration and protected.

- Financial bond to ensure restoration and drainage secured;

- Landscape visual impact - concern site would be left as two large bowls – scar on the village - desire for the landscape to be returned to something more similar to the levels prior to minerals extraction – infilling would be supported – short term impact would be acceptable for long term gain ;

- Industrialisation of the village;

- Brickworks has outgrown the rural location;

- Fields should be returned to useable agricultural land;

- Trees and planting - want trees to be planted quickly to mitigate the impact to the village; Boundary planting actually on site is less than what is shown on the plans – want planting along Croft house as soon as possible

- Strong monitoring of the proposed hours of working;

- Hillside field is identified on the Michelmersh Conservation Area Map as an Important Open Space and the view from Haccups Lane across this field as an Important View – and important to the setting of the conservation area - Proposed planting/additional planting to Haccups Lane would block the longer important views;

- Landslip or settlement – concern raised request appropriate conditions put in place to ensure that the level is appropriately restored around the properties of Old School House, Croft House, and Marjolaine.

- Extraction from School House Field was refused by the Inspector in the 1995 Minerals Plan – grounds of the effect on residential amenity and the Conservation Area. These adverse impacts have not been mitigated by any changes since 1995.

- Surface water drainage – at present runs from fields through Kiln cottage (and neighbours) – concern that with the proposed diversion that this will dry out their land and cause impacts such as subsidence.

- Importation could occur without damage to the SPZ – more clay should be left to provide an adequate buffer. – more investigation required.

- Phasing school house field should be fully restored before work starts on Hillside field.

- Foul sewer diversion protection – no information provided on timescales for diverting sewer

- Lorry routing agreement

- Donation of Hillside Field to the Parish Council for village amenity use

7.2 Support- one letter of support in principle has been received – subject to noise and pollution safeguards – concerns regarding landscaping but does not want to see any higher level restoration take place due to the consequential necessity to import inert materials due to wider impacts on residents (traffic, noise, safety, pollution). Transport impacts would be far greater for the local community as a whole than the visual impact of low level restoration. Site is well screened from the surrounding lanes. Therefore very few people will be impacted by the low level restoration.

8. Commentary

8.1 The proposed extraction sites subject of this report (School House Field and Hillside Field, Michelmersh) are allocated for the extraction of clay through Policy 22 of the Hampshire Mineral and Waste Plan 2013. In summary, this states that a supply of locally extracted brick making clay for use in Michelmersh brickworks will be permitted - provided the proposals address the development considerations outlined in 'Appendix A'- Site allocations'. These development considerations have been taking into account in identifying the key issues raised by this proposal which are considered to be:

- Highways and traffic
- Geotechnical and slope stability
- Ecology and Biodiversity
- Amenity impacts to residents and footpath users
- Flood risk, Hydrology, groundwater protection
- Landscape and visual impact
- Cultural Heritage including Archaeology
- Need for the clay

These key issues are discussed below.

Highways and Traffic

8.2 The proposed development will not generate any additional external lorry movements because the restoration is al low level and therefore does not involve the importation of soils. The only lorry movements that would take place to and from the site are those that currently exist and always have existed to export clay bricks and tiles from the site and to import any machinery or mixing materials that may required. Staff will use their own vehicles to enter the site and park in the site staff car park. Internally lorries will use the existing haul route that runs east - west across the site and this will be extended east to link with the extraction sites. The route west from the sites leads into the existing Western Extension Quarry and in so doing crosses Public Right of Way No. 8 but this continues to work well with a gates system for traffic and pedestrians. Accordingly the Highway Authority has raised no objection to the proposal as there is no change to the existing situation. It is noted that a local resident supports the principle of the application and notes that if material were to be imported for restoration this would cause wider impacts on residents (traffic, noise, safety, pollution) and considers that transport impacts would be far greater for the local community as a whole than the visual impact of low level restoration**.** It is considered that the 'no change' to existing lorry movements through this proposal accords with Policy 10 and Policy 12 of the Hampshire Mineral and Waste Plan 2013 (HMWP).

Geotechnical

8.3 A Land and Slope Stability Assessment has been submitted as part of the Environmental Statement concluding that provided the site is worked and restored in accordance with the proposed schemes taking on board any recommendations highlighted in the report, then there should be no significant

adverse environmental impacts It is noted that some objectors have highlighted that conditions should be attached to any permission ensuring that the land is appropriately restored around their properties to guard against the slopes slipping in the future. The documents as well as the plans submitted with the application including the Environmental Statement reports, would comprise part of the Plans and particulars approved under any permission that may be granted.

8.4 The Stability Report states that Geotechnical Assessments should be undertaken every 2 years by a Geotechnical Specialist, in accordance with the Quarries Regulations 1999. It considers that the hazards associated with slope failure and the resulting impact on the general public, 3rd party land and 3rd party property is considered to be negligible and non-significant.

8.5 The geotechnical report also addresses the risk of settlement associated with the lowering of the perched water table, and concludes that any adverse impact is considered negligible and non-significant. Notwithstanding that the risk is negligible, the applicant, Michelmersh brickworks states it would agree to undertake a structural survey at 3 properties (Old School House, Marjolaine and Croft House) prior to the commencement of soil stripping and mineral extraction, providing a baseline for each property to give reassurance to these residents. It is considered that the proposal with relation to geotechnical issues, subject to mitigation in the Environmental Statement being addressed by way of a condition attached to any permission granted, complies with Policy 10 of the Mineral and Waste Plan (HMWP 2013).

Ecology and Biodiversity

8.6 There are three protected species with potential to be considered with relation to the site and/or its surrounds. Barbastelle Bats and their associated commuting and foraging areas (the Mottisfont Bats Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) are located approximately 3km to the west), dormice and great crested newts (within 150-200m of the extraction area within the ponds).

8.7 The Ecological Assessment submitted considers that subject to the mitigation proposed in the said reports, there is unlikely to be any significant impacts caused to protected species.

8.8 With regards to Dormice, whilst the hedgerow habitat is considered suitable for dormice, the applicant's study of the hedgerows carried out over the past few months shows that dormice are currently absent from the site. Subject to the recommendations in the revised Dormice and small mammal report being adhered to it is considered that no adverse impact will occur to small mammals through this development.

8.9 With regards to bats the applicant has, in accordance with relevant guidance and legislation, carried out surveys and climbed potential bat roosting trees between the months of August and September. No bats were found to be

roosting nor roost evidence found and protective measures recommended in the Ecological Assessment can be secured through conditions.

8.10 With regards to reptiles, in particular Great Crested Newts, that have been found in the water lagoons on the brickwork's existing operational area. It is considered that the methodology proposed for translocating any reptiles that may have traversed onto the extraction site, is well thought out, the proposed mitigation is achievable on site, and will not cause harm to the population of the reptiles. It is recommended that if permission is granted conditions are added relating to the timing of trapping of any reptiles outside of the lagoons between early and late Spring, the layout of the exclusion fencing which will need to be detailed for each phase. . Any fence will have to have a 'gap' in it to allow vehicular access, and the design of the haul road will then need to incorporate a grilled catchment pit/ something similar. The conditions also need to address the methodology of restoring each phase with respect to the removal of the fencing and the top-soiling and seeding. It is agreed that all these detailed maters relating to methodology can be appropriately dealt with by way of conditions. Accordingly it is considered the development complies with Policy 3 (HMWP 2013).

Amenity

8.11 Key amenity impacts that may be generated by the development would relate to noise and dust from the extraction and related operations impacting upon the occupants of nearby residential properties and the users of the adjacent public Rights of Way that go through part of the site.

8.12 Technical minerals noise policy guidance is provided in the March 2012 National Planning Policy Framework Guidance (NPPF). The guideline daytime noise limits are given as 10 dB above the background noise level, with an upper limit for normal mineral activities of 55 dB. However, for noisy operations of restricted duration (up to 8 weeks per year), it suggests 70 dB as the "normal maximum". The Environmental Health Officer suggests that the advisory 70 dB maximum is applicable in this case, though this limit is predicted to be marginally exceeded for some of the operations and for short periods. Given the fact that the exceedances are minor the Environmental Health Officer does not object to the application, subject to conditions.

8.13 The Environmental Health Officer (EHO) states that if the principle of the works is accepted by the County Council , it is advised to agree a noise mitigation scheme (e.g through a condition), to minimise the noise impact as far as reasonably practicable rather than the monitoring of a noise limiting condition. The EHO also recommends that the current restriction in timings (0830 – 1700 hrs Weekdays, excluding public holidays) is retained for this development and a further condition attached requiring good practice dust control measures to be applied as necessary.

8.14 It is noted that some local residents have raised objections and/or concerns about potential noise and this is understood. However School House Field has

been planned as a quick single phase extraction, to minimise duration of operations and to get the land restored as quickly as possible. Hillside Field will only be extracted on a campaign basis for a few months per year. The applicant is able to provide more bunds during workings, if any of the immediate residents consider this appropriate subject to other environmental constraints but highlights that the scheme has tried to take on board comments from residents keeping their views open where requested but providing physical screening as necessary to mitigate against noise where bunds are considered essential . Any permission that may be granted would take on board the advice of the EHO and be subject to a condition requesting a noise mitigation scheme to be submitted to the Mineral Planning Authority for approval prior to the commencement of the development. However the applicant, aware of concerns states that whilst 70dbA would be just too restrictive for the single phase operation at School House Field and a Nosie mitigation scheme would be appropriate here, the company is wiling to accept a 70dBA restriction when they operate at Hillside Field. Dust is proposed to be controlled by standard dust suppression measures using bunds, water bowsing, keeping stockpiles wet in dry weather for example as well as the method and phasing of the working. A full dust mitigation scheme can be agreed by way of condition attached to any permission that may be granted and this can include dust monitoring as appropriate.

8.15 Amenity impacts also need to be considered to the users of the Test Way (footpath nos. 8 and 20) and whilst the proposed submission considers that existing planting and proposed bundling and method of working will prevent significant adverse impacts occurring to users of the footpath. the Mineral Planning Authority recommends that if permission is granted it should be subject to a condition requiring further details of protection of users of the public footpath where it runs along the edges of School House Field to be submitted to the Mineral Planning Authority for approval. It is considered that subject to appropriate conditions, the development would not have significant adverse impacts on the local residents and users of the footpaths taking into consideration the relatively short time period that School House Field will be worked, the need for the mineral and the campaign basis that Hillside Field would be worked. It is considered the development subject to mitigation, compiles with Policy 10 (HMWP 2013).

Flood Risk, Hydrology, Groundwater Protection

8.16 The Flood Risk Assessment submitted with the application concludes that with the proposed mitigation measures, it is considered that the proposed development will satisfy the flood risk requirements of the National Planning Policy Framework and would not have any significant adverse impact. The MWDP criteria for working highlights that no importation of material to restore School House field will be permitted due to the status of the site changing to a Special Protection Zone 1 (SPZ1) from an SPZ2, once extraction has taken place. Only limited soil restoration would be acceptable provided that a risk assessment shows that the activity would not cause pollution to groundwater.

The proposal does not involve any importation and accordingly this is not an issue.

8.17 With regards to ground water protection and flow the Environmental Statement (ES) concludes that subject to the development being implemented in accordance with proposed mitigation then the risk to perched groundwater levels due to the proposed restoration is considered to be 'low' with a significance of effect of 'minor'
The impact of the restoration on surface water flows is also considered to be 'negligible' and the significance of impact 'minor'. The restoration of the quarry will not involve importation of material for infilling, but a simple replacement of the overburden soil. It is therefore concluded within the ES that impacts associated with pollutants imported to the site during the restoration process will not occur. The use of mobile plant, provision of stockpiles and disturbance of soils will cease on completion of the restoration of the site hence impacts associated with accidental spillage or increased suspended solids in the groundwater will also not occur.

8.18 It is noted that the Environment Agency raises no objection to the application subject to conditions.

8.19 Accordingly, on balance, and subject to any flood and groundwater protection mitigation being implemented in accordance with the recommendations in the ES , it is considered in this regard the development complies with Policy 10, and 11 (HMWP 2013).

Landscape Character and Visual Impact

8.20 The Parish Council and the local member Councillor Gibson are strongly opposed to the excavation of Hillside Field. Councillor Gibson states that Hillside Field sits behind a number of village houses in the middle of the village and is on a slope. The soil stripping, quarrying and restoration work is within metres of peoples properties.

8.21 Slopes on Hillside are proposed on restoration at 1 in 3 /4. The applicant has explained that because these are the last remaining clay reserves they have tried to leave only that clay in the ground necessary to ensure the landscape scheme is acceptable and to minimise impacts on the landscape character of the area. On Hillside Field the eastern boundary has been kept clear of tree planting to retain the 'important view' west across the site. It is also proposed to increase and improve upon the woodland edges to the west, east and south. The landowner wishes the Hillside Field to be restored to agriculture and it is understood has requested that there is as large a flat area as possible post restoration. The applicant considered design options for 1 in 5 slopes on Hillside Field but calculated this would sterilise 44,000 m3 of clay which is equivalent to 4.5 years of working as Hillside Field is to be worked at a rate of approximately 10,000 m3 /year. The applicant states that all soils stockpiled currently on the site are needed for final restoration of the western

extension area and the operational area in accordance with the currently approved plans.

8.22 The existing topography is relevant issue in that the site is sloping currently from Croft House in the north of Hillside field to the rear of houses on Hillview Road to the south at approximately 51 metres AOD. The site also slopes more gently in an east-west direction. The restored landform as proposed has tried to keep the slopes direction as close as possible to the existing.

8.23 Those living to the east of the site on Haccups Lane will have views to the west and south west over the steeper slopes to the north east and so the slopes that will be most visible to them will be the northern slopes of Hillside Field where no real tree planting is proposed on the slopes because Croft House needs to retain its views. Residences to the south currently look out upon the boundary tree line to be thickened and improved with more tree planting as part of this proposal. Croft House between the two sites will look south towards the trees and east towards the eastern slopes. Shrub planting is proposed to help soften the impact of the slopes.

8.24 The low level restoration and steep slopes of Hillside will not reflect the local landscape character of the area, but the site will be restored to a beneficial after use in the countryside in accordance with the Plan policies. It will also increase biodiversity in the medium and longer term once proposed planting has matured.

8.25 School House field is already a steep field sloping NE – SW. The proposed scheme involves steeper slopes being created in this direction as well as some E-W slopes creating a flatter area at the bottom of the slope with a seasonal pond feature. Councillor Gibson raises no objection to the working of this field. It is noted that some residents raise objections and concerns about this restoration and the applicant considered different restoration options for the site including the option of losing the woodland between the two sites and extracting the area as one large field. However the applicant states that the woodland between the two sites is a valuable resource for biodiversity including a likely bat foraging area. It is accepted that the three properties bordering the site to the north east currently look over the existing slope and that this view whilst steeper would likely be similar when taken from the rear gardens of the houses.

8.26 Whilst the proposed restoration does not reflect the local landscape character, there is no other option to low level restoration due to groundwater protection issues and alternative options would sterilise significant amount of mineral.

Cultural Heritage (including Archaeology and Conservation)

8.27 School House field borders the Michelmersh Conservation area, and an analysis of the changes to the landscape have been discussed above. It is considered on balance that the working of the clay in School House Field,

because of the existing topography and the proposed contours will not significantly impact upon the setting of the Conservation area.

8.28 The application site does have potential to contain archaeological finds. An archaeological condition is recommended to secure appropriate mitigation of the impacts of extraction on archaeological remains and if the applicant wishes to implement an archaeological watching brief during topsoil stripping the written scheme of investigation should explicitly address the potential issues raised in the submitted Heritage statement.

Need for the Clay

8.29 No other clay sources are known to exist nearby that could be extracted. Michelmersh is the last active brickworks remaining in Hampshire and has provided local employment for decades in this rural area. The brickworks has a national reputation for high quality hand made bricks that have been used and continue to be used, on nationally important listed buildings and monuments as well as in new development and various conservation projects. The need to extract this clay is highlighted through the sites inclusion under Policy 22 of the HMWP 2013. The key issue having balanced all the evidence hereby presented and comprising the submission is can the site be worked in accordance with the development considerations under Policy 22 and as listed in the HMWP- 2013 and does the proposal comply with other policies of the Plan.

9. Conclusion.

9.1 Mineral, in this case brick making clay with a small proportion of sand, can only be worked where it is found and the only source of clay now available to serve Michelmersh brickworks are the two fields subject of this application adjacent to the brickworks- notably, - School House Field and .Hillside Field

9.2 These fields are allocated for extraction by way of Policy 22 in the HMWP 2013 and are considered acceptable extraction sites in principle – as concluded by the Inspector into the Plan- subject to any extraction proposal meeting the development considerations for the site. The proposal also needs to be assessed against other polices within the HMWP 2013.

9.3 To consider the proposal in terms of timescales and context is important. The extraction at School House Field would take place over a period of 6 weeks and the site worked and restored within six months. It has been proposed as a single rapid campaign to minimise impacts to the three residences that border the site on higher ground to the north east- as well as to minimise impacts to the users of the Public Right of Way No. 20.

9.4 The Environmental Statement studies submitted with the application demonstrate that subject to proposed mitigation and recommendations being taken on board, the site can be worked without causing significant environmental impacts. This is supported by key consultees such as the Environment Agency and the Environmental Heath Officer. It is accepted that on occasion the noise from working of School House Field will reach possibly

just over the advisory NPPF limit of 70dBa for temporary workings of less than 8 weeks- at the boundaries- to possibly around 72 dBA as a worst case scenario. The Environmental Heath Officer has balanced this against the short period that the site would be worked for mineral and raises no objection. Due to the existing sloping topography, and where the existing houses are sited on higher ground with existing views across the site to lower land beyond to the west, and taking into account the mitigation proposed it is considered that the scheme proposed is acceptable in terms of amenity, landscape, biodiversity, groundwater and other impacts as it has addressed key issues. Visual impact is always a matter of personal judgement but the proposals do not detract from the area nor affect the setting of the conservation area because of the existing topography and additional planting being implemented. The scheme for School House field is considered acceptable.

9.5 Hillside Field is to be worked on an annual 5 week campaign basis during spring to summer to provide the brickworks with the 10,000m3 of clay it needs per year for another 15 years. .

9.6 Again the Environmental Statement has concluded for Hillside that subject to mitigation no significant Impacts would be caused, however the Landscape Assessment concluded that there would be some adverse impact. This concludes that because of the low level nature of the restoration, and no ability to import to ensure the groundwater is protected, there will be a landscape created that is out of keeping with the landscape character of the area. This is largely due to the steep slopes that would be created around the site, in particular the northern edges of the site. The applicant considers that it has looked at all practical options and considers this is the balance that has to be made to keep the brickworks running and to minimise impacts for the landscape and local people that have views across the land. To retain important views west it is not proposed to tree plant the northern-eastern boundaries. The bowl effect would not be viewed from the public at lower ground- the base of the quarry – because there is no public access proposed. It would only be viewed from the upper floors or gardens of the properties adjacent to the site, but again due to topography views would be over the landscape. There is no question that 1 in 3 slopes are steep and out of character but if slopes were to be made 1 in 5 a significant quantity of mineral would be sterilised.

9.7 There are two development criteria that relate to landscape, the first is visual impact and the criteria states ‘ “ Visual impact, setting if listed building, Michelmersh Conservation and deer park (which is some distance away) and another development criteria that states “ the restoration of the site will need to be compatible with the re-designated SPZ status of the site following excavation”. The protection of the groundwater and public drinking water supply is paramount and the scheme achieves this as no importation is proposed.

9.8 It is considered that whilst biodiversity can be enhanced the restoration would not reflect local landscape character therefore it is a question of balancing need for the mineral against this landscape issue. It is considered that the

proposal, on balance, subject to proposed mitigation secured through conditions and approved documentation, would be in accordance with the Hampshire Minerals and Waste Plan (2013) as it provides brick making clay for the Michelmersh Brickworks and addresses the development considerations (Policy 22), is a sustainable form of development (Policy 1, 2) and that the impacts of the development on landscape have to be balanced against the need of the rural economy and local employment but with mitigation are considered acceptable (Policy 5, 10, 13) The amenity of the local residents (Policy 10) would be satisfactory subject to mitigation, and , there would be no significant health or pollution impacts generated by the development or its restoration (Policy 9, 10)It would cause no significant biodiversity impacts and would enhance biodiversity through its restoration (Policy 3) There would also be no significant impacts to groundwater, or flood risk (Policy 10,11) and the development would provide for a sustainable after use and it would be acceptable in terms of highway safety and convenience (Policy 12).

10. Recommendation

10.1 That permission for Clay extraction at School House Field and Hillside Field and restoration to agriculture, temporary storage of clay within existing quarry and restoration to agriculture including variation of conditions to enable extension of time for clay storage and restorations at Michelmersh Brick & Tile Co Ltd, Hill View Road, Michelmersh SO51 0NN (Application No:14/01234/CMAS)(Site ref:TV111) be granted subject to the conditions listed in integral Appendix B.

RefRpt/6360/JD

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

Hampshire safer and more secure for all:	No
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	No
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	Yes
Corporate Improvement plan link number (if appropriate):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because: The proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste planning authority.	

Other Significant Links

Links to previous Member decisions:		
Title Site Planning History	Reference	Date

http://www3.hants.gov.uk/mineralsandwaste/application-search-results.htm?search=yes&appno=&siteref=Tv111&loc=&prop=	Tv111 Page containing full site history	
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=15785	Scoping Opinion	27/02/2014 (granted)
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=14969	Screening opinion	10/02/2012 (granted)
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=14915	Works ancillary to brickworks	19/07/2012 (granted)
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=13008	Extension to clay workings	28/06/2007 (granted)
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=12280	Screening Opinion	31/01/2005 (granted)
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=325	Conversion Of stables	28/01/1998 (granted)
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=273	Review of Mineral Planning Permissions	16/03/1998 (granted)
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=880, Plestin, Hill View Rd.	REMOVAL OF CONDITION NO 2 ON PLANNING PERMISSION TVS 1870/13	25/10/1994 (granted)
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=789	Re-roofing	30/03/1993 (granted)

Direct links to specific legislation or Government Directives		
Title National Planning Policy Guidance 2012 (NPPF) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf Facilitating the Sustainable Use of Minerals Part 13. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf		Date 2012

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document	Location
http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=16008	Strategic Planning , The Castle, QEII, West, Floor 1 , Winchester SO238UD

CONDITIONS

Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with Section 91(as amended) of the Town and Country Planning Act 1990. (HMWP Policy 1, 22)

Plans and Particulars

2. The development hereby permitted shall be carried out and completed strictly in accordance with the approved plans, specifications and written particulars identified within the decision notice including:

   - Planning supporting statements for
   - Environmental Statement and Non-technical summary relating to applications 14/01234/CMAS including:
     - Landscape and Visual Impact Assessment;
     - Noise Assessment;
     - Dust Assessment;
     - Highways and Traffic Assessment;
     - Ecological Assessment;
     - Flood Risk Assessment;
     - Hydrology and hydrogeology;
     - Cultural Heritage and Archaeology assessment; and
     - Land and Slope Stability Assessment

   Location Plan M36/27 Rev F
   Geology Plan M36/27 Rev F
   Site Survey Plan M36/Rev F
   Staging Plan M36/28 Rev F
   Preliminary Planting School Hosue Field Drawing No. 320
   Landscape Master Plan School Hosue Field Drawing No. 300
   Landscape master Plan Hillside Field Drawing No. 310
   Arboricultural Survey and Tree Protection Drawing No. 100
   Stage 1 School Hosue Field M36/29 Rev F
   Stage 1 School Hosue Field Restoration M36/30 rev g
   Final restoration cross sections School Hosue Field M36/41
   Stage 2 Current working Area M36/31 rev F
   Stage 2 Current Working Area cross sections M36/32 rev F
   Stage 2 current Working Area Restoration M36/33 Rev F
   Stage 3 Hillside Field Phase 1 M36/34 Rev H
   Stage 3 Hillside Field Phase 2 M36/35 rev H
   Stage 3 Hillside Field Phase 3 M36/36 rev H
   Stage 3 Hillside Field Phase 4 M36/37 rev H
   Final Restoration cross sections hillside Field M36/42

Reason: To ensure that the development is carried out in accordance with the approved details to minimise environmental and amenity impacts of the development. (HMWP Policy 1, 2, 10, 22)

Restriction of Permitted Development Rights

3. Notwithstanding the provisions of Parts 4, 8 and 25 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order):
   (i) fixed plant or machinery, buildings, structures and erections or private ways shall not be erected, extended, installed or replaced at the site without the prior agreement of the Waste Planning Authority in writing; and
   (ii) no telecommunications antenna shall be installed or erected without the prior agreement of the Waste Planning Authority in writing.

   Reason: To protect the setting of the Michelmersh Conservation Area and adjacent buildings of historic interest. (HMWP Policy 7, 10)

Timescale

4. The extraction of clay from the western extension area and the use of land of the Western extension area for storage of clay shall cease by 30 June 2021 and the site be restored to agriculture in accordance with the approved schemes within a further period of 12 months . Soils shall only be moved or dug when they are dry and friable.

   Reason: To secure the satisfactory restoration of the site and to minimise the duration of disturbance for local residents. (HMWP Policy 9,10)

5. The extraction of sand and clay at School House Field shall take place on no more than 8 working weeks and the land restored to agriculture within a period of six months from the commence of extraction at School House Field.

6.

   Reason: To secure the satisfactory restoration of the site and to minimise the duration of disturbance for local residents (HMWP Policy 9,10)

7. The extraction of clay at Hillside Field shall not commence until School House Field has been restored in accordance with this permission to the satisfaction of the Mineral Planning Authority and when only six months of clay stored in the Western Extension area is remaining for use in the Michelmersh brickworks. Extraction at Hillside Field shall only take place for a maximum period of five weeks in every year and for no more then fifteen years in total. The clay from Hillside Field shall be worked between the Spring and the Autumn of every year. Soils shall only be moved or dug when they are dry and friable. School house Field shall be restored in accordance with the scheme hereby approved with minor revisions to reduce the impact of steep gradients on the northern prosed 1 in 3 slopes of

Hillside Field. Revisions should try to reduce the slopes on hillside Field or change contours across the site to reduce the visual impact of steep slopes whilst trying to avoid sterilisation of significant quantities of mineral.

Reason: To secure the satisfactory restoration of the site and to minimise the duration of disturbance for local residents. (HMWP Policy 9, 10)

Working Programme

8. The working of the western extension area shall be carried out soley in accordance with the working scheme approved under planning permission no. 07/00750/CMAS as shown on the associated approved Drawing Number EA04 (as amended by Drawing EA08 which shows removal of the bund south of The Thatched Cottage and Hillcrest as dealt with by Condition (6) below).unless otherwise superseded by way of this permission.

   Reason: To enable the Mineral Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area. Reason: In the interests of local amenity. (HMWP Policy 10)

9. Bunds on the southern boundary of the Thatched Cottage and Hillcrest shall be implemented in accordance with the working scheme approved under Condition (5) and as amended by Option B pf planning permission no. 07/00750/CMAS as shown on Drawing No. EA08 (and as detailed in applicants letter of 18 May 2007) unless local residents living adjacent to the site, in particular Hillcrest and The Thatched Cottage, consider that there is a need, during the course of working the site, for bunds to be erected on their northern boundaries. Should such a request arise then details for the construction and erection of this bund, and the timing for its future removal, shall be agreed with the Mineral Planning Authority in writing and the bund implemented on site within 7 days of the request for its construction.

   Reason: Whilst those adjacent to the site requested no bunds on the southern boundary adjacent to their properties this condition will ensure that they can be protected should the need arise. Reason: In the interests of local amenity. (HMWP Policy 10)

10. School House Field shall be worked for the duration of the permission in accordance with working scheme hereby approved.

    Reason: In the interests of local amenity. (HMWP Policy 10, 11)

11. Hillside Field shall be worked for the duration of the permission in accordance with the working scheme hereby approved.

    Reason: In the interests of local amenities and to ensure protection of the environment including groundwater resources. Reason: In the interests of local amenity. (HMWP Policy 10, 11)

Hours of Working

12. Unless otherwise agreed in writing by the Mineral Planning Authority in writing no heavy goods vehicles shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0800-1730 Monday to Friday. There shall be no working on Saturday, Sunday or recognised public holidays.

    Reason: In the interests of local amenity. (HMWP Policy 10)

Footpath

13. Prior to development commencing a scheme to fence and ensure protection of the Public Right of Way No. 20 which borders School House Field shall be submitted to the Mineral Planning Authority for approval in writing and thereafter implemented as approved before extraction commences in School House Field and be maintained until the School House Field is satisfactorily restored after which time the approved protective measures shall be removed and the footpath restored to it's former condition.

    Reason: To ensure the health and safety of the users of this footpath.

14. The design of the haul road crossing points with public rights of way Footpath No. 8 shall remain and be maintained as approved for the duration of the development until such time as the Western Extension area is restored to agriculture to the approval of the Mineral planning authority. This includes the approved signs warning lorry drivers of the presence of public rights of way as well as warning users of the Rights of Way of the quarrying operations and haul route crossing.

    Reason: To safeguard public rights of way and the safety of its users.

Landscape and Restoration

15. Within 3 months of the date of this permission a scheme for advanced planting in addition to that shown on the approved preliminary planting Drawing No 320 shall be submitted to the Mineral Planning authority for approval in writing and thereafter implanted in accordance with such approval within the first available planting season following the date of its approval .. Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All trees and shrubs shall be appropriately staked and protected with tree guards and fencing from rabbits and deer as conserved necessary to ensure their healthy maturity and longevity. Care should be taken during planting to avoid harming any individuals of Great Crested Newts/Reptiles which will be hibernating/sheltering in the rough areas around the fields, and digging tree pits might cause injury.

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    Reason: In the interests of the amenities and the landscape character of the area. (HMWP Policy 5,10,13, 3)

16. The Hillside Field and School House Field shall be planted following restoration in accordance with the planting schemes hereby approved within the first planting season following completion of restoration. The western extension area shall be planted and restored in accordance with approved restoration Drawing Numbers EA04, EA05 and EA06 and the approved landscape specification (12 February 2007) under planning permission no. 07/00750/CMAS or as otherwise superseded by way of this permission hereby granted. Care should be taken during planting to avoid harming any individuals of Great Crested Newts/Reptiles which will be hibernating/sheltering in the rough areas around the fields, and digging tree pits might cause injury.

    Reason: In the interests of the amenities and the landscape character of the area. (HMWP Policy 5,10,13, 3)

17. Fencing, maintenance and management of the land shall take place in accordance with this approved landscape specification. Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Within three months of the date of this permission the following details shall be submitted for approval by the Mineral Planning Authority and shall form part of the approved restoration scheme:
    (i) the thickness of subsoil and topsoil to be used and the method of soil handling and spreading, including the machinery to be used;
    (ii) the ripping of any compacted layers of the quarry clay base to ensure adequate drainage and aeration, such ripping to take place before placing of topsoil; and
    (iii) details of proposed seeding.

    Reason: To ensure satisfactory restoration. (HMWP Policy 9, 10)

18. All topsoil and overburden stripped from the areas to be excavated shall be removed and stored separately before operations commence for use in site restoration. Topsoil shall only be handled when dry and friable. Following tipping and during restoration, overburden shall be replaced and graded in accordance with the final levels hereby approved, and ripped using a winged tine subsoil. The overburden shall in turn be covered with the topsoil in original sequence and to even depths.

    Reason: To ensure the satisfactory restoration of the land to agriculture. (HMWP Policy 9, 10)

Protection of Water Environment

19. No solid matter shall be deposited so that it passes or is likely to pass into any watercourse.

    Reason: To prevent pollution of the water environment. (HMWP Policy , 10, 11)

20. No storage of fuels, oils or chemicals shall take place on the site.

    Reason: To prevent pollution of the water environment. (HMWP Policy , 10, 11)

21. Operational drainage and surface water drainage and groundwater protection shall take place in accordance with the recommendations of the Flood Risk , Slope stability and hydrology and hydrogeology Reports hereby approved , the final details of which shall be submitted to the Mineral planning Authority for Approval in writing i A1 scale Plans prior to the development commencing- and thereafter implemented in accordance with this approval.

    Reason: To facilitate monitoring and prevent pollution of the water environment and to ensure the land drains efficiently during the site operations and post-restoration. (HMWP Policy , 10, 11)

Noise and Dust

22. All vehicles working within the site shall be fitted with 'white noise' type low tonal reversing alarms.

    Reason: To prevent noise disturbance to the residents of the nearest houses. (HMWP Policy 10,)

23. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times, and shall be fitted with and use effective silencers.

    Reason: To minimise noise disturbance from operations at the site. (HMWP Policy 10)

24. Prior to the development commencing a detailed scheme for controlling dust on the site bases on the dust mitigation scheme approved as part of the Environmental Statement and application comprising this certificate shall be submitted to the Mineral Planning Authority for approval .in writing and thereafter be implemented as approved. It shall include and demonstrate how dust will be controlled post the annual 5 week campaign extraction on Hillside field such as soiling and seeding to prevent dust blowing from the site until the next 12 month campaign commences. .Dust shall be controlled at all times – most particularly in very dry weather- to prevent any nuisance being caused to the residents of nearby residential properties. The scheme as approved by way of this permission shall be implemented as approved for the duration of the site's operation.

    Reason: In the interests of local amenity. (HMWP Policy 10)

25. Prior to the development commencing a Nosie mitigation scheme shall be submitted to the Mineral Planning Authority for approval in writing and thereafter implemented as approved. This shall include Nosie not exceeding 70dBA at the boundaries of the nearest residential properties during the

extraction of Hillside Field for the temporary period of 5 weeks every year for the duration of the permission.

Reason: In the interests of local amenity. (HMWP Policy 10)

Lighting

26. No external lighting shall be implemented and erected at the site without the prior written approval of the Mineral Planning Authority.

Reason: In the interests of the amenities of the area and because clay extraction would take place during summer as opposed to darker winter months. (HMWP Policy 10)

Haul Route

27. The haul route ramp rising from the western area extension quarry to the Footpath No. 8 shall be retained for the duration of the development as approved under planning permission no. 07/00750/CMAS or as otherwise superseded by this permission and shall be maintained so fit for purpose for the duration of the Western extension Area permission hereby granted.

Reason: In the interests of highway safety, local amenities and the landscape character of the area.

28. Prior to the commencement of this permission details of the haul route design from the brickworks current operational area to the Hillside Field shall be submitted to the Mineral Planning Authority for approval in writing and thereafter implemented as approved prior to extraction commencing at Hillside Field. The design should minimise tree loss and only be as wide as is necessary for the safe access by mineral dumper trucks.

Reason: In the interests of the landscape character of the area and local amenities Reason: In the interests of local amenity. (HMWP 5, Policy 10, 13)

Archaeology

29. No development shall take place within the Hillside Field and School House Field boundaries which have high archaeological potential until a preliminary archaeological evaluation has been submitted for the approval of the Mineral Planning Authority in writing and thereafter implemented in accordance with such approval.

Reason: The site has high archaeological potential.

Nature Conservation

30. Prior to the commencement of each phase of working the site, a detailed methodology setting out the timing, layout of fencing and restoration with respect to Great Crested Newts has been submitted to the Mineral Planning

Authority for approval in writing and thereafter implemented as approved. This could reflect the contents of the license that is submitted to NE. all other maters relating to nature conservation shall be implemented in accordance with the ecological mitigation recommended in the Ecological Assessment hereby approved.

Reason: To ensure the protection of the great crested newts and in the interests of nature conservation.

31. No tree or shrub clearance should be carried out in the bird nesting season (March to August).

Reason: In the interests of nature conservation. Reason: In the interests of local amenity. (HMWP Policy 3)

After-Care

32. After-care of the site shall take place for a period of five years in accordance with a detailed scheme to be agreed in writing by the Mineral Planning Authority, beginning when restoration is completed in accordance with this permission.

Reason: To ensure the satisfactory restoration of the site. Reason: In the interests of local amenity. (HMWP Policy 9)

33. An aftercare scheme requiring that such steps as may be necessary to bring each phase of the land restored to the required standard for use for agriculture shall be submitted for the approval of the Mineral Planning Authority not later than two years from the date of this permission.

Reason: To ensure that the land is satisfactorily restored.

Geotechnical

34. A geotechnical monitoring scheme shall be submitted prior to the development commencing showing how geotechnical Assessments shall be undertaken every 2 years by a Geotechnical Specialist, in accordance with the Quarries Regulations 1999 and as approved under the approved Land and Slope Stability report. . The scheme shall also include for a structural survey and a vibration scheme at 3 properties (Old School House, Marjolaine and Croft House) as put forward by the applicant prior to the commencement of soil stripping and mineral extraction, providing a baseline for each property.

Reason: As a precaution to ensure the full security of adjacent properties to School House Field. (HMWP Policy 10)

35. Prior to extraction commencing the limit of the Hillside and School House Field extraction areas shall be marked out on site and agreed by the Mineral Planning Authority on site, and shall reflect the approved standoff margins as detailed on approved working plans for each of the quarry areas. The western extension area survey points already approved and in accordance

with the report (Mark Pritchard Limited MMBT/QE/GR/1/3 - February 2007) shall remain as approved currently and all three quarry areas shall have their survey points retained for the duration of the development and thereafter implemented in accordance with relevant approvals comprising this permission..

Reason: In the interests of the amenities of local residents, the protection of existing hedgerows and the protection of adjacent buildings and public footpaths. Reason: In the interests of local amenity. (HMWP Policy 10)

36. Should the brickworks cease to permanently manufacture such home won clay bricks and tiles and it's production ceases for a period of nine months or more, then a revised restoration scheme for any sites unrestored at the time of cessation shall be submitted to the Mineral planning Authority for approval in writing within one month of the brickworks ceasing operations and the revised scheme shall be implanted as approved within a further period of 12 months.

Reason: To ensure the land is restored to appropriate countryside uses with associated footpath. Reason: In the interests of local amenity. (HMWP Policy 10)

Annexe to Reasons for Conditions (as required by Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010)

Hampshire Minerals and Waste Plan (2013)

Policy 1 – Sustainable minerals and waste development

The Hampshire Authorities will take a positive approach to minerals and waste development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Minerals and waste development that accords with policies in this Plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the proposal or the relevant policies are out of date at the time of making the decision, the Hampshire Authorities will grant permission unless material considerations indicate otherwise, taking into account whether:

Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a while; or

Specific policies in that Framework indicate that development should be restricted.

Policy 2 – Climate change – mitigation and adaptation

Minerals and waste development should minimise their impact on the causes of climate change. Where applicable, minerals and waste development should reduce vulnerability and provide resilience to impacts of climate change by:

Being located and designed to help reduce greenhouse gas emissions and the more sustainable use of resources; or

Developing energy recovery facilities and to facilitate low carbon technologies; and

Avoiding areas of vulnerability to climate change and flood risk or otherwise incorporate adaptation measures.

Policy 3 – Protection of habitats and species

Minerals and waste development should not have a significant adverse effect on, and where possible, should enhance, restore or create designated or important habitats and species.

The following sites, habitats and species will be protected in accordance with the level of their relative importance.

International designated sites including Special Protection Areas, Special Areas of Conservation, Ramsar sites, any identified to counteract adverse effects on internationally designated sites, and European Protected Species;

Nationally designated sites including Site of Species Scientific Interest and National Nature Reserves, nationally protected species and Ancient Woodland;

Local interest sites including Site of Importance for Nature Conservation, and Local Nature Reserves;

Habitats and species of principal importance in England;

Habitats and species identified in the UK Biodiversity Action plan or Hampshire Authorities' Biodiversity Action Plans.

Development which is likely to have a significant adverse impact upon such sites, habitats and species will only be permitted where it is judged, in proportion to their relative importance, that the merits of the development outweigh any likely environmental damage. Appropriate mitigation and compensation measures will be required where development would cause harm to biodiversity interests.

Policy 5 – Protection of the Countryside

Minerals and waste development in the open countryside, outside the National Parks and Areas of Outstanding Natural Beauty, will not be permitted unless:

It is a time-limited mineral extraction or related development; or

The nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location, or

The development provides a suitable reuse of previously developed land, including redundant farm or forestry buildings and their curtilages or hard standings.

Where appropriate and applicable, development in the countryside will be expected to meet highest standards of design, operation and restoration.

Minerals and waste development in the open countryside should be subject to a requirement that it is restored in the event it is no longer required for minerals and waste use.

Policy 7 – Conserving the historic environment and heritage assets

Minerals and waste development should protect, and wherever possible, enhance Hampshire's historic environment and heritage assets, both designated and non-designated, including the settings of these sites.

The following assets will be protected in accordance with their relative importance:

Scheduled ancient monuments;
Listed buildings;
Conservation areas;
Registered parks and gardens;
Registered battlefields;
Sites of archaeological importance; and
Other locally recognised assets.

Minerals and waste development should preserve or enhance the character of appearance of historical assets unless it is demonstrated that the need for and benefits of the development decisively outweigh these interests.

Policy 8 – Protection of soils

Minerals and waste development should protect and, wherever possible, enhance soils and should not result in the net loss of best and most versatile agricultural land.

Minerals and waste development should ensure the protection of soils during construction and, when appropriate, recover and enhance soil resources.

Policy 9 – Restoration of minerals and waste developments

Temporary minerals and waste development should be restored to beneficial after-uses consistent with the development plan.

Restoration of minerals and waste developments should be in keeping with the character and setting of the local area, and should contribute to the delivery of local objectives for habitats, biodiversity or community use where these are consistent with the development plan.

The restoration of mineral extraction and landfill sites should be phased throughout the life of the development.

Policy 10 – Protecting public health, safety and amenity

Minerals and waste development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts.

Minerals and waste development should not:

Release emissions to the atmosphere, land or water (above appropriate standards);
Have an unacceptable impact on human health;
Cause unacceptable noise, dust, lighting, vibration or odour;
Have an unacceptable visual impact;
Potentially endanger aircraft from bird strike and structures;
Cause an unacceptable impact on public safety safeguarding zones;
Cause an unacceptable impact on:
Tip and quarry slope stability; or
Differential settlement of quarry backfill and landfill; or
Subsidence ad migration of contaminants;
Cause an unacceptable impact on coastal surface or groundwaters;
Cause an unacceptable impact on public strategic infrastructure;
Cause an unacceptable cumulative impact arising from the interactions between minerals and waste development, and between mineral, waste and other forms of development.

The potential cumulative impacts of minerals and waste development and the way they relate to existing developments must be addressed to an acceptable standard.

Policy 11 – Flood risk and prevention

Minerals and waste development in areas at risk of flooding should:

Not result in an increased flood risk elsewhere and, where possible, will reduce flood risk overall;

Incorporate flood protection, flood resilience and resistance measures where appropriate to the character and biodiversity of the area and the specific requirements of the site;

Have site drainage systems designed to take account of events which exceed the normal design standard;

Not increase net surface water run-off; and

If appropriate, incorporate Sustainable Drainage Systems to manage surface water drainage, with whole-life management and maintenance arrangements.

Policy 12 – Managing traffic

Minerals and waste development should have a safe and suitable access to the highway network and where possible minimise the impact of its generated traffic through the use of alternative methods of transportation such as sea, rail, inland waterways, conveyors, pipelines and the use of reverse logistics. Furthermore, highway improvements will be required to mitigate any significant adverse effects on:

Highway safety;
Pedestrian safety;
Highway capacity; and
Environment and amenity.

Policy 22 – Brick-making clay

A supply of locally extracted brick-making clay for use in Hampshire's remaining brickworks that will enable the maintenance of a landbank of at least 25 years of brick-making clay, will be provided from:

The extraction of remaining reserves at the following permitted site:
Michelmersh Brickworks

And extraction of existing or former brick-making clay extraction sites at the following sites, provided that proposals address the development considerations outlined in 'Appendix A – Site allocations'

Michelmersh Brickworks (inset Map 7); and
Selborne Brickworks (Inset Map 6).

The sites identified above are shown on the 'Policies Map'

Extracted brick-making clay from Michelmersh and Selborne should only be used for the manufacture of bricks, tiles and related products in the respective brickworks.

Clay extraction outside the sites identified could take place where:

a. It can be demonstrated that the sites identified in Policy 22 (2) are not deliverable; and
b. There is a demonstrated need for the development; and/or
c. The extraction at an existing sand and gravel quarry.

Supporting text to Policy 22:

6.102 Any appropriate development at the sites identified in *Policy 22 (Brick-making clay)* would be subject to
the 'development considerations' outlined in 'Appendix A - Site allocations'. The development considerations along with the other relevant policies of the Plan should be addressed at the planning application stage. The sites identified within the Plan will be subject to a more detailed appraisal of impacts against the policies in this Plan when a planning application is submitted.
6.103 The identification of sites in *Policy 22 (Brick-making clay)* follows significant site appraisal of the potential deliverability as well as environmental, amenity and economic impacts of the sites and/or opportunities. This also includes the results of the Integrated Sustainability Appraisal of Brick-making clay proposals, the Habitats Regulation Assessment and the Strategic Flood Risk Assessment as well as the outcomes of public consultation exercises.

6.104 A small part of the Michelmersh site allocation includes a Source Protection Zone (SPZ) 1 which may restrict development in this area. A development consideration related to this has been included as part of the site allocation. Any mineral extraction in a SPZ needs to comply with the requirements of *Policy 10 (Protecting public health, safety and amenity).* The SPZ has been included within the site allocation area as it will allow the Hampshire Authorities to have greater planning control over potential impacts on the restricted areas identified.

Michelmersh Brickworks – Extract Development Considerations MWDP 2013 :

Michelmersh Brickworks

Location: West of Michelmersh, approximately 4km north of Romsey
Grid reference: SU 340 258
Minerals and Waste Planning Authority: Hampshire County Council
District Authority: Test Valley Borough Council
Parish Authority: Michelmersh and Timsbury Parish Council
Area: 6.2 hectares
Existing land use: Predominantly agriculture.
Proposed land use: Brick-making clay extraction to support Michelmersh Brickworks
Total mineral resource: Approximately 18.4 years
Restoration: Restoration to agriculture, biodiversity and amenity uses. School House Field should
be restored at a low level due to the location of the Source Protection Zone (SPZ).

Reason for allocation: The site is considered to be an acceptable option for continuing a local supply of brick-making clay for Michelmersh Brickworks. The site is allocated in *Policy 22 (Brick-making clay)* of the Plan.

Development considerations:

- The impact on commuting or foraging for Mottisfont Special Area of Conservation bats*.
- Loss of any hedgerows, commuting or foraging areas used by the Mottisfont bat population should be avoided within the extraction site, or replaced above or beyond the length or area lost.
- Protection of amenity uses of the Test Way (footpath nos. 8 and 20).
- Visual impact, setting of listed building, Michelmersh conservation area and deer park.
- Protection of the amenity of nearby residential properties.
- Appropriate light suppression measures to reduce light pollution from the site, and control the use of lighting at the site in order to minimise the impact on bats.
- Protection of sewer pipelines.
- Protection of the water quality, recharge of the aquifer, groundwater source and Timsbury public water supply*.
- No development shall take place within the area identified as a SPZ 1 and appropriate buffering will be required for any development adjacent to the SPZ.
- The restoration of the site will need to be compatible with the re-designated SPZ status of the site following excavation, as advised by the Environment Agency.
- No importation of material to restore School House field will be permitted due to the status of the site changing to a SPZ1. Only limited soil restoration would be acceptable provided that a risk assessment shows that the activity would not cause pollution to groundwater.
- Hydrological Impact Assessment to be undertaken.
- Method of working for School House Field should include consideration of the change in status from SPZ2 to SPZ1 as soon as clay has been extracted from School House Field.
  Method of working for Hillside field.

- Access between the existing site and new sites.
- Traffic issues and impact.