

HAMPSHIRE COUNTY COUNCIL Decision Report

Decision Maker:	Regulatory Committee
Date:	22 February 2017
Title:	Application for Variation of condition 2, of planning permission F30633/012/CMA to extend the approved time for extraction of sand and clay. Frith End Sand Quarry, Grooms Farm Lane, Frith End, Bordon. (Application number 30633/031) (Site Ref: EH121)
Reference:	8127
Report From:	Head of Strategic Planning

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1. Executive Summary

- 1.1. The application is for the variation of Condition 2 of permission [F30633/012/CMA](#) (timescale), to allow the continued extraction of sand and clay from the site until 31 December 2022. This would allow time to extract the approved remaining reserve of approximately 180,000 tonnes of sand which will take a 3-4 year period and infill with clay and inert waste which would take 6 years (straddling this period). The variation of time to condition 2 would also permit a further period of 2 years for restoration, taking the date of on site activity up to 2024.
- 1.2. This application is being considered by the Regulatory Committee at the request of the local County Councillor as the proposal involves extending the life of a mineral operation. The workings at the site have been extended several times previously and concerns have been raised by the local community.
- 1.3. Key issues raised are;
 - Consideration of amenity impact to local community; and
 - Need for restoration.
- 1.4. A committee site visit by Members took place on 6 February 2017.
- 1.5. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2011](#).

- 1.6. It is considered that the proposal would be in accordance with the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) as the principle of development has been established through the earlier permissions and all existing environmental and amenity protection measures will remain in place as part of ongoing operations.
- 1.7. It is recommended that planning permission be granted subject to the conditions listed in integral Appendix B.

2. Background

- 2.1. Application 30633/30, which is the subject of the following item on the agenda, has also been submitted and seeks the continued importation, handling and re-sale of aggregates at the same site.
- 2.2. As originally submitted, this application also sought to vary conditions relating to the phasing and areas of extraction (condition 5) and restoration (condition 24) of the sand extraction operations. However, after consideration of the application details, it was concluded that any new area of extraction of sand and clay would need to be dealt with under a new full application, as it differs from the extent of works originally permitted under [F30633/012/CMA](#). These elements were subsequently withdrawn from the proposal and will be submitted in the next few months under a new application.
- 2.3. The anticipated application would seek to extract clay and sand from under the footpath within the site, which would then be reinstated to a lower level. The applicant would look to remove the reliance on infill by amending the final restoration scheme. The applicant has indicated that any additional extraction, should it be permitted, and revisions to the restoration scheme would not extend the life of the site beyond what is being proposed in the current application (on site works till 2024).
- 2.4. This application now simply seeks an extension of time for completing the extraction and restoration previously permitted.
- 2.5. Whilst the site is not in compliance with permission [F30633/012/CMA](#), as the extraction has not been completed by the date stipulated in condition 2, the site is still covered by that permission and the other conditions attached.

3. The Site

- 3.1. Frith End quarry is an active sand quarry that comprises approximately 17.4 hectares of land located to the north of Bordon, Hampshire. The quarry is accessed by means of a purpose built access road direct off the A325 and the site has direct access onto the strategic road network.

- 3.2. The site is identified in the adopted Hampshire Minerals and Waste Plan (2013) as a safeguarded site for the extraction of soft and silica sand. As the site has been worked for over 26 years, there are exposed extraction faces, lagoons, soil bunds and localised stockpiles of sand. Mobile washing and screening plant is located on a purpose built platform at the western end of the quarry floor.
- 3.3. Frith End quarry has previously been extended a number of times, including two areas to the south known as Rabbitfield Hill which are now restored. The current permission encompasses the current operational site and access ([F30633/012/CMA](#) dated 7 February 2007) and enabled a southern extension towards the River Slea (areas B1 and B2) and for the deepening of the quarry to some 6 metres below the water table to 55 metres AOD. This gave a total site reserve of 1 million tonnes to be worked over a 10 year period.
- 3.4. The approved restoration scheme (under [F30633/012/CMA](#)) allows for the southern section of the quarry to be restored with a lake. The northern section of the sand quarry (areas A1 to A4) is to be restored to grazing at a level of 62-64 metres AOD using the gault clay (to act as an appropriate liner for infilling below water table and provide a geological barrier) extracted from land lying to the north of the sand extraction area (areas C1 to C4). The applicant has confirmed that the current stage of working of the site is between years 6 and 7 of the phasing, as indicated on the attached phasing plans (drawings 1719PA007B and 1719PA008B).
- 3.5. The void created by clay extraction is to be infilled to original ground levels using 500,000 tonnes of imported inert waste. The sand extraction and importation of waste infill was envisaged to require 100 movements per day, including a significant number associated with infill operations.
- 3.6. The site also contains hedgerows and blocks of woodland, with remnant areas of grassland. The sand and clay extraction areas are separated by an internal site road and public footpath no.26. A single large remnant hedgerow approximately 440 metres long bisects the site in an east/west alignment along the northern side of public footpath no.26. Dense scrub woodland also exists along 300 metres of the south side of the footpath. The footpath is located on a slope where instability has been identified.
- 3.7. The site lies within the Wealden Greensand National Character Area (Natural England, 2016) which is characterised by extensive belts of woodland with open areas of heath on acidic soils, river valleys and mixed farming. The South Downs National Park is 580 metres to the north of the site.
- 3.8. The site is adjacent to Mellow Farm Meadows SINC. The site is also 480 metres away from Broxhead Common, which is a Local Nature Reserve, Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).

Whilst the site is not the subject of any statutory ecological or environmental designations, it does have a small Great Crested Newt population currently subject to a Natural England licence which allows them to be relocated and contained in ponds to the north east. The site is on Grade 3 agricultural land.

- 3.9. The River Slea and associated riparian/woodland corridor runs along the southern, south eastern, and south-western boundary of the site. The site is in an area prone to ground water flooding. It also encompasses several areas prone to surface water flooding. There is a small section of EA flood zone 2 that runs through the centre of the site. The site is a principle aquifer, and the south eastern corner of the quarry lies within groundwater source protection zones 2 and 3. Pasture fields bisected by native species-rich hedgerows and blocks of broad-leaved woodland extends in all other directions.
- 3.10. The nearest property is Groom Farm, which is 170 metres to the north-west of the site boundary and is a Grade II Listed building. Trottsford Farm lies approximately 370 metres to the south-west of the site.

4. Planning History

- 4.1. This application is one of two proposals submitted at the same time:
- 30633/031: Application for Variation of condition 2, of planning permission F30633/012/CMA to extend the approved time for extraction of sand and clay.
 - 30633/030: Application for Variation of condition 1 of planning permission 30633/019 to allow the continued importation, handling and re-sale of aggregates until 31 December 2022.
- 4.2. The planning history of the site is as follows:

Application no.	Proposal	Date issued	Decision
30633/019	Use of land for the importation, handling and re-sale of aggregates (retrospective application)	11/01/2012	Granted
F30633/012/CMA	Winning & working of sand with restoration at low level to nature conservation uses to include a southern extension to the existing extraction area, and the retention of the processing plant	07/02/2007	Granted
F20310/11C	Revised Phasing	30/07/1996	Granted

F20310/10C	Vertical extension of existing mineral working	12/12/1995	Granted
F20310/9C	Variation of conditions to consent F20310/6 to allow for sand washing and construction of temporary silt beds	23/03/1993	Granted
F20310/6	Winning and working of minerals, infilling with controlled waste and creation of an access from the site to the A325	05/09/1990	Granted

- 4.3. There have been no complaints received by the Minerals Planning Authority regarding amenity, traffic or environmental issues associated with the permitted development.

5. The Proposal

- 5.1. The application is to vary Condition 2 (timescale) to allow the continued extraction of sand and clay from the site until 31 December 2022 (application 30633/031). This would also permit a further period of 2 years for restoration, taking the date of on site activity up to 2024.
- 5.2. The applicant has requested this extension of time to address two issues. Firstly they state that annual production of mineral has averaged 50,000 tonnes per annum (tpa). This is significantly lower than predicted production at the time when planning permission was originally granted and has largely been due to the general economic recession. It is noted that extraction has recovered slightly in the last 3 years to 60,000tpa. Reduced production rates have meant that approximately 180,000 tonnes of permitted sand extraction remain to be extracted, which will take a 3-4 year period.
- 5.3. The infill with clay and inert waste would take 6 years (straddling this period). Secondly, the exposed gault clay along the northern boundary of the site is slipping and has resulted in the closure of the eastern section of the internal site access road and slippage is now increasingly occurring at the western section. Having regard to the unstable land conditions that now exist, the applicant claims that completion of the restoration scheme previously approved, would risk the loss of the access road, footpath and hedgerow, unless remedial measures are put in place. The extension of time would allow them to consider a proposal to address the clay instability and offer a revised restoration scheme that has nature conservation benefits and can be delivered using the natural resources on site.
- 5.4. As the application only seeks to extend the life of the site, all established site management practices and environmental controls as previously permitted will be continued as all other conditions and approved plans will remain in force. The hours of operations are 0700-1800 Monday to Friday and 0700-

1300 on Saturdays. There is no working on Sundays or recognised Public Holidays.

- 5.5. Heavy Goods Vehicles (HGVs) will access and leave the site via the A325 with direct access to the [Strategic Road Network](#).
- 5.6. The proposal will not increase the number of traffic movements at the site:
 - Export of sand - circa 33 loads/66 movements per day;
 - Importation of mineral - circa 2 loads or 4 movements per day; and
 - Exportation of mineral (small loads) - circa 17 loads/34 movements per day.
- 5.7. Screening of the proposal under the Environmental Impact Assessment (EIA) Regulations 2011 has been carried out. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2011](#) under Schedule 2 (a); Quarries, open cast mining and peat extraction (unless included in Schedule 1; and 13 Changes and extensions (a); Any change to or extension of development of a description listed in Schedule 1 (other than a change or extension falling within paragraph 21 of that Schedule) where that development is already authorised, executed or in the process of being executed. However, whilst being identified under the Regulations, it is not deemed an EIA development requiring an Environmental Statement as the proposal is not in a sensitive area, and whilst the development involves amendments to the timescale, the continuation of an active quarry the proposal is not likely to have significant environmental effects as defined in the EIA Regulations 2011 (as amended).

6. Development Plan

- 6.1. The following plans and associated policies are considered to be relevant to the proposal:

[National Planning Policy Framework \(2012\)](#) (NPPF)

- 6.2. The following section is relevant to this proposal:

- Paragraph 28: Support economic growth in rural areas in order to create jobs and prosperity.

[Hampshire Minerals & Waste Plan \(2013\)](#) (HMWP)

- 6.3. The following policies are relevant to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 2 (Climate change – mitigation and adaptation);
- Policy 3 (Protection of habitats and species);
- Policy 4 (Protection of the designated landscape);
- Policy 5 (Protection of the countryside);
- Policy 7 (Conserving the historic environment and heritage assets);
- Policy 8 (Protection of soils);
- Policy 9 (Restoration of quarries and waste developments);

- Policy 10 (Protecting public health, safety and amenity);
- Policy 11 (Flood risk and prevention);
- Policy 12 (Managing traffic);
- Policy 13 (High-quality design of minerals and waste development);
- Policy 15 (Safeguarding - mineral resources);
- Policy 20 (Local land-won aggregates); and
- Policy 21 (Silica sand development).

7. Consultations

7.1. County Councillor Kemp-Gee:

“The original application referred to two sand deposits, the 180,000 tons under the permission expiring end 2016 which would have been extracted if the recession had not curtailed sales i.e. 3 years extraction at 60,000 tons per annum. Secondly, a revised restoration programme which would have released a further 180,000 tons from under the hedgeline.

Grundons has now withdrawn their revised application plan so the amended application by definition should just seek permission for 180,000 tons or 3 years extraction to be followed by 1 possibly 2 years restoration. But it doesn't.

The Regulatory Committee can only take into account what is before them in the amended application and not hearsay.

The original application referred to a potentially serious geological danger in conjunction with the revised restoration plan in the original application, now withdrawn, so the Committee is left hanging in the air on this point.

Similarly, Condition 8 of the 'existing' permission forbids the exporting of clay from the site and certainly this should remain the case pending consultations on the form of the final restoration programme. The applicant should be examined by the Committee whether any clay has been exported contrary to that Condition and, if so, reparation made.

The Dockenfield Parish Council, local residents and myself have been practical and reasonable in our responses whilst being mindful of the County's Mineral Plan and the requirement for silica sand, despite the fact that its strategic use is almost non-existent now and it is largely now used for spreading on football pitches and golf courses whereas formerly it was a very valuable commodity. We have maintained a consistent stance which is that the applicant should return with an holistic plan including a properly worked out restoration plan which might well include the extraction of a further 180,000 tons beyond the existing permission and a cut-off date giving finality to the serious disruption and inconvenience to local amenity and rural life that this mining operation has caused over the years.

Regrettably, with all reasonable efforts to achieve such a reasonable and sensible solution rejected by the applicant and HCC Mineral and Waste Officers, I must object profoundly to the amended application believing that I am still adhering to the Council's Mineral Plan.

I urge the Committee to allow a 3 year extension whilst a compromise position including all of the above is arrived at.”

- 7.2. **East Hampshire District Council:** “It is noted that the proposed variation of condition 5 and 24 have been removed from this application. The comments below are on the basis of the amended description and should any further applications be received these shall be considered at a later time.

This application seeks to extend the operational life span of the existing quarry site, with no material change in the existing operations taking place at the site. As such, the Council has no objection to the extended period of extraction works taking place on the site. This is on the basis the timeframes are reasonable and there is a suitable material on the site to justify continued extraction on the site until 31 December 2022.”

- 7.3. **East Hampshire District Council Environmental Health Officer (EHO):**
Has no objection.

- 7.4. **Headley Parish Council Parish Council:** Has no objection.

- 7.5. **Dockenfield Parish Council:** Has principal objections and observations especially on behalf of its residents in the Old Convent complex and Cradle Lane, to the Applications. We have endured 25 years of this quarrying and the attempts to extend the agreed timescales. Concerns include land slumping, unauthorised clay exportation, sand extraction impacts and delays and flaws in the restoration scheme (full details of the [consultation response](#) are available on the application web pages). The Parish Council objects to the application if point 6 below is not acted upon;

- i. Policy 20 and 21 need to be considered with regard to the cumulative impacts and possible geological impediments.
- ii. The extraction time would appear from figures provided to be for a period of 3 years from 1/1/2017 for c. 180KT @60KT/A. The applicant can justify only three years and that an extension of three years would comply with Policy.
- iii. We await evidence of the ‘slippage’ documentation from the Mines inspectorate and sight of adequate “urgent” plans to deal with it.
- iv. No sand should be extracted beyond the agreed area of permission.
- v. It appears Grundons have been selling clay off site. This is despite the apparent restriction of condition 8 [not selling clay].
- vi. For the avoidance of doubt DPC asks that the permission, if approved, is specifically worded to include an absolute STOP on any clay being removed off site.
- vii. A condition could be that a record should be kept and submitted annually of how much clay is ‘extracted’ from January 2017 and where this has been re-deposited.
- viii. Restoration should surely only take 1 year maximum as the rest will have already been done. The applicant should agree to inspection of

each phase under restoration and only if approved would be allowed to extract sand from the subsequent phases.

- 7.6. **Natural England:** Considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.
- 7.7. **Environment Agency:** Has no objection.
- 7.8. **Local Highway Authority:** Has no objection objections to this application subject to all highway conditions attached to previous permissions being retained for any new consent given.
- 7.9. **Lead Local Flood Authority (LLFA):** Has no objection.
- 7.10. **County Archaeologist:** Has no objection.
- 7.11. **County Council landscape architect:** There is no objection to the extension of time at the above site on the basis that all the approved landscape mitigation and restoration is carried out as approved.
- 7.12. **County Ecologist:** Raises no objection to the extension of timescale for quarrying activities as proposed, subject to conditions.

8. Representations

- 8.1. Hampshire County Council's [Statement of Community Involvement \(2014\)](#) (SCI) sets out the adopted procedure and publicity requirements associated with determining planning applications.
- 8.2. In complying with the requirements of the SCI, Hampshire County Council:
 - Published a notice of the application in the [Hampshire Independent](#);
 - Placed a notice of the application at the application site;
 - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
 - Notified all residential properties within 500 metres of the boundary of the site.
- 8.3. As of 08 February 2017, a total of 13 residents had objected to the application, with further representations to the proposal having been received. The main areas of concern raised have been split into those relating to the application under consideration and those relating to elements that have been withdrawn from the application and are not being considered at this time.
- 8.4. Issues related to the current application:
 - adverse environmental impact;
 - visual amenity and landscape impact, with regard to nearby South Downs National Park;

- impact on the amenity of the nearby local residents by way of noise/dust;
- further intrusion into peaceful enjoyment of local resident's homes;
- there is a limited volume of silica sand available and extraction of it would not be commercially viable;
- Policy 21 does not support this proposal as the cumulative and adverse impacts do not outweigh the benefits of extracting the remaining silica sand;
- the applicant has a history of creating unstable slopes;
- applicant has history of non-compliance with conditions;
- heavy traffic on the A325 creating safety issue;
- HGV traffic using unmade track to Grooms Farm hamlet and not purpose made haul road;
- missing information to support claims made by applicant doubt as to the reason behind the extension of time- slope instability, solutions and amount of permitted reserves;
- the site is misrepresented in the application as isolated from residential properties, as there are 24 family homes nearby;
- site been operational for over 25 years and should be closed and restored;
- extension of time for life of site is another in a series of extensions;
- danger of subsequent applications that continue the site operations further;
- the extension of time should be shorter;
- the end date of sand extraction and vacation of site should be made clear;
- confusion as to why time period is requested for 6 years;
- proposal is attempt to avoid EU Directives should Britain leave the EU;
- proposal is attempt to avoid cost of restoration; and
- there should be a condition imposed to stipulate that no further planning applications will be entertained by the Minerals Planning Authority.

8.5. Issues related to the original submission that are no longer to be considered (alternative extraction, phasing and restoration):

- the public footpath will be left steeper and less stable;
- further extraction of sand under footpath will extend life of site and delay restoration;
- impact on the amenity of the nearby local residents by way of noise/dust; and

- alternative methods of re-stabilising the slope area.
- 8.6. The above issues will be discussed and addressed primarily within the following commentary, except where identified as not being relevant to the decision.

9. Commentary

Development Plan/Policy context/Principle of the development

- 9.1. The site already has permission to operate as a sand quarry through the grant of planning permissions, most recently [F30633/012/CMA](#). As such, the principle of the development has been established and the proposal is in general accordance with the development plan and the proposal complies with Policies 20 (Local land-won aggregates) and 21 (Silica sand development) of the [HMWP \(2013\)](#). The site is also safeguarded through Policies 15 (Safeguarding - mineral resources) and 16 (Safeguarding – mineral infrastructure) of the [HMWP \(2013\)](#). The use is also supported by policy CP6 (Rural economy and enterprise) of the [East Hampshire District Local Plan: Joint Core Strategy \(2014\)](#).

Development in the countryside and restoration

- 9.2. As the site is in an area of countryside, Policy 5 (Protection of the countryside) of the [HMWP \(2013\)](#) must be considered. Policy 5 allows for development in the countryside where it related to mineral extraction.
- 9.3. Paragraph 28 of the [NPPF \(2012\)](#) offers support for developments which aid a prosperous rural economy and so this is also taken into consideration.
- 9.4. Policy 5 also requires that when development ceases, the site shall be restored in accordance with the provisions of Policy 9 (Restoration of minerals and waste developments) of the [HMWP \(2013\)](#). With regard to the approved restoration scheme, there are allegations that the applicant has sold clay that should be retained for the restoration of the site, resulting in a lack of available material for the approved restoration. This would also mean that there have been occasions where the operations have not complied with the planning conditions, in particular condition 8 which prohibits the export of clay from site. However, the Mineral Planning Authority has no record or evidence that the applicant has sold clay from the site or that the site has been accessed via Grooms Farm, which has also been alleged.
- 9.5. Dockenfield Parish Council has suggested that the description of development should be altered to remove the word “clay”, in order to prohibit the sale of clay that is extracted from site. However, in considering the variation of condition application, the Planning Authority does not have the ability to amend the description of the development ([Section 73 of the Town and Country Planning Act 1990](#)). Furthermore, continued clay extraction to some extent is required for use in the site restoration works.
- 9.6. However, it is considered that it would be reasonable to update condition 8, to monitor the extraction and deposit of clay within the site, as the Minerals Planning Authority expects that “the restoration of mineral extraction and

landfill sites should be phased throughout the life of the development in line with the requirements of Policy 9 (Restoration of minerals and waste developments) of the [HMWP \(2013\)](#), as this will ensure that this goal is met as expected.

- 9.7. Docketfield Parish Council has also suggested that any permission should only allow one year for the restoration. However, the applicant insists that restoration would need up to two years to complete and it would not be reasonable to reduce that time when this period has been previously approved. The Minerals Planning Authority can confirm that the approved scheme is reliant on a phased restoration approach, as seen in the provided phasing plans and so this has built in checks to control the pace of extraction and restoration.
- 9.8. As the proposal seeks only to extend the life of the development for mineral extraction, there is an approved restoration scheme (under [F30633/012/CMA](#)) which would be carried forward if the application is successful, therefore the proposal is in accordance with Policies 5 and 9 of the [HMWP \(2013\)](#).

Demonstration of need for mineral resource

- 9.9. Support for the extension of time to allow for the extraction of remaining mineral resources in this location to (as per previously approved under [F30633/012/CMA](#)) is found in Policy 15 (Safeguarding - mineral resources) of the [HMWP \(2013\)](#), as soft sand and silica sand resources are safeguarded against needless sterilisation. In addition, Policies 20 (Local land-won aggregates) 21 (Silica sand development) of the [HMWP \(2013\)](#) are relevant to this proposal. These policies specifically identify the site as a permitted site for the extraction of soft and silica sand, which will help Hampshire to maintain an adequate and steady supply of these minerals.
- 9.10. In addition, Policy 21 sets out the expectations and significance of silica sand as a mineral resource. It sets out the requirement to plan for an adequate and steady supply of silica sand by providing and maintaining a landbank of permitted reserves sufficient for at least 10 years at Hampshire's silica sand sites which includes Frith End. This meets the requirements of paragraph 143 of the [NPPF \(2012\)](#). It should be noted that the remaining reserves which are the subject to this application were taken into account during plan preparation so therefore have been identified as part of the reserves to help Hampshire meet its demand for this type of mineral.
- 9.11. The supporting text (paragraph 6.94) for Policy 21 acknowledged that at the time of the adoption of the plan that the Frith End quarry had a landbank which was under the 10 year requirement. The [Local Aggregate Assessment \(2016\)](#) sets out the most up to date picture on Hampshire's current estimated landbank for silica sand. The current landbank is estimated to be 73,285 tonnes, based upon 3 year average sales between 2013-2015. Specific site reserve information is commercially confidential and cannot be included in this report. However, it should be noted that silica sand reserves

at the site are still lower than what is required to meet the ten year landbank. On the basis that the remaining reserves were identified as contributing to the demand for silica in Policy 21 and that the landbank requirement for the site is still below the 10 year requirement, the extraction of the remaining resources makes an essential contribution to meeting the demand for this scarce resource in Hampshire.

- 9.12. The supporting text (paragraph 6.94) for Policy 21 also acknowledged that options for potential extension of the site were considered as part of the Plan preparation but were not considered to be deliverable options at the time. The plan acknowledges that it is conceivable that the operator will require further permissions to extend the timescales for extracting remaining reserves and if deliverable opportunities come forward. In the event that further extensions to Frith End (outside the currently permitted area) were forthcoming, Policy 21 part 2 sets out criteria which will guide this process. However, part 2 of the policy is not relevant to this current proposal as it only relates to further proposals *“for silica sand extraction within the Folkestone bed formation and outside the permitted silica sand sites identified”* i.e. those areas which do not already have the benefit of planning permission.
- 9.13. It is acknowledged that the acceptability of extending the time to complete the permitted mineral extraction sites must be balanced against environmental and amenity constraints as well as any cumulative impacts which may be associated with continued working and other economic considerations. The cumulative impacts in this case relate to amenity impacts and are discussed under Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#). In this case, it is considered that there are no significant adverse environmental impacts as the working operations will continue as approved and are not associated with the land slumping of the access road/footpath and there have been no objections received from the statutory consultees, including the Environment Agency.
- 9.14. The slippage of the land around the footpath is a situation that is under review by the applicant and Hampshire County Council, and if incapable of resolution within the terms of the existing permission will need to be considered by way of a separate planning application. This issue is not directly relevant to the determination of this application as it is not a material planning consideration when assessing the acceptability of extending the life of the operation.

Visual impact and landscape

- 9.15. Policy 13 (High-quality design of minerals and waste development) of the [HMWP \(2013\)](#) requires that waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape. In addition, Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) protects residents from significant adverse visual impact.
- 9.16. There have been representations from local residents raising objections as they believe the site to be an ‘unwelcome industrial moon-scape’. This

concern is recognised but the visual impact is for a temporary period for a limited number of individuals, as the site can only be seen by users of the footpath or those walking in the adjacent countryside. It is also noted that there have been limited objections on these grounds and these needs to be weighed against the need to supply mineral and the need to secure a successful restoration of an active quarry. The site would not be visually attractive without further works and these works will take time.

- 9.17. As explained above, the restoration of the site will be as to the scheme as already approved under [F30633/012/CMA](#), and so the landscape and visual impact is deemed acceptable and will be in accordance with Policies 13 (High-quality design of minerals and waste development) and 10 (Protecting public health, safety and amenity) [HMWP \(2013\)](#).

Ecology

- 9.18. Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) sets out a requirement for minerals and waste development to not have a significant adverse effect on, and where possible, should enhance, restore or create, designated or important habitats and species. The policy sets out a list of sites, habitats and species which will be protected in accordance with the level of their relative importance. The policy states that development which is likely to have a significant adverse impact upon the identified sites, habitats and species will only be permitted where it is judged that the merits of the development outweigh any likely environmental damage. The policy also sets out a requirement for appropriate mitigation and compensation measures where development would cause harm to biodiversity interests.
- 9.19. The impact of the proposal on the nearby designated sites and local wildlife has been considered in detail by the County Ecologist and Natural England. Natural England is satisfied that there would be no significant effect on the designated sites and has no objection.
- 9.20. The County Ecologist has no objection but sought clarification on some points. In response to these comments, the applicant has confirmed that the environmental controls currently in place will be continued in the event of any extension of time being granted at this site.
- 9.21. In light of the information supplied and the responses from consultees, it is concluded that the proposal will not harm any protected species or designated areas of ecology value and so is in accordance with Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#).

Impact on amenity and health

- 9.22. As detailed in the representations section, there have been concerns raised over adverse impacts to local amenity. Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. Also, any proposal should not cause

an unacceptable cumulative impact arising from the interactions between mineral developments and other forms of development.

- 9.23. Noise has been raised as an area of concern in objection letters. As a public right of way cuts across the site there are occasional visitors who would experience the sound of the operations but, there are no near neighbours to be disturbed by the development. There are no recorded complaints relating to noise.
- 9.24. The recommended permission would carry over the previous condition which sets the noise limits to be within an acceptable standard of no more +10 dB above background noise levels (Condition 12) and a monitoring plan (condition 14) is in place and will be carried forward if planning permission is granted. This is in accordance with BS4142 (the current British Standard 4142: 2014). There is also a requirement to construct a bund on the northern and western boundary of the site nearest Grooms Farm as part of the existing consent (condition 13).
- 9.25. Similarly, there are approved dust suppression measures in place for the site (Condition 15) and it is recommended that these are carried forward. On this basis, the East Hampshire Council Environmental Health officer has reviewed the proposal and the application documents and has no objections.

Potential pollution associated with the development

- 9.26. [National Planning Practice Guidance \(Paragraph 050 Reference ID: 28-050-20141016\)](#) states that Planning Authorities should assume that other regulatory regimes will operate effectively rather than seek to control any processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. Planning and permitting are two separate systems. The Environment Agency (EA) has a role to play in both. The need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an environmental permit. The site currently has an environmental permit and the EA has been consulted and raise no objection to the proposal.
- 9.27. Taking into account the above, the existing controls (as approved under [F30633/012/CMA](#)) and the associated environmental permitting, it is concluded that the proposal is in accordance with the Policy 10 (Protecting public health, safety and amenity) of the adopted [HMWP \(2013\)](#).

Highways impact

- 9.28. There have been concerns raised regarding the level of traffic proposed by the development. Policy 12 (Managing traffic) of the [HMWP \(2013\)](#) requires minerals and waste development to 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. It also requires highway improvements to mitigate any significant adverse effects on highway safety, pedestrian safety, highway capacity and environment and amenity.

- 9.29. The site is located in close proximity to the [strategic highway network](#) and HGVs have direct access to the main road via the concrete haul road. It is therefore unlikely that HGVs would choose to travel on unmade tracks which take them further away from the main highway network.
- 9.30. It is acknowledged that the planning process cannot directly control vehicles on the public highway by way of planning condition. HGV traffic is legally allowed to use surrounding roads such as the A325 and the planning permission cannot impose conditions limiting the use of the public highway. However, the planning process can impose conditions to indirectly manage traffic associated with the development proposals and these are already in place for the site as conditions (6 & 16) which control the times at which vehicles may enter and how vehicles can access the site. These will be carried forward if permission is granted. The Highway Authority raises no objections and the proposal is considered to be in accordance with Policy 12 (Managing traffic) of the [HMWP \(2013\)](#).

Non material planning issues raised in representations

- 9.31. For clarity, it is confirmed that this application does not include sand extraction beyond the previously agreed area of permission, as the location and phasing of the sand extraction would stay the same as that approved under [F30633/012/CMA](#) (as seen in attached plans 1719PA007B and 1719PA008B).
- 9.32. The accusation that the applicant has a history of creating unstable slopes and non-compliance with conditions cannot be taken into account when considering the acceptability of this proposal. Similarly, political and cost motives as suggested in representations are not material planning considerations.

Summary

- 9.33. Resident concerns about the extension of quarrying and associated activity at the site are understood. There was a reasonable expectation that that activity would be ceasing and restoration taking place. However, the applicant has explained the market and technical reasons for extraction and restoration taking longer than originally anticipated and the Minerals Planning Authority must consider whether it is appropriate and policy compliant for the use to continue. This approach would apply to any subsequent applications made for the site, as it is not within the Minerals Planning Authority powers to prohibit any future applications being submitted.
- 9.34. It is considered that the proposal would be in accordance with the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) as the principle of development has been established through the earlier permissions and all existing environmental and amenity protection measures will remain in place as part of ongoing operations. Therefore, it is considered that the proposal accords with the development plan as it has permission as an existing quarry with sales and importation of aggregates (Policies 1 (Sustainable minerals and

waste development), 2 (Climate change – mitigation and adaptation), 5 (Protection of the countryside), 7 (Conserving the historic environment and heritage assets), 8 (Protection of soils), 12 (Managing traffic) and 13 (High-quality design of minerals and waste development). The site is safeguarded through Policies 15 (Safeguarding - mineral resources) and 16 (Safeguarding - minerals infrastructure) and identified as permitted site for the extraction of soft and silica sand through Policies 20 (Local land-won aggregates) and 21 (Silica sand development).

- 9.35. The proposal is not considered to be significantly visually intrusive whilst extraction and restoration activities occur due to the natural screening in place (Policy 13 (High-quality design of minerals and waste developments). The proposal will not give rise to significant adverse (Policy 10 (Protection of public health, safety and amenity) and mitigated where necessary through Environmental Permitting. The nature of the development would not give rise to an adverse impact on the protected species or local ecological designations (Policy 3 (Protection of habitats and species). The proposal is acceptable in highway terms (Policy 12 (Managing traffic)) and there is no significant flood risk or surface water increase or unacceptable increase in the risk of flooding on other land or alter the approved drainage management as a result of the proposal (Policy 11 (Flood risk and prevention)).
- 9.36. The sensitivity of nearby designated areas remain protected and the long term benefits of the restoration offer biodiversity enhancements and accord with Policies 3 (Protection of habitats and species), 4 (Protection of the designated landscape) and 9 (Restoration of quarries and waste developments).

10. Recommendation

- 10.1. That planning permission be GRANTED subject to the conditions listed in integral Appendix B.

Appendices:

Integral Appendix A – Corporate or Legal Information

Integral Appendix B – Conditions

Appendix C - Location Plan

Appendix D– Application and Landownership areas (DG/QO/FRI/VAR/03)

Appendix E – Existing conditions (DG/QO/FRI/VAR/02)

Appendix F- Restoration Proposal (1719/PA011D)

Appendix G- 1719PA007B (Phasing plan Years 5/6)

Appendix H- 1719PA008B (Phasing plan Years 7/8)

Other documents relating to this application:

<https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=17705>

Rpt/8127/KS

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:	No
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**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.)

DocumentLocation

30633/031

Hampshire County Council

EA121

Frith End Sand Quarry, Grooms Farm

Lane, Frith End, Bordon GU35 0QR

Variation of condition 2, of planning permission F30633/012/CMA to extend the approved time for extraction of sand and clay

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.

Timescale

2. The extraction of sand and clay shall cease on or before 31 December 2022 and the site office, all foundations and hardstandings, access roads, all plant (including processing plant and ancillary washing facilities), machinery and stockpiles shall be removed and the site restored in accordance with the schemes approved under condition (24) within a further period of two years.

Reason: To secure the satisfactory restoration of the site in accordance with Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

Working

3. There shall be no dewatering of the site, other than that currently consented for sand washing.

Reason: To prevent pollution of the water environment in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals and Waste Plan (2013).

4. Sand extraction shall not exceed a depth of 55 metres AOD.

Reason: To prevent pollution to water environment and control extraction in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals and Waste Plan (2013).

5. The phasing of extraction and restoration shall be in accordance with the approved plans.

Reason: To secure satisfactory control over working and the restoration of the site in accordance with Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

Hours of Working

6. No heavy goods vehicles (HGVs are vehicles over 3.5 tonnes gross weight) shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0700-1800 Monday to Friday and 0700-1300 Saturday. There shall be no working on Sundays or recognised Public Holidays.

Reason: In the interests of local amenity in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

Restoration material

7. The material imported for restoration shall be restricted to naturally occurring earth spoils.

Reason: To prevent pollution of the water environment in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals and Waste Plan (2013).

8. Records of the clay extracted from the site and details of the deposits shall be retained on site and made available on request to the Mineral Planning Authority. The clay extracted shall be used for restoration purposes within the quarry only. No clay shall be exported from the quarry.

Reason: To monitor the extraction and deposit of clay within the site to ensure available material for the restoration of the site throughout the phasing of restoration and in the interests of local amenity in accordance with Policies 9 (Restoration of minerals and waste developments) and 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

Protection of Water Environment

9. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To prevent pollution of the water environment in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention of the Hampshire Minerals and Waste Plan (2013)).

10. An 8 metre wide undisturbed buffer zone shall be retained alongside the River Slea.

Reason: To maintain the character of the water course and for the benefit of wildlife in accordance with Policies 3 (Protection of habitats and species) and 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

Landscape

11. The landscaping scheme (as submitted 1 January 2008) as approved under F30633/012/CMA, shall be implemented as approved for the duration of operations at the site

Reason: In the interests of visual amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development of the Hampshire Minerals and Waste Plan (2013)).

Noise, Dust and Odour

12. Noise from operations carried out on the site, measured or predicted as dB LAeq, 1 hour levels, shall not exceed the background noise level at the boundary of any residential property (measured as dB LA90) by more than 10 dBA during hours of operation with a maximum allowable noise level of 55 dB LAeq, 1 hour at the boundary of any residential property during the same hours. Temporary works necessary to the operation of

the site for creating baffle mounds and construction of new permanent landforms may only exceed the noise control criteria set out above with the prior agreement in writing of the Mineral Planning Authority and implementation of agreed noise mitigation measures.

Reason: To minimise noise disturbance to the residents of nearby houses in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

13. Prior to landfilling operations commencing in Phase C4, a 2 metre high bund shall be constructed along its northern and western boundary.

Reason: To minimise noise disturbance to residents of nearest houses in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

14. The Noise Monitoring Scheme (as submitted 21 March 2007) as approved under F30633/012/CMA, shall be implemented as approved for the duration of operations at the site.

Reason: To monitor noise levels to ensure noise disturbance for local residents is minimised in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

15. The Dust Suppression Measures (as submitted 21 March 2007) as approved under F30633/012/CMA, shall be implemented as approved for the duration of operations at the site.

Reason: In the interests of local amenities in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

Highways

16. Access to the quarry shall be from the existing entrance onto the A325 only.

Reason: In the interests of highway safety and local amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the Hampshire Minerals and Waste Plan (2013).

17. The sight lines of 4.5 metres by 210 metres at the site entrance with the A325 shall be maintained for the duration of working and restoration.

Reason: In the interests of highway safety in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals and Waste Plan (2013).

18. Measures shall be taken to ensure that no HGV shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals and Waste Plan (2013).

Rights of Way

19. The crossing points with public rights of way and signs warning lorry drivers of the presence of public rights of way shall be maintained for the duration of the development.

Reason: To safeguard public rights of way in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

Archaeology

20. Work shall continue in accordance with the programme of archaeological work and any associated scheme of investigation as issued by the appropriate archaeological contractor under permission F30633/012/CMA.

Reason: In the interests of archaeology in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the Hampshire Minerals and Waste Plan (2013).

Nature Conservation

21. No tree or shrub clearance should be carried out in the bird nesting season (1 March to 31 August each year).

Reason: In the interests of nature conservation in accordance with Policy 3 (Protection of habitats and species) of the Hampshire Minerals and Waste Plan (2013).

22. Sand faces shall be provided for sand martin nesting and measures shall be taken to ensure sand extraction does not damage sand martin nests during the operational life of the site, and a suitable face be maintained for nesting during the restoration and aftercare.

Reason: In the interests of sand martins in accordance with Policy 3 (Protection of habitats and species) of the Hampshire Minerals and Waste Plan (2013).

23. The Great Crested Newt mitigation strategy set out in the Method Statement (dated April 2006) shall be fully implemented unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: In the interests of protecting Great Crested Newts in accordance with Policy 3 (Protection of habitats and species) of the Hampshire Minerals and Waste Plan (2013).

Restoration

24. The site shall be restored to agriculture/amenity/nature conservation in accordance with Drawing No: 1719/PA011D and a detailed scheme to be agreed by the Mineral Planning Authority in writing. The scheme shall be submitted within six months of the date of this permission and shall include details of:

(i) the thickness and quality 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 final cover to ensure adequate drainage and aeration, such ripping to take place before placing of topsoil;

(iii) measures to be taken to drain the restored land; and

(iv) details of proposed seeding.

Reason: To ensure satisfactory restoration in accordance with Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

After-Care

25. 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/amenity/nature conservation 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 and suitable aftercare provisions are put in place in accordance with Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

26. 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 condition (24) above.

Reason: To ensure the satisfactory restoration of the site and suitable aftercare provisions are put in place in accordance with Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

Plans

27. The development hereby permitted shall be carried out in accordance with the following approved plans: **DG/QO/FRI/VAR/01, DG/QO/FRI/VAR/02, DG/QO/FRI/VAR/03, DG/QO/FRI/VAR/04, 1719/PA005B, 1719/PA006B, 1719/PA007B, 1719/PA008B, 1719/PA009B, 1719/PA010B, 1719/PA011D**

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

Note to Applicants

1. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts
2. In determining this planning application, the Mineral/Waste/Local Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2012), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.