

## **Planning Committee**

**26 March 2019**

### **Mineral Planning Application (County Matter)**

**Application No: WSCC/044/18/SR**

**Continuation of working the mineral (sand extraction), but with an enhanced restoration scheme for nature conservation and informal recreation involving the importation of 1.8 million tonnes of inert material over a period of eleven years**

**Sandgate Park Quarry, Water Lane, Sullington, Storrington, West Sussex, RH20 4AS**

**Report by Head of Planning Services**

**Local Member: Paul Marshall**

**District: Horsham**

#### **Executive Summary**

This report concerns a proposal in relation to quarrying and restoration at Sandgate Park Quarry near Storrington. The quarry currently operates under conditions that were submitted as part of a 1998 Review of Minerals Planning (ROMP). This includes winning and working of sand until 2042 and subsequent restoration to a large, deep, steep-sided waterbody.

The current application proposes an alternative restoration scheme that would require the importation of 1.8 million tonnes of inert waste over a period of 11 years. The applicant states this scheme would be an enhancement over the existing restoration scheme, offering increased biodiversity in terms of habitat creation and species diversity, increased public access, and an improved landscape.

Sand extraction would continue to take place concurrently with the importation of restoration materials. The quarry has approximately 1.4 million tonnes of sand remaining and, at current rates, expects this to take 8–10 years.

The applicant expects the inert filling operation to increase HGV movements at the site by up to 134 movements per day (67 in and 67 out) Monday to Friday (worst case scenario). There are no restrictions on HGV movements under the extant permission for sand extraction operation. However, it is estimated that, at a high level of production (180,000 tonnes per annum), HGV movements could be up to 66 movements (33 in and 33 out) on Monday to Friday and 36 movements on Saturday (18 in and 18 out).

This report provides a generalised description of the site, sets out the planning history, and describes the proposal and the policy context within which it should be considered.

No statutory consultees have raised objection to the proposal, although some have raised a number of concerns over certain aspects and require the imposition of appropriate conditions.

Fifty-three representations have been received from local residents, including the Sandgate Conservation Society. The objections include the following issues: no justification for extending the sand extraction period; conflicts with national policy; adverse impacts on highway safety and capacity; adverse emissions from on-site operations; and HGVs causing unacceptable impacts on through noise impact and on air quality.

### **Consideration of Key Issues**

The main material planning considerations are whether the proposal:

- meets an identified need;
- has an acceptable impact on the landscape;
- has an acceptable impact upon ecology;
- is acceptable with regard to highway capacity and road safety; and
- has an acceptable impact on local amenity and the local environment.

### ***Identified Need***

It is considered that there is a demonstrable need for the development as it would allow for the economically important sand resources on site to continue to be extracted, and the importation of inert waste would result in a scheme that is beneficial, particularly for biodiversity, habitat creation, landscape and recreational after-uses over that permitted under the approved restoration scheme.

### ***Impact on the Landscape and Visual Amenity***

The application site is situated just outside the boundary of the South Downs National Park and within a rural area designated as the Sandgate Country Park. The site is well-screened by vegetation around its perimeter, and much of the operations would take place with limited visible impact. Any temporary impacts caused during extraction and restoration operations within the locality would be temporary and would not be significant, especially when compared with activities already permitted here and within the locality. The proposed development, when restored, would result in an acceptable landform with benefits to the wider landscape and to the public, contributing positively to the Sandgate Country Park designation.

### ***Impact on Ecology***

Although there would be disruption to ecology during the excavation and infill of the site, upon completion, the proposed development would provide a range of habitat areas, secure increased habitat over the current approved restoration scheme, benefitting a greater number of species. The scheme would secure long-term ecological improvement by providing new and/or improved habitats for species and habitats. It is, therefore, considered acceptable and beneficial in terms of ecological impact.

### ***Highway Capacity and Road Safety***

The proposed development could result in a maximum of 134 additional HGV movements each weekday as a result of the infill operation, bringing the worst case total to 200 movements each weekday. However, the site is located on an advisory

lorry route that leads directly to an A-road (the A283) and east towards the A24, which forms part of the strategic lorry route network. The Highway Authority have considered the potential impacts and concluded that, subject to re-imposition of highway conditions and securing HGV routing, the proposed development would not have a significant impact and as such accords with the National Planning Policy Framework. Therefore, the proposed development is considered acceptable with regards to highway capacity and road safety.

### ***Impact on Local Amenity and the Local Environment***

The site is in close proximity to a number of dwellings. However, despite the nature of works involved in mineral extraction and restoration with imported inert waste materials, including through associated traffic movements, the imposition of conditions (to control hours of operation, noise impacts and impacts on air quality) as well as an HGV routing agreement should ensure that there are no unacceptable impacts upon amenity and the local environment. Further, the proposed amended scheme would deliver better long-term benefits for recreational users once the site is restored, with additional footpaths and public access as well as designated recreational areas that connect with the rest of Sandgate Country Park and the wider rights of way network.

### **Conclusion**

The principle of sand extraction has long been established at this site. The continued extraction of sand would continue to contribute to the need for and supply of the economically important soft sand resource, and avoid sterilisation of a viable mineral reserve. Additionally, Policy W8 of the West Sussex Waste Local Plan supports recovery operations involving the deposition of inert waste to land where they meet various criteria. The proposed restoration of the site with inert waste meets these criteria, and so is considered to be a positive use of waste, diverting it from landfill.

Although extraction and restoration could have an adverse impact on the area, it would replace the approved extraction/restoration programme, and would be a temporary operation, albeit for up to 11 years. It is considered that the concurrent impacts of extraction and infilling on the environment, the landscape, and recreational opportunities could be controlled to an acceptable level by the application of appropriate conditions and legal agreements.

Furthermore, the proposed restoration would provide the opportunity to enhance both the landscape and ecological benefits of the site (e.g. through the creation of enhanced habitats and biodiversity mix, and ecological management), and with greater benefits to the public than the approved restoration scheme. It would also provide the opportunity to enhance public access to and within the area and provide better recreational opportunities, according better with the aspirations of the allocation of the site as a Country Park

Although the infill would require additional HGV movements, the site is located in close proximity to the A283, and so is not considered to be detrimental to highway capacity or road safety. In addition, it is considered that other impacts on local amenity, the local environment, and on the water environment, can also be controlled by condition and legal agreement.

Overall, it is considered that the proposal accords with the relevant development plan policies relating to the extraction of land-won minerals and the restoration of

minerals sites with waste, as well as other material considerations including national policy.

### **Recommendation**

That planning permission be granted subject to:

- (a) the conditions and informatives set out in **Appendix 1** of this report; and
- (b) the completion of an updated Section 106 Agreement concerning:
  - (i) the routing of HGVs to and from the application site; and
  - (ii) the securing of all proposed permissive footpaths.

## **1. Introduction**

- 1.1 This report concerns a planning application in relation to quarrying and restoration at Sandgate Park Quarry near Storrington. The quarry currently operates under conditions that were submitted as part of a 1998 Review of Minerals Planning (ROMP) application. This allows the winning and working of sand until 2042 and subsequent restoration to a large, deep, steep-sided waterbody.
- 1.2 The current application proposes an alternative restoration scheme that would require the importation of 1.8 million tonnes of inert waste over a period of 11 years. The applicant states this scheme would be an enhancement over the existing restoration scheme, offering increased biodiversity in terms of habitat creation and species diversity, increased public access, and an improved landscape.
- 1.3 Sand extraction would continue to take place concurrently with the importation of restoration materials. The quarry has approximately 1.4 million tonnes of sand remaining and, at current rates, expects this to take 8–10 years.

## **2. Site Description**

- 2.1 The application site, known as Sandgate Quarry, is situated within the Parish of Storrington and Sullington in Horsham District (see **Appendix 2 - Site Location Plan**). The development site is an active sandpit that has been partially restored and comprises approximately 34 hectares of land.
- 2.2 The village centre of Storrington is situated approximately 1km to the west of the site, with the residential area known as Heath Common situated approximately 50m to the north-east. The site is situated immediately north of the A283 and immediately west of Washington Sandpit, beyond which is Hampers Lane and residential dwellings. To the west is Water Lane and to the north is grassland forming part of the Sandgate Country Park. Immediately west of Water Lane is a wooded area ('the Warren') and the former Angel's Sandpit which has been redeveloped into housing.
- 2.4 The site is accessed from Water Lane, a publicly maintained highway. Just beyond the site entrance is an area at the western end for the site containing the site office, weighbridge, and processing equipment and plant.

- 2.5 A number of residential properties are situated in close proximity to the quarry. The nearest dwellings are Wood End and Cedars, both abutting the site at its north-eastern boundary, School Cottage and Chestnut Cottage abutting to the east (west side of Water Lane), and Abbots Leigh and Sandgate Lodge abutting to the south. Other residential dwellings abut and are situated on the south side of the A283, this area falling within the South Downs National Park.
- 2.6 Sullington Warren Site of Special Scientific Interest lies to the east (300m) on the other side of Water Lane and is a heathland habitat for breeding birds, with archaeological interest. Chantry Mill SSSI lies to the south west of the site (650m) on the opposite side of Washington Road and Amberley Mount to Sullington Hill SSSI lies 2km to the south west. Sandgate Park immediately north of the site is a Site of Nature Conservation Importance (SNCI). The closest Listed Buildings are Grade II 'Jasmine Cottage' and 'School Cottage'. Both are on Water Lane, some 50m to the west of the site.

### 3. **Planning History**

- 3.1 Sand extraction has taken place at the application site for many years, the original planning permissions being granted in 1949. Various planning permissions have been granted since, including extensions to the site in the 1960s and 1970s. The quarry operates under the 'Schedule of Proposed Conditions' that were submitted as part of the ROMP application. This allows the winning and working of minerals until 21 February 2042, with progressive restoration undertaken throughout the course of the development. Current approved restoration for the site involves a single, large, deep, steep-sided waterbody with a permissive footpath around its perimeter.

### 4. **The Proposal**

- 4.1 The approved restoration involves one large, deep, steep-sided waterbody with a permissive footpath around the perimeter and areas of grassland, and narrow belts of wet heath and reeds (see **Appendix 3 – Approved Restoration Plan**). The quarry has approximately 1.4 million tonnes of mineral (sand) remaining to be worked and, based on current rates, it is expected that this will take some 8-10 years, after which it would, under the existing permission, be restored.
- 4.2 The applicant is seeking planning permission to change the approved scheme to what they have described as an 'enhanced scheme' with a different landform, increased biodiversity and improved informal recreational opportunities (see **Appendix 4 – Proposed Restoration Plan**). This would require the importation of 1.8 million tonnes of inert material to shape the void created by the sand extraction. Both operations, sand extraction and inert filling, would take place concurrently.
- 4.3 It is proposed that the inert material would be imported to the site at a rate of some 250,000-350,000 tonnes per annum and this would take some 8-11 years, depending on the availability of material. The annual rates of fill would vary and, as necessary, will be slowed to ensure that filling follows on behind extraction, thereby avoiding sterilisation of the sand.
- 4.4 Based on the extraction rate, it is envisaged that the site could be worked and restored within a period of some 11 years (from now). The site would be

restored to water, nature conservation and informal recreation. For each phase, there would be a five-year aftercare scheme.

- 4.5 Should permission be granted, the existing permission for the quarry would be superseded by the new permission that would cover both the sand extraction and inert filling. The aftercare scheme for the overall development would expire five years from the completion of infilling operations.
- 4.6 The existing sand processing plant and equipment would be retained under the new permission, if granted, including a site office and mess facilities, waste inspection ramp, steel container stores, a concrete brick built oil waste store, mortar plant (including conveyor, hopper and silos), loading ramp, stockpiles, storage bays, sand processing plant (including radial conveyors), a brick built electrical substation, and storage sheds.
- 4.7 Although the inert material would be brought into the site using the same access, it would use a separate site reception and checking area away from the sand extraction operations, located at the northern end of the existing minerals plant site. The reception area for the imported waste material would include a separate site office, waste inspection area and staff facilities and staff car park. The four existing storage containers would be moved from their current location to elsewhere within the existing plant site area. A mobile screener and crusher would be located within the sandpit extraction and fill area to create additional restoration soils from suitable inert materials brought into the site. All sand extraction and filling plant, equipment and buildings within the site would be removed once extraction and filling is complete.
- 4.8 The applicant proposes that the site would continue to operate under the same hours as already permitted, namely 07.00 to 18.00 Monday to Friday and 07.00 to 13.00 Saturdays. There would be no working on Sundays or Bank Holidays. The site has permission to maintain plant, machinery and vehicles between 18.00-19.00pm Monday to Friday and between 13.00 and 18.00 on Saturdays.
- 4.9 The proposal would result in an additional maximum of 134 movements each day on Monday to Friday (67 in and 67 out) and 74 movements on Saturday (37 in and 37 out). There are no restrictions on HGV movements under the extant permission for sand extraction operation. However, it is estimated that, at a high level of production (180,000 tonnes per annum), HGV movements could be up to 66 movements (33 in and 33 out) on Monday to Friday and 36 movements on Saturday (18 in and 18 out).

## 5. **Environmental Impact Assessment**

- 5.1 The proposal comprises Schedule 1 development, as defined in the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2017 ('the EIA Regulations'). Specifically, with a site area of approximately 34 hectares, it is considered that the proposal would fall within Schedule 1, Part 19 - Quarries and open-cast mining where the surface of the site exceeds 25 hectares.
- 5.2 Therefore, by virtue of the scale and nature of the site, the proposal has the potential for significant environmental impacts. Accordingly, any application would need to be supported by an Environmental Statement (ES). The applicant submitted a formal request for a Scoping Opinion in February 2017. This is

where a developer asks the local planning authority for their formal opinion on what they consider the main effects of the development are likely to be and, accordingly, the main topics on which the ES should focus (a 'scoping opinion').

- 5.3 Based on the information provided by the developer, the County Council produced a Scoping Opinion on 6 April 2017. In providing this response, consultation was undertaken with the relevant statutory authorities, along with the relevant Parish Councils.

## 6. **Policy**

### ***Statutory Development Plan***

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory development plan unless material considerations indicate otherwise (as confirmed in paragraph 2 of the National Planning Policy Framework (NPPF)).
- 6.2 For the purposes of the application, the following documents form the statutory development plan: the Horsham District Planning Framework (2015), the West Sussex Waste Local Plan (2014), and the West Sussex Joint Minerals Local Plan (2018).
- 6.3 The key policies in the development plan, which are material to the determination of the application, are summarised below, and their conformity or otherwise with the National Planning Policy Framework considered. In addition, reference is made to relevant national planning policy guidance and other policies that guide the decision-making process and which are material to the determination of the application.

### ***Horsham District Planning Framework (2015)***

- 6.4 The Horsham District Planning Framework (HDPF) was adopted in November 2015 and the policies should be given significant weight.
- 6.5 The relevant policies are: 1 (Sustainable Development), 2 (Strategic Development), 3 (Development Hierarchy), 7 (Economic Growth), 9 (Employment Development), 10 (Rural Economic Growth), 11 (Tourism and Cultural Facilities), 24 (Environmental Protection), 25 (Natural Environment and Landscape Character), 26 (Countryside Protection), 30 (Protected Landscapes), 31 (Green Infrastructure and Biodiversity), 32 (Quality of New Development), 33 (Development Principles), 39 (Infrastructure Provision), 40 (Sustainable Transport) and 43 (Community Facilities, Leisure and Recreation).

### ***West Sussex Waste Local Plan (2014)***

- 6.6 The Waste Local Plan (WLP) was adopted by the County Council on 11 April 2014. It covers the period to 2031 and is the most up-to-date statement of the authorities' land-use planning policy for waste. It accords with the approach taken in the NPPF and should be given significant weight when considering this application.
- 6.7 Policy W8 of the WLP relates to recovery operations involving the deposition of inert waste to land. Proposed waste development must meet the following:

- (a) the proposal results in clear benefits for the site and, where possible, the wider area;
- (b) the material to be used is only residual waste following recycling and/or recovery or it is a waste that cannot be recycled or treated;
- (c) there is a genuine need to use the waste material as a substitute for a non-waste material that would otherwise have to be used;
- (d) the material to be reused is suitable for its intended use;
- (e) the amount of waste material to be used is no more than is necessary to deliver the benefits identified under (a);
- (f) there would be no unacceptable impact on natural resources and other environmental constraints;
- (g) the proposal accords with Policy W13 (Protected Landscapes);
- (h) any important mineral reserves would not be sterilised; and
- (i) restoration of the site to a high quality standard would take place in accordance with Policy W20.

6.8 Policies W11–W20 relate to development management and are designed to ensure that there would be no unacceptable harm to amenity, character, and the environment or to other material considerations from waste development proposals. Of particular relevance to the proposals are: Character (Policy W11), High Quality Development (Policy W12), Biodiversity and Geodiversity (Policy W14), Air, Soil and Water (Policy W16), Flooding (Policy W17), Transport (Policy W18), Public Health and Amenity (Policy W19), Restoration and Aftercare (Policy W20) and Cumulative Impact (Policy W21).

6.9 Policy W21 relates to cumulative impact and seeks to ensure that an unreasonable level of disturbance to the environment and/or local communities will not result from waste management and other sites operating simultaneously and/or successively.

### ***West Sussex Joint Minerals Local Plan (2018)***

6.10 The West Sussex Joint Minerals Local Plan (2018) (JMLP) was adopted in July 2018. It covers the period up to 2033 and is the most up-to-date statement of the County Council's land-use planning policy for minerals. It accords with the approach taken in the NPPF and should be given significant weight when considering this application.

6.11 Policy M2 of the JMLP is of relevance to the present application as it relates to 'the winning of soft sand', including extensions of time to existing sites 'that contribute to ensuring a steady and adequate supply is maintained'. In this case, the site is existing and its sand reserve is already permitted and counted in West Sussex County Councils' land-bank.

6.12 Policy M8 of the JMLP refers to mineral processing at minerals sites. In this case, minerals processing at the site are already in operation and include washing and grading the extracted sand.

6.13 Policies M12–M25 relate to development management and are designed to ensure that there would be no unacceptable harm to amenity, character, and the

environment or to other material considerations from minerals development proposals. Of particular relevance to the proposals are: Character (Policy M12), Air, Soil and Water (Policy M15), Water Resources (Policy M16), Biodiversity and Geodiversity (Policy M17), Public Health and Amenity (Policy M18), Flood Risk Management (Policy M19), Transport (Policy M20), Cumulative Impact (Policy M22), Design and Operation of Minerals Development (Policy M23) and Restoration and Aftercare (Policy M24).

### ***National Planning Policy Framework (February 2019)***

- 6.14 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and outlines how these are expected to be applied. The NPPF does not form part of the development plan but is a material consideration in determining planning applications. One of its stated intentions is to guide decision-makers as to what matters are material to the decision-making process.
- 6.15 Paragraph 203 sets out the importance of minerals to support sustainable economic growth, highlighting that minerals can only be worked where they are found, and the importance of making best use of them to secure their long-term conservation.
- 6.16 The other paragraphs in the NPPF of greatest relevance to the present proposal are:
- Paragraph 11 (presumption in favour of sustainable development, and approving development that accords with the development plan); 38 (positive decision making); 47 (determining applications in accordance with the development plan); 54 – 56 (use of planning conditions); 163 (ensuring flood risk is not increased elsewhere); 170 (contribute to and enhancing the natural environment), 180 (ensuring new development appropriate for location taking into account impact of pollution on health and the environment, impact of noise on health and quality of life); and 205 (consideration of mineral planning application).

### **Planning Practice Guidance (PPG)**

- 6.17 The PPG sets out the Government's planning guidance to be read in conjunction with the NPPF. It does not form part of the development plan but is a material consideration in determining planning applications.

#### *PPG: Minerals (March 2014)*

- 6.18 Paragraph 12 sets out the relationship between planning and other regulatory regimes noting that "*the planning system controls development and the use of land in the public interest*" including ensuring development is appropriate for its location and an acceptable use of land.
- 6.19 Crucially, it notes that "*the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under regimes. Mineral planning authorities should assume that these non-planning regimes will operate effectively.*"

- 6.20 Paragraph 13 sets out the environmental issues minerals planning authorities should address including noise, air quality, lighting, visual impact, traffic, risk of contamination to land, geological structure, flood risk, impacts on protected landscapes, surface and in some cases ground water issues, and water abstraction.
- 6.21 Paragraph 17 notes that the cumulative impact of mineral development can be a material consideration in determining planning applications.

*PPG: Waste (October 2015)*

- 6.22 Paragraph 5 notes that local planning authorities can ensure that human health and the environment are protected through the appropriate handling of waste, in considering individual planning applications against the criteria in Appendix B of the National Planning Policy for Waste (2014),
- 6.23 Paragraph 6 notes the obligation to consider the principles of self-sufficiency and proximity in relation to waste management. Paragraph 9 notes that driving waste up the waste hierarchy, away from disposal such as landfill, is an integral part of national policy for waste and a material consideration in decisions on waste applications.
- 6.24 Paragraphs 50 and 51 note that the planning system often needs to work with other regulatory regimes. With waste planning matters, waste planning authorities usually work with the Environment Agency and the Environmental Permitting regime, which they implement and regulate.

*PPG: Air Quality (March 2014)*

- 6.25 Paragraph 5 notes that air quality may be relevant to a planning application when it would significantly affect traffic, introduce new point sources of air pollution, expose people to existing sources of air pollution, give rise to potentially unacceptable impact during construction, or affect biodiversity.
- 6.26 Paragraph 9 considers how air quality and its impacts fit into development management process.

*PPG: Health and Wellbeing (updated July 2017)*

- 6.27 Paragraph 2 notes that the link between planning and health is long established. It encourages local planning authorities to engage with relevant organisations when carrying out their planning function. The assessment of potential pollution and other environmental hazards, which could adversely impact on human health, should be included in considering new development.
- 6.28 Paragraph 3 notes that the first point of contact on population health and well-being issues should be the Director of Public Health, who in turn liaises with Public Health England. Paragraph 4 notes that local authority planners should consider consulting the Director of Public Health on any planning applications (including at the pre-application stage) that are likely to have a significant impact on the health and wellbeing of the local population or particular groups within it. This would allow them to work together on any necessary mitigation measures.

*PPG: Natural Environment (January 2016)*

- 6.29 Paragraph 1 notes that planning should recognise the intrinsic character and beauty of the countryside, while paragraph 4 notes that planning decisions should be based on up-to-date information about the natural environment and characteristics of the area. Paragraph 7 notes the statutory duty to have regard to the purpose of conserving biodiversity, while paragraph 17 seeks to include biodiversity enhancement in and around development, including improved links between existing sites.

***National Planning Policy for Waste (2014)***

- 6.30 This national policy guidance document promotes, wherever possible, the use of waste as a resource and the movement of waste management up the 'waste hierarchy', thereby only supporting the disposal of waste as a last resort. It also sets out the approach waste authorities should take to determining applications.
- 6.31 At paragraph 7 it notes "*When determining waste planning application, waste planning authorities should...consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed health assessment of epidemiological and other health studies.*"
- 6.32 At paragraph 7 it also notes "*When determining waste planning application, waste planning authorities should...ensure that waste management facilities are well-designed, so they contribute positively to the character and quality of the area in which they are located.*"
- 6.33 Appendix B sets out key criteria for testing the suitability of waste management sites, in particular; protection of water resources, land instability, landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, air emissions including dust, odours, vermin and birds, noise, light and vibration, litter, and potential land use conflict.

***EU Council Directive 2008/98/EC***

- 6.34 By virtue of the Waste (England and Wales) Regulations 2011 when determining any application for planning permission that relates to waste management (regulation 18) the planning authority is required to take into account EU Council Directive 2008/98/EC which sets out the objectives of the protection of human health and the environment (article 13) and self-sufficiency and proximity (first paragraph of article 16(1), article 16(2) and (3)). Case law has confirmed that these articles are objectives at which to aim. As objectives they must be kept in mind whilst assessing the application and provided this is done, any decision in which the furtherance of the objectives are not achieved, may stand.

**7. Consultations**

- 7.1 **Horsham District Council (includes Planning, Environmental Health, Landscape and Parks Department):** No objection. Considers that the restoration scheme would provide a sympathetic landscape feature and, compared to the current restoration, enhanced ecological benefits. Opportunities for outdoor recreation, such as securing rights of way across the site, linking with

others in the area, including the permissive paths approved through the restoration of the adjacent Washington Sandpit site, would be secured in the restoration. Acknowledges that the site is allocated for the proposed use. However, also highlights concerns with air quality impacts during restoration operations.

- 7.2 **Storrington and Sullington Parish Council:** No objection, but highlights concerns with the increased numbers of HGV's that the development will involve. If permission is granted, recommends conditions covering HGV controls and traffic management, wheel washing, contamination measures and on-going maintenance for the site.
- 7.3 **Washington Parish Council:** No objection but request traffic management to minimise highway impacts.
- 7.4 **Environment Agency:** No objection.
- 7.5 **South Downs National Park Authority:** No comments received.
- 7.6 **Natural England:** No objection. They welcome the revised scheme, highlighting that it provides a greater extent of heathland and wet heathland, particularly the inclusion of acid grassland and heath.
- 7.7 **Health and Safety Executive:** Having considered the information provided, they did not identify any areas of potential conflict with health and safety requirement.
- 7.8 **WSCC Drainage:** No objection subject to condition securing drainage monitoring.
- 7.9 **WSCC Ecology:** No ecological objection subject to securing an Ecological Management Plan.
- 7.10 **WSCC Highways:** No objection subject to conditions for wheel washing facilities and vehicle routing.
- 7.11 **WSCC Landscape Architect:** No objection. Proposals will not have any detrimental impact upon existing trees subject to tree protection measures. Has concern regarding future maintenance.
- 7.12 **WSCC County Councillor:** No comments received.

## 8. Representations

- 8.1 The application was publicised in accordance with Schedule 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. In response to neighbour notification letters, the erection of site notices at the site and advertisements being placed in the local paper, fifty-three representations have been received from local residents, all objecting to the application or raising concerns.
- 8.3 The main issues raised in representations are:
- Does not believe the development is necessary;

- Traffic movements are excessive and will cause congestion and traffic jams;
- Local area cannot support any more traffic;
- Adverse impact upon the environment and wildlife;
- Development will bring further pollution to the area;
- Proposal would generate unacceptable noise, dust and pollution;
- Pollution has not been calculated properly;
- Concrete crusher will be noisy and create dust close to properties;
- Disturbance to existing wildlife;
- Detrimental to local green open spaces, recreational area and the character of the area;
- Risks safety of pupils at local school;
- This is a waste disposal scheme, not a renovation scheme;
- Traffic information is incorrect;
- The restoration scheme does not deliver significant improvements;
- The restoration scheme's delivery cannot be secured;
- Odour would be unacceptable;
- Water Lane not suitable as HGV route;
- Does not accord with the Waste Local Plan.

## 9. **Consideration of Key Issues**

- 9.1 The main material planning considerations are whether the proposal:
- meets an identified need;
  - has an acceptable impact on the landscape;
  - has an acceptable impact upon ecology;
  - is acceptable with regard to highway capacity and road safety; and
  - has an acceptable impact on local amenity and the local environment.

### ***Need for the Development***

- 9.2 The principle of the use of the site for sand extraction has been established through the granting of various planning permission stretching back over 70 years. The proposed volume, depth and extent of sand to be extracted would be no greater than that currently permitted through the 1998 ROMP that allows extraction until 2042. Current estimates are that approximately 1.4million tonnes of sand are still available.
- 9.3 The NPPF (2019) highlights that it is 'essential' that there is a sufficient supply of minerals to provide the buildings, infrastructure and goods that the country needs, requiring that minerals planning authorities identify future demand and maintain sand/gravel land-banks of at least seven years. The West Sussex Annual Monitoring Report (2017) indicates that the County has an 8.4 year land-bank for soft sand. The Sandgate site extracts 120,000–180,000 tonnes/annum and so contributes significantly to the countywide sales of some 359,000tonnes per annum.

9.4 The contribution of the site to the overall supply of sand in the County is therefore an important consideration. On this basis, although only a small number of people are employed at the existing site, continued extraction is important to the local economy as it will maintain the supply of the soft sand important to the construction industry.

### **Restoration**

9.5 In terms of restoration, Policy W8 of the WLP supports recovery operations involving the deposition of inert waste to land where they meet various criteria. For it to be concluded that the restoration of the site with inert waste is acceptable, these criteria must be satisfied. Consideration of each of these is set out below.

*(a) the proposal results in clear benefits for the site and, where possible, the wider area;*

9.6 There is currently an approved restoration scheme required by the extant ROMP for the site which in general terms would provide a large, deep, steep-sided waterbody with access around the upper edge of the site. In order to establish whether the present proposal has clear benefits, it must be considered what benefits, if any, the proposed restoration (including infill) would bring over and above the currently-required restoration. In this regard, it is considered that the benefits of the proposed revised restoration are:

- increased species biodiversity and habitat creation;
- increased public access for informal recreation; and
- improved landscape for the site and surrounding locality.

9.7 Overall, the proposed restoration to a higher level than is currently approved would achieve an appropriately landscaped and restored mineral working, with improved public access and greater recreational opportunities, which would also better accord with the aspirations of the Horsham District allocation of the site as a Country Park. Horsham District Council's Landscape and Horticultural Officer responded stating that *"the new restoration plan is a significant improvement on the previous one and any temporary impact from importing fill materials is justified by the more valuable habitat that will result"*.

9.8 It is therefore considered that the proposal meets this criterion.

*(b) the material to be used is only residual waste following recycling and/or recovery or it is a waste that cannot be recycled or treated;*

9.9 The imported inert wastes would consist of waste generated and recovered from construction, building or infrastructure projects. Any soil forming materials would be screened and used in the landscaping of the site (as opposed to the infilling). The proposal is therefore considered to accord with this criterion.

*(c) there is a genuine need to use the waste material as a substitute for a non-waste material that would otherwise have to be used;*

9.10 The development would make use of inert waste rather than 'virgin' soils for restoration. As set out above, although the approved scheme would restore the site without the importation of material, the present proposal is considered to bring forward benefits that the approved scheme would not.

9.11 This scheme seeks to utilise imported inert waste materials for a revised higher level restoration scheme and can be considered as 'recovery'. Accordingly, this is an example of sustainable waste management considered to accord with this criterion.

*(d) the material to be reused is suitable for its intended use;*

9.12 The proposed fill material would consist of waste generated and recovered from construction, building or infrastructure projects, mainly comprising earth, soils and sub-soils, typical materials used in land raising, engineering and restoration projects. An Environmental Permit would be required for the development which would require that incoming waste is checked by trained operatives.

*(e) the amount of waste material to be used is no more than is necessary to deliver the benefits identified under (a);*

9.13 It is considered that the applicant has satisfactorily demonstrated that the amount of fill material proposed (1,800,000 tonnes) is the minimum required to ensure the delivery of a restoration scheme with a profile that would provide the clear benefits as described above, and ensure the future restored use of the site and the wider area as part of the Sandgate Country Park designation.

*(f) there would be no unacceptable impact on natural resources and other environmental constraints;*

9.14 The proposed restoration scheme would, subject to conditions, not result in any unacceptable impact on natural resources and other environmental constraints, as set out in the considerations in the sections below. The proposal therefore accords with this criterion.

*(g) the proposal accords with Policy W13 (Protected Landscapes);*

9.15 During its time-limited operation, the proposed restoration scheme would, subject to conditional controls, not create any unacceptable impact on protected landscapes, notably the South Downs National Park, the northern boundary of which is situated to the south of the A283. The South Downs National Park Authority were consulted and no response was received. The works would be primarily below the existing ground level, and as noted above, are considered to result in a restoration that is preferable to that already approved. Therefore, the proposal accords with this criterion.

*(h) any important mineral reserves would not be sterilised;*

9.16 The applicant estimates that an accessible reserve of 1,400,000 tonnes remains on site. Although additional potential reserves may be available at depth, the applicant advises that their extraction would result in steep slopes that would likely fail Health and Safety Executive standards for quarrying operations.

9.17 As a result, whether or not this application is permitted, no sterilisation of extractable sand reserves would occur. Therefore, the proposal is considered to accord with this criterion.

*(i) restoration of the site to a high quality standard would take place in accordance with Policy W20.*

9.18 This is considered in relation to impacts on the landscape below in paragraphs 9.21-9.26.

9.19 Policy W8 of the WLP supports recovery operations involving the deposition of inert waste to land where they meet various criteria. The proposed continued extraction and restoration of the site with inert waste meets these criteria, so is considered to be justified.

9.20 *It is considered that there is a demonstrable need for the development as it would allow for the economically important sand resources on site to continue to be extracted, and the importation of inert waste would result in a scheme that is beneficial, particularly for biodiversity, habitat creation, landscape and recreational after-uses over that permitted under the approved restoration scheme.*

### ***Impact upon the Landscape and Visual Amenity***

9.21 The development has the potential to result in visual impact through: views of extraction and restoration operations; changes to the wider landscape character during operations; and a higher level restoration than is currently approved.

9.22 The proposed development site is a permitted sandpit that is situated within a semi-rural location to the immediate north of the South Downs National Park. It is within an area designated as the Sandgate Country Park. Therefore, the development has the potential to affect sensitive landscape features.

9.23 The proposal for an additional (at worst case scenario) 134 HGVs movements each weekday until 26 March 2030 has the potential to affect the visual amenity of residents and the landscape, in terms of the rural locality and sensitive landscape features, particularly the South Downs National Park. However, such movements would be along a designated lorry route (Water Lane) and a major road, namely the A283, and would not occur as a constant throughout the proposed restoration operations. Further, HGVs would be directed to/from the A24 to the east, minimising contact with the National Park designation and the village of Storrington. The increase is not considered significant in terms of the local landscape, particularly given the site's location on the A283, and the site's existing approval as an operational quarry.

9.24 The application site would remain well-screened by mature woodland and vegetation that would be retained, with only limited views into the site available. As the quarry is restored, views of the site would be possible from a number of vantage points around the boundary. However, the restoration works would be temporary and viewed against a working quarry that has been in operation for more than 70 years. The views would not, therefore, be significantly different to those already existing. Overall, the development is considered acceptable in

terms of its landscape and visual impact during the extraction/infill stage, taking into account the site's location on the A283, its historic quarry use, and its limited visual enveloped due to its enclosure within mature woodland.

- 9.25 The revised final restoration is considered acceptable, and an improvement, in landscape terms, over the approved scheme, with the proposed planting and land management as well as water features and recreational features that are considered to enhance the future landscape and ecological of the site within the Sandgate Country Park. The District Council's Landscape Architect highlighted that the revised masterplan is an improvement over the existing, albeit it would have a negative effect over the duration of extraction and infill.
- 9.26 *The application site is situated just outside the boundary of the South Downs National Park and within a rural area designated as the Sandgate Country Park. The site is well-screened by vegetation around its perimeter, and much of the operations would take place with limited visible impact. Any temporary impacts caused during extraction and restoration operations within the locality would be temporary and would not be significant, especially when compared with activities already permitted here and within the locality. The proposed development, when restored, would result in an acceptable landform with benefits to the wider landscape and to the public, contributing positively to the Sandgate Country Park designation.*

### **Impact on Ecology**

- 9.27 During quarrying and infill operations, some ecological habitats would be affected. The current existing restoration scheme would provide some mitigation to compensate for the loss. The proposed restoration scheme seeks to improve on the approved restoration scheme, providing ecological enhancement, and would include a five year aftercare scheme for each phase of the development.
- 9.28 Essentially, where previously a single large water body was to be provided with planting around the perimeter, the revised scheme would provide a range of habitat areas including heathland, ponds, and grassland.
- 9.29 WSCC's Ecologist raises no objection to the scheme which, in conclusion, he says would "*deliver significant biodiversity enhancement to the quarry and surrounding area*". In his consultation response, WSCC Ecologist states that:

*"The enhanced restoration scheme will create a mosaic of priority habitats, including acid grassland, wet and dry heath, ponds and a lake, which will be of greater biodiversity value than the previously approved restoration scheme. Notably, the creation of acid grassland, and dry and wet heathland, and a collection of shallow ponds within heathland, will be of significant biodiversity gain. These are all uncommon habitats in West Sussex and listed in Section 41 of The NERC Act, 2006 as habitats of principal importance for the conservation of biodiversity in England. Furthermore, these habitats are appropriate to the locality and will complement and enhance the biodiversity of the local landscape which includes Sullington Warren Site of Special Scientific Interest (SSSI).*

*Although, in the previously approved scheme, the creation of a large lake would undoubtedly have been of ecological value, the extent of acid grassland and heathland was considerably less. Consequently, the overall*

*biodiversity value of the whole site following restoration would have been less than in the enhanced scheme. Additionally, the creation of a large artificial lake does not complement the existing semi-natural heathland habitats of the area."*

9.30 WSCC's Ecologist has requested that an Ecological Management Plan be submitted prior to the commencement of works, making reference to features to be managed, ecological constraints on site that might influence management, the aims and objectives of management, appropriate management options for achieving aims and objectives, prescriptions for management options, preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period), and ongoing monitoring and remedial measures.

9.31 Horsham District Council are also in favour of the new restoration scheme with their consultation response stating that *"the new restoration plan is a significant improvement on the previous one and any temporary impact from importing fill materials is justified by the more valuable habitat that will result"*.

9.32 Natural England raise no objection to the new restoration scheme, responding that:

*"We welcome the revised scheme as it provides a greater extent of heathland and wet heathland which will complement the local environment. We advise that this habitat should be maximised using native species of local provenance. Invasive species should be avoided as these could spread into the adjacent SSSI.*

*We particularly welcome the inclusion of acid grassland and heath. We would advise that strong habitat networks into the surrounding landscape are clearly included. The site has great potential for biodiversity gains here which should be fully explored. Priority habitats and species appropriate to the area should be the main target"*.

9.33 In addition, WSCC's Arboriculturalist also raises no objection, noting that existing tree should not be affected. The Arboriculturalist also highlights that strong connectivity with adjacent habitats appears to have been provided.

9.34 Overall, the application is considered to be positive in ecological terms, as noted by the County Ecologist, and would result in the creation of significant new features of ecological benefit.

9.35 *Although there would be disruption to ecology during the excavation and infill of the site, upon completion, the proposed development would provide a range of habitat areas, secure increased habitat over the current approved restoration scheme, benefitting a greater number of species. The scheme would secure long-term ecological improvement by providing new and/or improved habitats for species and habitats. It is, therefore, considered acceptable and beneficial in terms of ecological impact.*

### **Highway Capacity and Road Safety**

9.36 The alternative restoration scheme would increase HGVs travelling to and from the site.

- 9.37 The proposal indicates rates of fill of 250,000–350,000tpa. However, this is a worst case scenario, as based on an importation rate of 250,000tpa, restoration would take some 7.5 years, or 5.5 years if material was imported at a rate of 350,000tpa. However, fill is unlikely to happen at that rate because it would sterilise sand still requiring extraction.
- 9.38 Also, the rates of fill would vary throughout the days, weeks and years depending on the void space available to be filled, operational conditions on site, and the availability of material. The table below indicates the average HGV movements that 250,000tpa, 300,000tpa and 350,000tpa could generate.

<b>Average Annual Inert Material Import Rate (tonnes)</b>	<b>Average HGV loads per day for import</b>	<b>Average HGV movements per day for import</b>
250,000	48	96
300,000	58	116
350,000	67	134

- 9.39 There are no current limits on HGV numbers. The current sand extraction operations, depending on sand production rates, would result in between 44 (22 in and 22 out) and 66 (33 in and 33 out) HGV movements each weekday (based on production of between 120,000 and 180,000 tonnes per annum).
- 9.40 Taken together, the proposed development could result in an average of 200 HGV movements/weekday (100 in and 100 out) from extraction and infill.
- 9.41 Concerns about highway capacity and road safety have been raised as a result of the additional impact of HGV traffic, particularly in combination with existing traffic going to and from the site on Water Lane, and existing traffic on the A283. However, over an 11-hour day, 134 HGV movements would equate to just 12 additional movements per hour, which translates into a 3% increase in overall movements along Water Lane and 0.5% increase along the A283 to the east.
- 9.42 WSCC Highways note that Water Lane is an existing advisory HGV route and have raised no concerns in relation to either highway capacity or road safety, subject to the continued imposition of highway safety controls and vehicle routing. They also note that even when avoiding peak hours (for example deliveries arriving between 9am and 5pm); this would only result in up to 16 HGV movements per hour.
- 9.43 It is proposed that a Section 106 Routing Agreement would be imposed, ensuring HGVs are directed east towards the A24 thereby ensuring no HGVs would travel north along Water Lane or through the centre of Storrington, avoiding the Air Quality Management Area (AQMA). The applicant has agreed to such a legal agreement.
- 9.44 *The proposed development could result in a maximum of 134 additional HGV movements each weekday as a result of the infill operation, bringing the worst case total to 200 movements each weekday. However, the site is located on an advisory lorry route that leads directly to an A-road (the A283) and east towards the A24, which forms part of the strategic lorry route network. The Highway*

*Authority have considered the potential impacts and concluded that, subject to re-imposition of highway conditions and securing HGV routing, the proposed development would not have a significant impact and as such accords with the National Planning Policy Framework. Therefore, the proposed development is considered acceptable with regards to highway capacity and road safety.*

### **Impact on Local Amenity and the Local Environment**

- 9.45 **Noise:** The alternative restoration proposal would result in cumulative noise impact from both extraction and restoration works. As previously noted, Wood End and Cedars both abut the site at its north-eastern boundary, School Cottage and Chestnut Cottage lie to the east (on the western side of Water Lane) and Abbots Leigh and Sandgate Lodge abut the site to the south. There is, therefore, the potential for impacts on residential amenity through noise emissions, both in the nature of the works and in terms of timescale needed to complete the proposed development.
- 9.46 The current hours of operation for normal quarry operations are 07.00-18.00 Monday to Friday and 07:00-13:00 on Saturdays, with maintenance of site vehicle, plant and machinery also being able to be undertaken between 18.00-19.00 Monday to Friday and 13.00-18:00 on Saturdays and the operation of pumps or safety systems at any time. The applicant is requesting that the site continues to operate under the same hours as currently permitted.
- 9.47 The potential noise impact has been assessed, taking into account details of the plant, equipment, machinery to be used during the proposed development and their locations, and the proposed mitigation including the use of an acoustic barrier for the final stages of extraction and infilling. Subject to the mitigation measures being secured through planning conditions, the development is considered acceptable, as confirmed by the District Council's Environmental Health Officer (EHO), who is satisfied with the conclusions of the assessments that have been provided. Conditions requiring compliance with noise limits would also be included meaning that, should operations exceed such noise limits, enforcement of such matters could be investigated.
- 9.48 **Air Quality:** Mineral extraction and restoration with imported inert waste materials has the potential to cause adverse impacts on local air quality through dust emissions and emissions from traffic movements.
- 9.49 The village of Storrington, situated to the west of the proposed development is accessed by the A283. Due to the impact of traffic emissions, this village remains designated as an Air Quality Management Area (AQMA). Although the EHO is concerned about air quality impacts arising from the development, the concerns centre on assumptions about controls of HGV travelling through Storrington and the AQMA and how this can be controlled. Such concerns can be mitigated through the imposition of a Section 106 Routing Agreement that would direct HGVs towards the A24, away from the AQMA. This would avoid further impacts on air quality from traffic
- 9.50 Regarding dust impacts, the EHO is content with the mitigation measures proposed in the Air Quality Assessment, which include water suppression (including a mobile water bowser), sheeted vehicles, and stockpiles to be regularly sprayed to maintain moisture when required. No complaints relating to

air quality from current on-site operations or materials deposited on the local road network have been received by the County Council.

- 9.51 **Public Rights of Way:** The current restoration scheme shows public access from the west of the site off Water Lane through the existing access. Although the proposed restoration would allow this, it would also include access from the junction of the A283/Water lane into the site. The new footpath entrance, next to the current vehicular access, would link with the existing public right of way footpath 3506 to the west. Following completion of the restoration, this path would then divide, with a route running north and south of the site. Footpaths would also be provided at upper and lower levels around the lake and shallow ponds.
- 9.52 The revised scheme would also deliver circular routes within the former sandpit as a causeway would be constructed using the inert material from north to south across the sandpit void. This causeway would have a footpath crossing it and link up footpaths in the north of the Country Park with those in the south. This would provide different options for users of short and longer walks. Over 1,000m of additional footpath would be created.
- 9.53 On completion of the proposed restoration works, the new landform and its proposed permissive footpath network would provide connections with the existing public footpath and bridleway network and other approved potential permissive footpaths (i.e. with the adjoining Hampers Lane sandpit) within the Sandgate Country Park allocation and the locality. This would provide public access and recreational areas through it that link with those surrounding the application site's boundaries.
- 9.54 This would contribute to the formation and success of the Sandgate Country Park with the securing of all proposed permissive footpaths via a legal agreement that must be completed to the satisfaction of the County Council prior to planning permission being granted. The proposed restoration scheme is a betterment in terms of the provision of long-term beneficial recreational uses.
- 9.55 *The site is in close proximity to a number of dwellings. However, despite the nature of works involved in mineral extraction and restoration with imported inert waste materials, including through associated traffic movements, the imposition of conditions (to control hours of operation, noise impacts and impacts on air quality) as well as an HGV routeing agreement should ensure that there are no unacceptable impacts upon amenity and the local environment. Further, the proposed amended scheme would deliver better long-term benefits for recreational users once the site is restored, with additional footpaths and public access as well as designated recreational areas that connect with the rest of Sandgate Country Park and the wider rights of way network.*

### **Other considerations**

- 9.56 The application site is situated within Flood Zone 1 under Environment Agency classification, at low risk of flooding and is considered to be suitable for all land uses.
- 9.57 The application states that the proposed drainage strategy is very similar to that of the approved restoration, which relies on capturing and storing rainfall and run-off in surface water bodies, with infiltration to ground via the restored lake.

Following further information sought by WSCC's Drainage Officer, they raise no objection to the proposal, being satisfied that the proposed drainage strategy is acceptable. A condition has been requested to periodically monitor flood water entering the site. The Environment Agency raises no objection to the proposal.

## 10. Overall Conclusion and Recommendation

- 10.1 The principle of sand extraction has long been established at this site. The continued extraction of sand would continue to contribute to the need for and supply of the economically important soft sand resource, and avoid sterilisation of a viable mineral reserve. Additionally, Policy W8 of the WLP supports recovery operations involving the deposition of inert waste to land where they meet various criteria. The proposed restoration of the site with inert waste meets these criteria, and so is considered to be a positive use of waste, diverting it from landfill.
- 10.2 Although extraction and restoration could have an adverse impact on the area, it would replace the approved extraction/restoration programme, and would be a temporary operation, albeit for up to 11 years. It is considered that the concurrent impacts of extraction and infilling on the environment, the landscape, and recreational opportunities could be controlled to an acceptable level by the application of appropriate conditions and legal agreements.
- 10.3 Furthermore, the proposed restoration would provide the opportunity to enhance both the landscape and ecological benefits of the site (e.g. through the creation of enhanced habitats and biodiversity mix, and ecological management), and with greater benefits to the public than the approved restoration scheme. It would also provide the opportunity to enhance public access to and within the area and provide better recreational opportunities, according better with the aspirations of the allocation of the site as a Country Park
- 10.4 Although infill would require additional HGV movements, the site is located in close proximity to the A283, and so is not considered to be detrimental to highway capacity or road safety. In addition, it is considered that other impacts on local amenity, the local environment, and on the water environment, can be controlled by condition and legal agreement.
- 10.5 Overall, it is considered that the proposal accords with the relevant development plan policies relating to the extraction of land-won minerals and the restoration of minerals sites with waste, as well as other material considerations including national policy.
- 10.6 It is **recommended**, therefore, that planning permission be granted subject to the conditions and informatives set out in **Appendix 1** of this report and the completion of a Section 106 Agreement concerning the routing of HGVs to and from the application site and the securing of all proposed permissive footpaths.

## 11. Resource Implications and Value for Money

- 11.1 This is not a material planning consideration and cannot, therefore, be considered in determining this application. There will be no requirement for additional resources unless the decision is challenged and there is a requirement to defend the County Council's position at any subsequent appeal.

## 12. **Equality Duty**

- 12.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act 2010. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

## 13. **Risk Management Implications**

- 13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. If this is not done, any decision could be susceptible to an application for Judicial Review.

## 14. **Crime and Disorder Act Implications**

- 14.1 This decision has no implications in relation to crime and disorder.

## 15. **Human Rights Act Implications**

- 15.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 15.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 15.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Michael Elkington  
Head of Planning Services

**Background Papers**

As set out in Section 6

**List of Appendices**

Appendix 1 - Conditions and Informatives

Appendix 2 - Site Location Plan

Appendix 3 - Approved Restoration Plan

Appendix 4 - Proposed Restoration Plan

**Contact:** Chris Bartlett (0330) 222 6946.

## **Appendix 1 - Conditions and Informatives**

### **GENERAL**

#### **Commencement**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Minerals Planning Authority not less than 7 days before the commencement of development.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

#### **Cessation**

2. The development hereby permitted shall cease and the land be restored in full (in accordance with Condition 3 of this permission) not later than 11 years from the commencement of the development hereby permitted.

*Reason: To comply with Schedule 5 of the Town and Country Planning Act 1990.*

#### **Approved Plans**

3. The proposed development shall not take place other than in accordance with the approved information and plans;
  - Site Location Plan (Drawing No. P4/182/1);
  - Inert Material Reception Area (Drawing No. P4/182/2);
  - Filling Phase Order (Drawing No. P4/182/4);
  - Extraction Phase Order (Drawing No. P4/182/5);
  - Existing Situation (Drawing no. P4/182/6);
  - Method of Working and Restoration Phases (7 plans with Drawing No. P4/182/7 showing extraction phases 12 through to 21 and Fill Phases 1 through to 8);
  - Plant Infrastructure Details – Plans and Elevations (Drawing No. P4/182/8);
  - Restoration Master Plan (Drawing No. P4/182/10 Rev A);
  - Contours of Final Fill Land Form (Drawing No. P4/182/13);
  - Acoustic and Screening Measures (Drawing No. P4/182/14); and
  - Sandgate Quarry Drainage Strategy (Document reference 66671TN1)

along with the Volume 1 – Planning Application and Planning Statement and Volume 2 – Environmental Statement and Technical Appendices, save as varied by the conditions hereafter.

*Reason: To secure a satisfactory development comes forward, carried out in accordance with the details considered in approving it.*

#### **Availability of Approved Documents**

4. A copy of the decision notice together with the approved plans and any subsequently approved documents shall be kept at the site office at all times and the terms and contents of them shall be made known to the supervising staff on site. These documents shall be made available to the Minerals Planning Authority upon request.

*Reason: To ensure that the site operatives are conversant with the terms of the planning permission.*

## **PRE-DEVELOPMENT CONDITIONS**

### **5. Ecological Management and Aftercare Plan**

Prior to the commencement of development, an Ecological Management and Aftercare Plan (EMAP) shall be submitted to, and approved in writing by, the Minerals Planning Authority. The Plan shall provide biodiversity and habitat management details for the five year period after completion of restoration for each phase and shall include:

- Description and evaluation of the features to be managed.
- Ecological constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management options.
- Preparation of a work schedule for each specified phase of the works (including an annual work plan capable of being rolled forward over a five-year period).
- Ongoing monitoring and remedial measures.

The approved Ecological Management and Aftercare Plan shall be implemented in full throughout development and the agreed 5 year management period.

*Reason: To ensure the long term management of habitats, species and other biodiversity features. Required prior to commencement to ensure that the scheme is robust and will protect and enhance the biodiversity and habitats of the site.*

### **Noise Management Plan**

6. The development hereby permitted shall not take place, until a noise management plan detailing the measures to be taken to ensure compliance with the noise limits set at condition 12 has been submitted to and approved in advance and in writing by the Minerals Planning Authority. The plan shall include 'best practicable means' of noise prevention, reduction and minimisation (including provision for ongoing review, and dealing with noise complaints). Once approved, the plan shall be implemented in full throughout the operation of the development hereby permitted.

*Reason: To ensure noise emissions from the site do not result in unacceptable impacts on sensitive receptors. Required prior to commencement to ensure mechanisms are in place before works begin to minimise the risk of harm to sensitive receptors.*

### **Dust Management Plan**

7. The development hereby permitted shall not take place, until a scheme for the suppression of dust (including provision for ongoing review, and dealing with dust complaints) has been submitted to and approved in advance and in writing by the Minerals Planning Authority. Thereafter, the approved scheme shall be implemented in full throughout the operation of the development hereby permitted.

*Reason: To protect the amenities of local resident and the local environment. Required prior to commencement to ensure mechanisms are in place before works begin to minimise the risk of harm to sensitive receptors.*

### **Vehicle Cleaning**

8. The development hereby permitted shall not take place until a scheme has been submitted to and approved in advance and in writing by the Minerals Planning Authority detailing the measures to clean vehicles leaving the site to prevent earth, mud and debris arising from the development being present on the highway. Thereafter, the approved scheme shall be implemented in full throughout the operation of the development hereby permitted.

*Reason: In the interests of highway safety. Required prior to commencement to ensure mechanisms are in place before works begin to ensure safety of highway users.*

### **Flood Risk**

9. Prior to the commencement of development, a schedule of examinations, together with the frequency of those examinations, to ensure that flood water entering along the southern boundary of the site is not impeded shall be submitted in advance and in writing to the Minerals Planning Authority. The schedule shall include details for during the active life of the development and once completed. Once approved, the schedule shall be implemented in full. A record of the examinations and results shall be maintained by the applicant at all times and be kept at the site office at all times. They shall be made available to the Minerals Planning Authority upon request.

*Reason: To ensure flood risk at the site is maintained to acceptable standards. Required prior to commencement to ensure mechanisms are in place before works begin to minimise the risk of flood risk.*

### **Vehicle Warning Signage**

10. The development hereby permitted shall not take place until details of warning signage and road markings, instructing drivers of all vehicles entering and exiting the site of the authorised and prohibited HGV routes, and their positioning, has been submitted to and approved in advance and in writing by the Minerals Planning Authority. Once approved, the signage shall be erected prior to the commencement of development and maintained throughout the operation of the development hereby permitted.

*Reason: In the interests of highway safety and of the amenities of the locality. Required prior to commencement to ensure mechanisms are in place before works begin to ensure safety of highway users and adherence with the routing agreed.*

## **ONCE DEVELOPMENT HAS COMMENCED**

### **Landscaping Scheme**

11. Within 3 months of the commencement of the development, a landscaping scheme shall be submitted in writing to the Minerals Planning Authority for approval in writing. The scheme shall include details of species, planting sizes, planting spacing, and a detailed method statement for maintenance. Once

approved the scheme shall be implemented in full in the first planting season (November - February) following the completion of each infilling phase of the development. Any plants which die, are removed or become seriously damaged or diseased within the 5 year aftercare period shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Minerals Planning Authority.

Reason: *In interests of the environment and visual amenity.*

## **OPERATIONAL CONDITIONS**

### **Noise Limits (i)**

12. The ambient noise level resulting from the operations on site, including that arising from both fixed and mobile plant, shall not exceed 55dB LAeq, 1 hour (free-field) at any time, as measured at the nearest noise sensitive property.

Reason: *To ensure noise emissions from the site do not result in unacceptable impacts on sensitive receptors.*

### **Noise Monitoring**

13. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the measurement locations highlighted in Appendix 6.2 of the Environmental Statement (titled 'Site Location Plan and Measurement Locations'). The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the Minerals Planning Authority within 1 week of the monitoring being carried out. If the results indicate that the noise levels exceed those set out in Condition 12, a Noise Mitigation Scheme shall be submitted to and agreed in writing by the Minerals Planning Authority within one week of the noise monitoring results being submitted.

Reason: *To minimise the impact on local residents and the environment.*

### **Tree Protection**

14. Existing trees on site shall be protected in accordance with BS 5837:2012 – Trees in relation to design, demolition and construction, throughout the operations of both extraction of sand and the restoration scheme.

Reason: *In the interests of the locality*

### **Vehicle Access**

15. No vehicular access or egress to or from the site shall be obtained other than through the existing entrance from Water Lane as shown on approved plan P4/182/2.

Reason: *In the interests of highway safety and of the amenities of the locality.*

### **Sequence of Phasing**

16. No extraction of minerals from the site or infilling of land at the site shall take place other than in accordance with the sequence of phases of operation illustrated on plans P4/182/7.

*Reason: To secure a satisfactory programme of extraction in the interests of the amenity of the locality.*

### **Removal of Buildings, Plant, Equipment and Machinery**

17. All buildings, plant, equipment and machinery required in connection with the operations permitted under this planning permission shall be dismantled or demolished and removed from the site and the site thereof restored in accordance with the scheme of restoration approved under condition 3 within six months of the completion of the restoration scheme.

*Reason: In the interests of the amenities of the locality.*

### **Noise - Reversing Alarms**

18. All vehicles as well as all plant and machinery that are used on site and those under the applicant's control moving to and from the site that are required to emit reversing warning noise, shall use white noise alarms as opposed to single tone 'bleeping' alarms throughout the operation of the development hereby permitted.

*Reason: To protect the amenities of the local residents and the local environment.*

### **Permitted Restoration Materials**

19. Imported and any on-site materials required for the purposes of the development hereby permitted shall constitute only inert and uncontaminated waste materials.

*Reason: To avoid pollution through contamination of the soil, water and/or air, in the interests of the general amenities of the locality.*

### **Controlling Processing of Permitted Materials**

20. Only processing of only inert and uncontaminated waste materials shall take place on site at any time throughout the duration of the development hereby permitted. No waste materials shall be exported off site, save for rejected waste materials that are unsuitable for restoration. A record of reject loads shall be maintained by the applicant at all times and be kept at the site office at all times. They shall be made available to the Minerals Planning Authority upon request.

*Reason: To ensure the restoration of the site within agreed timescales, in the interests of the general amenities of the locality.*

### **Submission of Topographical Surveys**

21. Detailed topographical surveys, providing an update on the approved extraction and restoration works, shall be submitted every calendar year from the date of

commencement to the Minerals Planning Authority following the commencement of the development hereby permitted.

*Reason: To ensure that the extraction and restoration of the site is completed to an acceptable standard within agreed timescales and in the interests of the general amenities of the locality.*

### **External Lighting**

22. No external lighting shall be installed anywhere within the site. This exclusion shall not prohibit the use of lighting on plant, equipment, machinery and vehicles required during the permitted hours of working or the installation of sensor-controlled security lighting, which shall be designed and shielded at all times to minimise light spillage beyond the site boundary.

*Reason: To prevent light pollution in the interests of the amenity of the locality and of local residents.*

### **Hours of Use**

23. There shall be no sand extraction or restoration operations, including waste handling and processing, associated with the development hereby permitted, which shall include the use of plant, equipment, machinery and vehicles, outside the hours of:
- 07.00 and 18.00 on Monday to Friday inclusive; and
  - 07.00 and 13.00 on Saturdays.

No sand extraction or restoration operations, including waste handling and processing operations, which shall include the use of plant, equipment, machinery and vehicles, shall take place on Sundays, Bank Holidays or Public Holidays.

The maintenance of plant, equipment, machinery and/or vehicles required within the development hereby permitted may also take place between the hours of 18:00 and 19:00 on Monday to Friday inclusive and 13:00 and 18:00 on Saturdays and the operation of pumps or safety systems may be undertaken at any time.

*Reason: In the interests of the amenity of the locality and of local residents.*

### **Enclosed Loads**

24. All vehicles exporting sand and any reject waste loads from the site and delivering wastes to the site shall have their loads enclosed within the vehicle or container so as to prevent spillage or loss of materials on to the public highway and the release of emissions to air.

*Reason: In the interests of highway safety and of the amenities of the locality.*

### **Vehicular Operations and Controls**

25. The site shall not be used as an operating base for any Heavy Goods Vehicles, or the repair and/or maintenance of any Heavy Goods Vehicles and plant, equipment and/or machinery which are not under the direct control of the operator and not normally used for the delivery, handling or sorting of minerals and imported wastes to or within the site.

*Reason: In the interests of road safety and of the general amenities of the locality.*

### **Record Keeping**

26. No more than 1,800,000 tonnes of permitted restoration materials shall be imported into the site throughout the period of development. A record of the annual quantities (in tonnes) of extracted sand exported from the site and restoration materials (in tonnes) imported to the site shall be maintained by the applicant at all times and made available to the Minerals Planning Authority upon request.

*Reason: To ensure the restoration of the site within agreed timescales to protect both local amenity and the local environment.*

### **Permanent Cessation**

27. In the event of cessation of winning and working of minerals prior to the achievement of the completion of the scheme approved under condition 3 of this permission, which in the opinion of the Minerals Planning authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town & Country planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing for approval of the Minerals Planning Authority within 12 months of the cessation of winning and working. Once approved by the Minerals Planning Authority, the revised scheme shall be implemented in full within one year of written approval.

*Reason: To enable the Minerals Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use.*

## **INFORMATIVES**

- A. This permission shall be read in conjunction with an agreement made under Section 106 of the Town and Country Planning Act 1990 to control HGV routing to and from the site and the securing of all proposed permissive footpaths at the application site.
- B. The applicants' attention is drawn to the response of Natural England which offers advice regarding protected species, local sites and priority habitats and species and environmental enhancement.
- C. The Environmental Health Authority, Horsham District Council, may use their powers under the Control of Pollution Act 1974 (COPA) to enforce against any nuisance (including waste disposal, water pollution, noise, atmospheric pollution and public health; and for purposes connected with the matters aforesaid) from the site. For any queries on this matter, please contact the Environmental Health Department of Horsham District Council on 01403 215641.
- D. The applicant is advised that all mineral extraction operations must be carried out in accordance with HSE requirements and the Quarry Regulations 1999. The applicant should contact the HSE prior to the commencement of the development hereby permitted to ensure that they are fully compliant with the required health and safety requirements.

- E. In determining this planning application, the Minerals Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.