

**HAMPSHIRE COUNTY COUNCIL**  
**Decision Report**

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	18 March 2020
<b>Title:</b>	Easterly extension of the existing sand extraction area, extend the end date for quarry operations and restoration and amend the approved restoration schemes at Kingsley Quarry, Bordon, Hampshire (EIA) (No. 51188/003) (Site Ref: EH025)
<b>Report From:</b>	Head of Strategic Planning

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### **Recommendation**

1. That planning permission be GRANTED subject to the conditions listed in Appendix A.

### **Executive Summary**

2. The planning application covers 3 main areas and seeks:
  - to extend the currently permitted (permission ref: 55450) quarry extraction area at Kingsley Quarry to the east of the existing operations known as 'Rookery Farm';
  - to extend the end date for currently permitted quarry operations and restoration at Kingsley Quarry; and
  - to amend the currently approved restoration schemes at Kingsley Quarry.
3. The easterly extension would allow the extraction of approximately 1 million tonnes of silica sand over a 10 year period plus 1 further year to complete restoration. The concurrent extension to the lifespan of the existing quarry site, for an additional 11 years (including 1 further year for the restoration of the wider site) following the completion of extraction works from the proposed easterly extension, and the amendment of the wider site's currently approved, and incomplete, restoration scheme is also sought.
4. It is considered that the proposal would be in accordance with the relevant policies of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) (HMWP) as it would provide an additional 1 million tonnes of silica sand mineral resource, according with Policy 17 (Aggregate supply - capacity and source) and Policy 20 (Local land won aggregates).

5. This application is being considered by the Regulatory Committee as it is considered to be a major minerals development and an Environmental Impact Assessment [EIA] development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). It is accompanied by an Environmental Statement (ES).
6. The only statutory consultees to object are East Hampshire District Council and Kingsley Parish Council. A total of 22 representations were received from members of the public.
7. The Regulatory Committee undertook two site visits, the first on 3 September 2018 and the second on 9 March 2020 in advance of the proposal being considered.
8. In summary, it is considered that the proposal would:
  - contribute to maintaining an adequate and steady supply of silica sand for Hampshire through the development of an extension to an existing mineral extraction sites in the adopted Hampshire Minerals and Waste Plan (2013);
  - be a time limited mineral extraction in the countryside which is subject to a requirement for restoration and aftercare and not cause an unacceptable visual impact;
  - protect soils;
  - not adversely affect local archaeology and cultural heritage;
  - not have a significant adverse effect on designated or important ecology and biodiversity;
  - be acceptable in terms of highway capacity and safety;
  - not cause any additional flood risk and protect the quality of groundwater and surface water; and
  - not cause unacceptable adverse amenity impacts.
9. Therefore, it is recommended that permission be granted subject to conditions covering the matters set out in **Appendix A**.

## **The Site**

10. Kingsley Quarry occupies an area of approximately 20 hectares and is located in the countryside approximately 1km to the west of Kingsley village and 6km to the east of Alton in East Hampshire (see **Appendix B - Site Location Plan**).
11. Kingsley Quarry produces high quality silica sand for non-construction use as well as sand for construction use. The silica sand from Kingsley is sold widely in the south of the UK. This 'Kingsley sand' is within specification as a 'recommended sand size' for use on football, rugby and hockey pitches. Kingsley sand is suitable for use in fine turf areas including golf and bowling greens. Construction uses of the sand include ready mixed concrete and concrete products.

12. The existing quarry is split into two distinct areas:
  - **Lode Farm:** The processing site, mineral storage areas, mineral blending areas, silt disposal area, site offices, welfare facilities and vehicle parking and access areas and former mineral workings are located to the north of the B3004 occupying 9 hectares; and
  - **Rookery Farm:** The current extraction area is located approximately 70m south of the B3004 and with a vehicular access from Oakhanger Road occupying 11 hectares.
13. Rookery Farm is where the sand was being extracted from most recently. The footprint of the extraction area is very small in relation to the amount of sand recovered due to the substantial depth of sand. Sand extraction is carried out using a suction dredger which involves sand being extracted to a depth of 24 metres below water level within a lake.
14. The Rookery Farm and Lode Farm areas are connected by a pipeline used to transport sand and water extracted by the dredger within Rookery Farm northward to the plant site within Lode Farm. The pipes are also used for the return of waters from Lode Farm back to the dredging lake.
15. Processing of the mineral extracted from Rookery Farm as well as the creation of the specialist products currently take place at Lode Farm. The site also includes a silt pond.
16. The quarry is served by an existing priority junction at Lode Farm with the B3004 (Forge Road). This road runs between the A325 Farnham Road (east) and the A31 (part of the [Strategic Road Network](#)) at Alton (west).
17. Mineral and mineral blended products are distributed by road by heavy goods vehicles (HGVs) via the main existing access at Lode Farm. Small quantities of soils and materials for blending are also imported into the site by road (HGVs). Vehicles, plant and machinery can access Rookery Farm from Lode Farm by road should it be needed via Oakhanger Lane.
18. The Lode Farm access with the B3004 (Forge Road) also provides vehicular access to the 'Land at Bridges Farm' site and its inert waste/soil recycling facility. This site adjoins Lode Farm's north-eastern boundary and restoration operations are near completion.
19. The closest residential properties to Lode Farm are located on the western boundary of the existing site. The closest properties to Rookery Farm are located on Forge Road approximately 60m to the north and approximately 80m to the south.
20. The existing site (Lode Farm) lies just outside, but adjacent to, the South Downs National Park (SDNP). The National Park boundary runs along

Oakhanger Lane to the west of the existing extraction area at Rookery Farm. The National Park incorporates Shortheath Common to the south and Binswood Common to the west. To the north and west, the land slopes up to the greensand terrace with its 'hanger woodlands' and chalk ridge.

21. The existing Rookery Farm site adjoins the Shortheath Common Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC), located to the south of the quarry site. The existing quarry is designated as Lode Farm Sand Pit Site of Importance for Nature Conservation (SINC).
22. The entirety of the Lode Farm area lies within Flood Risk Zone 1 of the Kingsley Stream (the lowest zone of flood risk from rivers). The Rookery Farm dredging lake resides within FRZ 2 and FRZ 3 of the Kingsley Stream (3 being the highest risk zone).
23. The Folkestone Formation is categorised as a Principal Aquifer by the Environment Agency (EA) because of its importance as a source of water supply to the environment and for potable water use. Groundwater within the aquifer is in hydraulic continuity with the Rookery Farm dredging lake such that the level of this pond correlates with the level of groundwater within the underlying aquifer.

### Planning History

24. Kingsley Quarry was first granted permission in 1966 and quarrying has been ongoing since the mid 1970's, initially in Lode Farm. Extraction within Rookery Farm commenced in 1991. The quarry has been operated by the current applicant since 2002.
25. The site had planning permission to extract sand until the end of 2018 and be restored to agriculture (Lode Farm) and to a lake (Rookery Farm) by the end of 2019 (planning permission [F24847/4](#) and Environment Act Review [F24847/014](#)). Permissions F24847/017 and F24847/020 control aggregate recycling and sand blending at Lode Farm too. In accordance with the two principal planning permissions and pending determination of this application sand extraction has ceased at Rookery Farm. Restoration of both areas has not been completed.
26. The quarry's full history is shown in **Table 1** below:

**Table 1**

Application No	Location	Proposal	Decision	Decision Date
<a href="#">51188/002</a>	Lode Farm	Retrospective application for the installation and use of weighbridge facilities	Granted	25.09.17

<a href="#">SCO/2017/0431</a>	Kingsley Quarry extension	Scoping Opinion - Extend the for operations and amend the restoration scheme for the existing site	Advice	07.08.17
<a href="#">SCR/2017/0347</a>	Kingsley Quarry	Screening Opinion: Section 73 application to vary condition 2 of PP: 24847/031 (extension of time)	Advice	17.07.17
<a href="#">55450</a>	Kingsley Quarry	Variation of condition 3 (working scheme) of planning permission F24847/014	Granted	17.06.14
<a href="#">SCO/2008/0084</a>	Kingsley Quarry	Scoping Opinion: Proposed extension to existing mineral extraction operation and restoration to nature conservation uses	Advice	28.08.08
<a href="#">F24847/020/CMA</a>	Lode Farm	Development of Topsport and merchenting operations	Granted	25.06.04
<a href="#">F24847/017/CMA</a>	Lode Farm	The development of an aggregates recycling facility to facilitate quarry restoration including construction of a new internal roadway and provision of wheel cleaning equipment	Granted	25.06.04
<a href="#">F24847/014/CMA</a>	Kingsley Quarry	Review of Mineral Planning Permissions	Granted	30.05.03
<a href="#">F24847/10C</a>	Lode Farm	Vary conditions 3 & 9 of F24847/7C to extend the period for tipping to 31/12/98, extend hours of work to including Saturday am	Granted	11.12.95
<a href="#">F24847/9</a>	Lode Farm	Application to vary conditions on F24847/3 to enable an extension of time till 31/10/94 to complete restoration	Granted	03.02.94
<a href="#">F24847/7C</a>	Lode Farm	Extraction of building sand & subsequent infilling with inert waste prior to restoration to agriculture	Granted	06.09.93
<a href="#">F24847/8C</a>	Lode Farm	Laying of pipelines for the purpose of transporting excavated minerals from rookery farm to lode farm sandpit	Granted	13.11.92
<a href="#">F24847/6</a>	Lode Farm	Installation of pipeline and conveyor	Granted	02.07.90

<a href="#">F24847/4</a>	Lode Farm	Winning and working of sand and ancillary matters thereto including constructing a vehicular access road to B3004 and laying pipelines to connect to the existing Lode Farm Sandpit, infilling with approved materials and restoration to agriculture, amending Planning Permission F/24847/3 as appropriate	Granted	02.07.90
<a href="#">F24847/5C</a>	Lode Farm	Variation of condition 2 of consent F24847/3 to deepen part of the existing sand pit	Granted	03.04.90
<a href="#">F24847/3</a>	Lode Farm	Deepening of existing sandpit with subsequent restoration to agriculture using imported waste material	Granted	25.02.87
<a href="#">F24847/2</a>	Lode Farm	Deepening of sand pit and importation of fill	Granted	22.03.82
<a href="#">F24847/1</a>	Lode Farm	Variation to conditions 10,18 pp F24847	Granted	22.03.82
<a href="#">F24847</a>	Lode Farm	Sand extraction, construction of conveyor tunnel etc	Granted	08.10.79
<a href="#">ALR12394</a>	Lode Farm	Erection of plant for washing sand	Granted	21.05.73
ALR8846	Lode Farm	Mortar Plant	Refused	19.06.68
<a href="#">ALR8024</a>	Lode Farm	Erection of sandhopper and screening plant, pit ticket office and canteen	Granted	23.12.66
<a href="#">ALR7498</a>	Lode Farm	Sand extraction	Granted	07.06.66

## The Proposal

27. The proposal involves:
- i. an easterly extension of the existing sand extraction area (Rookery Farm);
  - ii. an extension of the end date for quarry operations (including associated processing and recycling operations) at both Lode Farm and Rookery Farm; and
  - iii. restoration and amendments to the approved restoration schemes for the quarry and plant site at both Lode Farm and Rookery Farm.
28. The overall extent of the planning application area is 24.8 hectares (ha).

*i. Easterly extension area*

29. The extension area lies immediately to the east of the existing Rookery Farm extraction area (see **Appendix C - Existing Site Layout with Extension Area Plan**).
30. The proposed site covers 3.4ha of land comprising 2.6ha of Best and Most Versatile (BMV) agricultural land and 0.8 hectares of non-agricultural land. The extension area is reasonably flat, with a very gentle slope.
31. The site comprises a small and recently planted woodland copse and the railway embankment of the disused 'Bordon Light Railway', which closed in 1966. Two rows of mature poplar trees are situated on the crest lines of the embankment, which separates the extension area from the Rookery Farm site.
32. The proposed extension site is bordered to its east by the locally south-southwest to north-northeast flowing Oakhanger Stream. This watercourse meets the Kingsley Stream to the east (downstream) of the quarry.
33. A public footpath (Kingsley 132/5) crosses the proposed extension area running NE to SW across the site where it crosses the disused railway before running along the south-east corner of Rookery Farm towards Shortheath Common.
34. The closest properties are two houses on Forge Road, approximately 150-190 metres to the north-west from the extension area application boundary (red line).
35. The extension area would be worked in three phases over 10 years from north to south, by expanding the existing dredger lake at Rookery Farm. The phases would be as follows:
  - **Phase 1** - Removal of the northern section of the railway embankment and stripping of soils and overburden within the area north of the footpath. Extraction to 12 metres (m) below water level within this area;
  - **Phase 2** - Once the public footpath has been diverted, the remaining portion of the railway embankment would be removed and the remaining soils and overburden stripped from the extension area south of the footpath. Extraction to 12m below water level would then progress within this area;
  - **Phase 3** - With the upper final excavation slopes established and the extension worked out to 12m below water level, the extension would be deepened by removal of a lower bench to the maximum depth of 24m below water level.

36. Prior to **Phase 1** commencing public footpath (Kingsley 132/5) which crosses the proposed extension area running NE to SW, would be securely fenced off. Prior to **Phase 2** commencing the footpath would need to be diverted to ensure the continuing safe use of this right of way by its users. It would be diverted around the eastern boundary of the proposed extension area.
37. The extension area would yield approximately 1Mt of sand. Extraction would take place at a rate of 100,000 tonnes per annum lasting approximately 10 years, extending the life of the site until 2030.
38. Soils and overburden would be stripped from the extended site, including an existing topsoil bund from the Rookery Farm site's eastern margin. Approximately 25,000m<sup>3</sup> of the total 45,000m<sup>3</sup> of soils and overburden will be retained for use in restoration, initially being used to form a screenbank around the extension area to screen external views and the diverted footpath.
39. The remaining 20,000m<sup>3</sup> (30,000 tonnes) would be transported on a campaign basis by road (Oakhanger Lane and Forge Road) using either tractors with trailers and/or HGVs from Rookery Farm to Lode Farm.
40. Campaigns moving c.5000 tonnes would occur six times during the initial three to six years (could be twice yearly over three years or once a year over six years) of extraction operations.
41. Each campaign would last four weeks be resulting in 28 loads or 56 two-way movements per day between Rookery Farm along Oakhanger Lane and Lode Farm via B3004.
42. Exported soils and overburden would be used within restoration and utilised in the blending operation as components for specialist and-based products already produced at Lode Farm. This could reduce the dependency for the historically permitted import of blending materials from further afield by road/HGV (c. 25,000 tonnes per annum in any 12 month calendar period) that comprises peat, soils, sand, grit and aggregates, which is again sought within this application.
43. The applicant's existing dredger would be used in the extension area to extract sand from similar maximum depths, 24m below water level. Extracted sand would also be transported via the underground pipe to Lode Farm.
44. The proposal would not result in any change in the method of extraction, the processing activities or the current operating hours at the Lode Farm and Rookery Farm sites. The existing permission contains a planning condition that controls the working hours. These are:
  - *Monday to Friday - 07:00 to 18:30; and*

- *Saturday - 07:00 to 13:00.*

The long reach excavator shall not be operated at all at any time on a Saturday, Sunday or Bank Holidays.

45. The applicant has advised that reference in the condition to an 18:30 closure time was a clerical error and that 18:00 hours is when operations cease each day.

*ii. Extension of the end date for quarry operations (including associated processing and recycling operations)*

46. The proposal seeks to extend the life of existing quarrying operations at Rookery Farm to coincide with the proposed easterly extension area's lifespan of 10 years plus 1 year for restoration to be completed. The proposal also seeks to retain the use of the associated plant (processing and recycling) at Lode Farm for the same period to enable the sand from the quarry extension area to be processed, blended and sold.
47. Existing parking, layout, stockyard, weighbridge, office, welfare, associated facilities and lighting at Lode Farm will also remain the same as currently permitted.
48. In terms of the exportation of sand (100,000 tonnes per annum) and blended sand-based products (20,000 tonnes per annum), this would continue to be undertaken by HGV from Lode Farm via the B3004 (Forge Road), running between the A325 (east) and the A31 (west). No increases to previously permitted outputs are proposed.
49. Overall imported materials entering Lode Farm involving soil for sand blending (c.20,000 tonnes per annum) and materials for recycling operations (c.25,000 tonnes per annum) would continue to be undertaken by HGV from Lode Farm via the B3004 (Forge Road), running between the A325 (east) and the A31 (west). No increases to previously permitted imports are proposed.
50. The only change to material transport would be through the daily 28 or 56 two-way road movements between Rookery Farm, travelling along Oakhanger Lane and the B3004 to Lode Farm. These movements carrying soils and overburden through the six, four-weekly campaigns from the eastern extension area (c.30,000 tonnes total) would take place during the initial three to six years.

*iii. Restoration and amendments to the approved restoration schemes for the quarry and plant site*

51. The currently approved restoration scheme would be amended as part of the proposal. The existing Lode Farm processing plant area would still be restored to agricultural land using existing stockpiles of soils and surplus

soils from the extension area. In addition, areas of biodiversity habitat would be created including wetland, damp grassland, ponds and new hedgerow.

52. The restoration of Rookery Farm and the easterly extension site would be carried out on a phased basis once sand extraction is completed. The site would be restored to a variety of nature conservation habitats surrounding landscaped lakes together with agricultural land. A variety of different restoration habitats will be provided, and the scheme has been designed to provide biodiversity enhancement and a significant net increase in habitat. The habitats proposed include the following elements:
- Lake -11.6ha;
  - Native woodland - 4.1ha;
  - Native scrub - 0.45ha;
  - Native hedgerow - 165.5m;
  - Agricultural grassland - 4.8ha;
  - Neutral grassland - 3.4ha;
  - Damp grassland - 1.4ha; and
  - Ponds - 0.19ha.
53. The applicant advises that the proposed restoration scheme would result in a significant net increase in habitat extent for legally protected Habitats and Species of Principal Importance, and Local Biodiversity Action Plan Priority Habitats and Species benefitting both the restored mineral workings and the local area. Additional land under the control of the applicant to the west of the Rookery Farm site is also to be used for mitigation purposes.
54. There will be a further 1 year period for the overall restoration to be completed following the completion of operations meaning the end date would be in 2031. Following restoration, the site will go into aftercare for a defined period (a minimum of five years) to ensure the successful establishment of habitats.
55. The proposed development is classified as an Environmental Impact Assessment (EIA) development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). Therefore, an Environmental Statement (ES) has been submitted with the planning application, considering the following planning issues:
- Agriculture and Soils;
  - Air Quality;
  - Cultural Heritage;
  - Ecology;
  - Geotechnical Stability;
  - Highways;
  - Landscape Character and Visual Appraisal;
  - Noise;

- Water;
- Public Rights of Way;
- Cumulative Impacts;
- Public Health and Climate Change; and
- Socio-Economic.

56. In October 2019, under Regulation 25 of the above EIA Regulations (2017), the County Council formally requested the submission of further information to supplement that included within the ES. It concerned ecology and biodiversity, the water regime and community and stakeholder engagement. Other information was also requested to provide clarification on several matters.

57. The required Regulation 25 information was provided in October 2019 by the applicant and was subsequently sent out for full public consultation by the County Council in November 2019. The responses received were all considered within the decision-making process and the completion of this report.

### **Development Plan and Guidance**

58. The following plans and associated policies are relevant to the proposal:

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

59. The following paragraphs are relevant to this proposal:

- Paragraph 11: Presumption in favour of sustainable development;
- Paragraphs 54 - 58: Use of conditions, obligations and enforcement;
- Paragraph 80: Support of sustainable economic growth;
- Paragraph 98: Protect and enhance public rights of way and access,
- Paragraphs 102 & 108 - 109: Assessing traffic impact and sustainable transport;
- Paragraph 118: Effective use of land;
- Paragraphs 149 - 150, 155 & 163: Planning for climate change and flood risk;
- Paragraphs 170, 174, 175 & 177: Conserving and enhancing the natural environment;
- Paragraphs 180 & 183: Ground conditions and pollution;
- Paragraphs 184, 189, 192 - 193 & 196 (Conserving and enhancing the historic environment); and
- Paragraphs 203 - 205 & 207: Facilitating the sustainable use of minerals and maintaining their supply.

#### **National Planning Practice Guidance (NPPG)**

60. Elements of National Planning Practice Guidance NPPG (Live) are also relevant, those being:

- Air quality (1 November 2019);
- Appropriate Assessment (22 July 2019);
- Climate change (15 March 2019);
- Environmental Impact Assessment (15 March 2019);
- Flood risk and coastal change (6 March 2014);
- Healthy and safe communities (1 November 2019);
- Historic environment (23 July 2019);
- Light pollution (1 November 2019);
- Natural environment (21 July 2019);
- Minerals (17 October 2014);
- Noise (22 July 2019);
- Open space, sports and recreation facilities, public rights of way and local green space (6 March 2014);
- Planning obligations (1 September 2019);
- Travel plans, transport assessments and statements (6 March 2014);
- Use of planning conditions (23 July 2019); and
- Water supply, wastewater and water quality (22 July 2019).

61. The section on Minerals (17 October 2014) is particularly relevant to the proposal, with the pertinent sections being:

- What are mineral resources and why is planning permission required? (Paragraph: 001 Reference ID: 27-001-20140306 - Revision date: 06 03 2014);
- Under what circumstances would it be preferable to focus on extensions to existing sites rather than plan for new sites? (Paragraph: 010 Reference ID: 27-010-20140306 - Revision date: 06 03 2014);
- How and when are the details of any significant environmental impacts best addressed? (Paragraph: 011 Reference ID: 27-011-20140306 - Revision date: 06 03 2014);
- What is the relationship between planning and other regulatory regimes? (Paragraph: 012 Reference ID: 27-012-20140306 - Revision date: 06 03 2014);
- How should mineral operators seek to minimise the impact of development upon properties and the local environment in close proximity to mineral workings? (Paragraph: 015 Reference ID: 27-015-20140306 - Revision date: 06 03 2014);
- How should minerals operators seek to control noise emissions? (Paragraph: 019 Reference ID: 27-019-20140306 - Revision date: 06 03 2014);
- What are the appropriate noise standards for mineral operators for normal operations? (Paragraph: 021 Reference ID: 27-021-20140306 - Revision date: 06 03 2014)

- How should mineral operators seek to minimise dust emissions? (Paragraph: 023 Reference ID: 27-023-20140306 - Revision date: 06 03 2014); and
- How much detail on restoration and aftercare should be provided with the planning application? (Paragraph: 040 Reference ID: 27-040-20140306- Revision date: 06 03 2014); and
- Is a landbank above the minimum level justification to refuse planning permission? (Paragraph: 084 Reference ID: 27-084-20140306 - Revision date: 06 03 2014).

### **Hampshire Minerals & Waste Plan (2013) (HMWP)**

62. 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 14 (Community benefits);
- Policy 15 (Safeguarding - mineral resources);
- Policy 16 (Safeguarding - minerals infrastructure);
- Policy 17 (Aggregate supply - capacity and source);
- Policy 18 (Recycled and secondary aggregates development);
- Policy 20 (Local land-won aggregates); and
- Policy 21 (Silica sand development).

### **East Hampshire and South Downs Joint Core Strategy - Part 1 (2014) (EHCS (2014))**

63. The following policies are relevant to the proposal:

- Policy CP1 (Presumption in favour of sustainable development);
- Policy CP19 (Development in the countryside);
- Policy CP20 (Landscape);
- Policy CP21 (Biodiversity);
- Policy CP25 (Flood risk);
- Policy CP26 (Water resources/water quality);
- Policy CP27 (Pollution);

- Policy CP29 (Design);
- Policy CP30 (Historic environment); and
- Policy CP31 (Transport and access).

### Draft East Hampshire Local Plan 2017 - 2036

65. This emerging plan that would supersede the adopted Joint Core Strategy (2014) is not yet at the examination stage. Accordingly, it can only be given little weight for decision-making purposes. The following policies are relevant to the proposal:

- Policy S3 (Sustainable and viable development);
- Policy S4 (Health and well-being);
- Policy DM5 (Amenity);
- Policy S13 (Planning for economic development);
- Policy DM15 (Protection of tourism uses);
- Policy S15 (Rural economy);
- Policy S17 (Development in the countryside);
- Policy S18 (Landscape);
- Policy S19 (Biodiversity, geodiversity and nature conservation);
- Policy DM25 (The local ecological network);
- Policy DM26 (Trees, hedgerows and woodland);
- Policy S24 (Planning for climate change);
- Policy S25 (Managing flood risk);
- Policy S26 (Protection of natural resources);
- Policy DM29 (Water quality and water supply);
- Policy S27 (Design and local character);
- Policy S28 (Heritage assets and the historic environment);
- Policy DM38 (Archaeology and ancient monuments); and
- Policy S30 (Transport).

### **Consultations**

66. **County Councillor Kemp-Gee:** Commented as to whether further quarrying here is needed instead of increased recycling of suitable wastes/materials? Has concerns over the impacts of continuing and more widespread quarrying on the local community, and the lack of mitigation and community engagement on the part of the applicant. Impacts of concern include through traffic/HGV movements through Kingsley village and through noise and air quality emissions. Liaison meetings between the applicant and the local community have not been taking place and should have been.
67. **East Hampshire District Council:** Objection as the proposal would result in the loss of an avenue of mature poplar trees along the route of a former railway line/embankment. These are important landscape features of high amenity value, the loss of which would have an adverse visual impact within the landscape.

68. **East Hampshire District Council Environmental Health:** No objection subject to the imposition of conditions controlling potential impacts on the local population and area arising via operational noise and dust impacts and including the applicant's own mitigation measures including hours of use and the usage of plant and machinery within quarrying operations.
69. **South Downs National Park Authority:** Comments that If the disused railway line/embankment is not to be retained, they recommend that the whole length of the diverted footpath should be established as a multi-user path (bridleway) and at a minimum of 4m width. The surfacing should be to a high specification to promote opportunities for a wide range of users to enjoy the restored lakeside views, whilst taking account of the need to protect the existing trees and vegetation. It is considered that this should be a minimum requirement.
70. **Kingsley Parish Council:** Objection to a further 10 years of quarrying in this location as the local community and countryside location have suffered enough. Can't this proposal be located elsewhere or be met by increased use of aggregate recycling and concrete recycling. Historic impacts on this rural and tranquil area would continue to affect local residents and the local environment.
71. Specific impacts would include from HGV movements through the village, not just to road safety and disturbance, but to air quality and through noise. Continuing impacts on the local landscape due to delays in the completion of approved restoration, from further quarrying and through the use of lighting would adversely affect the locality and local designations including the nearby National Park and ecological/biodiversity sites too.
72. Should planning permission be recommended, conditions controlling the import of construction waste (25,000 tonnes per annum) and the export of recycled aggregates (20,000 tonnes per annum), associated HGV movements (16 per day) and days where concrete crushing is undertaken (36 per annum) should be imposed. Conditions to ensure the control of noise from quarrying operations, to control light pollution, reduced hours of working should all be imposed.
73. Lastly, the Parish Council state that a lack of community benefit has been delivered by the applicant since they acquired the quarry in 2002. This conflicts with the County Council's Policy 14 'Community benefits' in ensuring that community benefits are negotiated and where agreed are provided to 'the locality' to offset the impact/s of a development on the population living/working/visiting within that environment.
74. **Environment Agency:** No objection subject to the imposition of conditions concerning ecology and biodiversity and flood risk. These relate to **1)** the provision and management of an 8m wide buffer zone along both the Kingsley and Oakhanger Streams, **2)** the provision of a landscape and ecological restoration management plan, **3)** advance

approval of the design and location of any required crossings (bridges not culverts), **4)** no construction until a Construction Environmental Management Plan (CEMP), which includes long-term aftercare and management of all works, has been approved, **5)** no land raising of access tracks and footpath within flood zones 2 and 3, **6)** the retention of openings within the screening bunds throughout quarrying operations, **7)** no excavation work within 8m of the top of any watercourse channels and **8)** any fencing erected within flood zones 2 and 3 must be flood compatible in design.

76. **Natural England:** No objection over potential impacts to local designated ecological and biodiversity sites (Kingsley Common SPA) subject to the applicant's mitigation measures relating to the control of dust and emissions to air being imposed.
77. **Defence Infrastructure Organisation:** No objection.
78. **Local Highway Authority:** No objection subject to the imposition of conditions requiring HGV records to be retained on site, visibility at the Lode Farm access with the B3004 to be maintained, all HGVs carrying materials to be covered and all wheels on HGVs exiting the site to be clean.
79. **Rights of Way:** No objection to the application and diversion of the public footpath subject to securing or safeguarding the proposed multi-user railway line link or a route of similar recreational value as recommended by the South Downs National Park Authority.
80. **Lead Local Flood Authority:** Proposals for surface water drainage meet the current standards/best practice in relation to surface water drainage.
81. **County Archaeologist:** No objection subject to a written scheme of archaeological investigation being required and imposed by condition.
82. **County Landscape Architect:** No objection subject to **1)** a detailed landscape management plan showing contouring of screen bunding, the planting, seeding and a 5 year maintenance plan being approved, **2)** details of the exact line of proposed protective fencing on the eastern boundary (and the valuable trees/hedgebank along the woodland boundary) being approved and erected prior to any works commencing, and retained intact until quarrying ceases and **3)** a detailed drawing showing the route and construction method for the service road and the diverted path be submitted and approved before construction adjacent the eastern woodland commences to ensure protection to the valuable trees/hedgebank along the woodland boundary all being required and imposed by conditions.
83. **County Ecologist:** No objection subject to the imposition of a pre-commencement condition that covers the submission, approval and

implementation of the finalised version of the applicant's Ecological Management Plan, with reference to the draft version (v.2 August 2019). It should take account of the EA's requirements for the provision and management of 8m buffer strips around the edge of the quarry and the long-term ongoing management of affected watercourses.

84. **County Arboriculturalist:** Concerns raised over number of trees to be removed from woodland belt along former railway embankment. Mitigation of this loss and protection of remaining trees/planting close to extraction area must be provided by condition/s.
85. **County Public Health:** Was notified.
86. **County Planning Policy:** The proposal would contribute to the County's requirement to ensure the adequate and steady supply of aggregates until 2030 as required by Policy 17 of the HMWP (2013). Based on current provision, the County is below its required seven year landbank for sand and gravel as well as its silica sand landbank, the latter being quarried at Kingsley up until the end of 2018. This extension would provide approximately 1Mt of silica sand over a period of 10 years and would be supported under both Policy 20 'Additional sites' and Policy 21 'Silica sand developments' within the HMWP (2013).

## Representations

87. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
88. In complying with the requirements of the SCI, Hampshire County Council:
- Published a notice of the application in the Hampshire Independent;
  - Posted 4 site notices around the 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 (by letter) within 300 metres from the site boundary.
89. As of 01 March 2020, a total of 22 representations, including from the Ashdell Residents Association and the Alton Group of Ramblers, to the proposal have been received. 21 were objecting to or raising concerns about the proposal with 1 making comments on ensuring that the public footpath would be diverted properly and maintained for continuing use should planning permission be granted. The main areas of concern raised in the objections relate to the following areas:

- Another 10 years of quarrying and restoration operations will cause disturbance to residents when quarrying should have ceased;
- Noise disturbance to residents and the rural setting from quarrying operations;
- Dust and air quality impacts from quarrying operations;
- Removal of large number of mature trees;
- Adverse impacts on local ecology and biodiversity;
- Adverse visual impacts through quarrying operations adding to existing impacts caused through incomplete restoration;
- Continuing traffic and quarry plant/machinery noise and vibration disturbances;
- Continuing light pollution;
- Hours of use are unsociable and impacts on local residents' health and well-being;
- Restoration works incomplete and remain poor in appearance;
- HGVs travelling to and from the quarry already cause road safety problems (specifically to the B3004) contributing to cumulative traffic impacts from the volume of vehicles driving through Kingsley Village and the proposal will exacerbate this; and
- Lack of community benefits provided by applicant.

90. The above issues will be addressed within the following commentary (except where identified as not being relevant to the decision).

## **Commentary**

### Principle of the development and demonstration of need

91. The use of land at Kingsley Quarry (i.e. at Lode Farm and Rookery Farm) for mineral extraction, ancillary operations and restoration has been long-established through the granting of several mineral-related planning permissions since the late 1960s. The extension area has not been used for mineral-related uses and so requires full consideration.

92. Kingsley Quarry produces high quality silica sand for non-construction use as well as sand for construction use. The suitability for use in each market is defined by the particular characteristics of the sand, namely their physical, chemical and mineralogical properties:

- Non-construction use 'silica' sands are high-purity, well sorted with a limited grain size distribution with the majority of grains falling between 0.125mm to 1mm in diameter; and
- Construction use sands have fewer specific requirements being dependent on the project/development they are being used for. The grading of sand particles as well as their composition and shape of the particles dictate this.

93. Within the existing site the majority (70%) of extracted sand was used for specialist, non-construction purposes. This includes for use on golf courses, sports pitches, specific landscaping and recreational uses which requires silica sand to be blended with imported soils. The silica sand from Kingsley is sold widely in the south of the UK. The Kingsley silica sands meet the specification of the Sports Turf Research Institute for modification and top dressing of winter games pitches and fine turfs within golf and bowling greens.
93. Sands used for construction can be used for ready mixed concrete, concrete products, plastering, mortar or asphalt uses depending on specifications. Construction sands are only suitable for specialist non-construction uses in exceptional circumstances.
94. Geological information submitted with the application identified the geological and hydrogeological regime at the application site and the quality and the volume of the available silica sand mineral reserve present.
95. As already stated, the most recent planning permissions for sand extraction, restoration and mineral processing and blending expired at the end of 2018 with restoration set to be completed by the end of 2019. The extraction deadline was set to tie in with the extraction rate of available mineral reserves at Rookery Farm. These are now exhausted, and restoration of both areas remains incomplete pending determination of this application.
96. Policy 20 (Local land-won aggregates) of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP) is supportive of sites that can contribute to the '*adequate and steady supply of locally extracted sand and gravel*' that the County have to maintain sufficient reserves of through their landbank for at least seven years (a nationally set requirement).
97. Whilst preference is given to the extraction of remaining reserves at permitted sites (20 (1) (i-xiii)), extension to allocated sites (20 (2) (i-ii)) and new allocated sites (20 (3) (i-v)) within the County, under (20) (4) proposals for new sites outside those identified areas will be supported where:
- a. monitoring indicates that the sites identified in Policy 20 (1), (2) or (3) are unlikely to be delivered to meet Hampshire's landbank requirements and / or the proposal maximises the use of existing plant and infrastructure and available mineral resources at an existing associated quarry; or*
  - b. the development is for the extraction of minerals prior to a planned development; or*
  - c. the development is part of a proposal for another beneficial use, or*
  - d. the development is for a specific local requirement.*

98. Looking at a. above, and permitted sites that are actively producing soft sand, current monitoring is indicating that these sites (*Policy 20 (1)*), extensions to existing sites (*Policy 20 (2)*), and new sand and gravel extraction sites (*Policy 20 (3)*), are individually/collectively not meeting demand or the landbank requirements.
99. Paragraph 6.83 of the HMWP seeks to maximise the sustainable use of existing plant and / or infrastructure either at or associated with an existing quarry to meet Hampshire's landbank requirements. The processing equipment already in place at Lode Farm demonstrates the ability to do this according with a. above.
100. As with permitted and allocated sites, Policy 20 still requires any new proposed mineral development to be considered against the development plan (HMWP) and all material development considerations within it at the planning application stage. These are considered in later sections of the **Commentary** section.
101. Policy 17 (Aggregate supply - capacity and source) of the HMWP seeks 'to provide for an adequate and steady supply of aggregates up to 2030 for Hampshire and surrounding areas'. This can be through land-won provision as well as through provision at safeguarded minerals infrastructure, recycled and secondary aggregates, marine-won aggregates and the importation of minerals from outside of Hampshire.
102. The proposed development would provide silica sand totalling approximately 1Mt over a period of 10 years at an extraction rate of 100,000 tpa.
103. A number of interested parties have asked why secondary aggregate production or aggregate recycling can't be accelerated rather than the continuation of quarrying for another 10 years. In response, the applicant advises that the production of secondary aggregates would not provide the required physical, chemical and mineralogical properties that silica sand and its uses need.
104. The HMWP sets out a provision rate of 1.56 Mtpa for sand and gravel for the period ending 2030. The NPPF requires the production of an annual Local Aggregate Assessment (LAA) to review the supply of aggregates. In 2019, the South East Aggregate Working Party agreed a methodology for undertaking the assessments using economic and construction forecasts. The 2019 Hampshire LAA rate for sand and gravel was assessed as 1.15 Mtpa.
105. The NPPF requires a minimum landbank of seven years for sand and gravel. Based on the HMWP provision rate of 1.56 Mtpa the landbank for sand and gravel in 2018 is 5.81 years. If the 2018 LAA Rate is applied, the landbank is 7.88 years. Whilst, using the LAA rate meets the seven-year

requirement, this is only a minimum and sand and gravel supply issues remain.

106. Notwithstanding differences in provision rates and excluding other sand and gravels within 'aggregate supply', soft sand resources remain scarce and concentrated to a small number of areas of Hampshire such as at Kingsley and a few miles away at Frith End Sandpit. Often these areas are constrained, such as by the National Parks and other environmental sensitivities. This has led to an issue not just for Hampshire but for the wider south-east region when assessed against Plan provision rates and /or the recently produced LAA provision rate.
107. The scarcity of soft sand in Hampshire is reflected in its individual landbank, which sits at 2.76 years (LAA rate) or just 2.26 years (Plan rate). This is far below the NPPF requirement for a minimum of seven years. This proposal would help bridge this deficit, both in the short-term and longer term.
108. Permission was approved in 2019 (subject to s106 completion) for the extraction of 3Mt of sharp sand and gravel at Roeshot, an allocated site in the HMWP. This is not included in the above figures as the LAA reports on the previous year, so the LAA 2019 contains 2018 data. The inclusion of this quarry in the reserves for Hampshire increases the landbank from 7.88 to 10.36 years based on the LAA rate.
109. There is no 'maximum' landbank figure that could justify refusal of planning permission, particularly where *a continuing need for its use within a distinct and separate market has been demonstrated* and in the case of the Quarry's productivity an urgent need. Factors such as extraction rate/s and sales at existing sites and permitted sites throughout the Plan period must also be included and are subject to the proposed LAA annual review.
110. Therefore, the application meets the expectations of the HMWP (2013) in terms of extractable reserves in accordance with Para 80: Support of sustainable economic growth, of the National Planning Policy Framework (NPPF) 2019.
111. The proposed development is identified as a new site that can contribute significantly to the supply of land-won aggregates in the form of soft sand (silica sand), in line with paragraph 10 of the NPPG (Live) and Policies 17 (Aggregate supply - capacity and source) and 20 (Local land-won aggregates) of the HMWP (2013).

#### Development in the Countryside, Landscape & Visual Impact

112. Kingsley Quarry is situated within the countryside. It occupies a relatively low-lying position adjacent to the Kingsley Stream and Oakhanger Stream between 70 and 80mAOD either side of the B3004 (Forge Road). Heading southward from the B3004 (Forge Road), the topography levels out more

and is characterised by the ancient commons of Kingsley, Binswood and Shortheath.

113. This area supports a mixture of heathland, arable land and woodland. Isolated residential and commercial properties are situated within the vicinity and the western margin of Kingsley village adjoins the quarry's eastern boundaries (**see Appendix B - Site Location Plan**).
114. The existing site (Lode Farm) lies just outside, but adjacent to, the South Downs National Park (SDNP). The National Park boundary runs along Oakhanger Lane to the west of the existing extraction area at Rookery Farm. The south-western corner of the proposed easterly extension area lies approximately 200m to the north of the.
115. The National Park incorporates Shortheath Common (Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC)), to the south and Binswood Common to the west of the Rookery Farm extraction site. To the north and north-west of Lode Farm, the land slopes up to the greensand terrace with its 'hanger woodlands' and chalk ridge, again within the National Park, and an important local feature.
116. Concerns were raised by representees and by some consultees, including the County's Arboriculturalist and Landscape Advisor, the South Downs National Park and East Hampshire District Council, over the proposed development's impact on the local landscape, particularly over a further 10-11 years of mineral extraction and delays to approved restoration.
117. A Landscape and Visual Impact Assessment (LVIA) was submitted with the application. It fully assesses the potential landscape and visual impacts arising from proposals to extend the dredging area, and to consequently extend the previously permitted operational period and restoration scheme.
118. An assessment of the impacts on Landscape Character was also submitted within the LVIA. The nearest Landscape Character Area (LCA) to the easterly extension area, and which includes Shortheath Common within the National Park, is 'The Kingsley/Blackmoor Mixed Farmland and Woodland Landscape Character Area'. It acknowledges the presence of the quarry and how its increases in size and evolution over the last 50+ years has resulted in the creation of a new landform, that being functional processing and material storage areas at Lode Farm and a water-filled void at the extraction area at Rookery Farm, within the local landscape.
119. Policy 5 (Protection of the countryside) of the HMWP (2013) states that minerals and waste development in the open countryside, outside the National Parks and Areas of Outstanding Natural Beauty, will not be permitted unless one (or more) of the criteria set out in the policy are met. Those being:

*a. it is a time-limited mineral extraction or related development; or*

*b. the nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location; or*

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

120. In this case, the proposal meets criteria *a.*, being a *time-limited mineral extraction*, albeit one that would exist for around 10 - 11 years. Furthermore, due to the applicant's permitted processing and blending facilities situated at Lode Farm, which are easily accessed by road (Oakhanger Lane and B3004), it could be demonstrated that the proposal also meets *b.*, with the nature of the proposed development being *related to countryside activities, meeting a local need and/or requiring a countryside location.*
121. Policy 5 also requires, where appropriate and applicable, *development in the countryside to meet highest standards of design, operation and restoration and should be subject to restoration in the event it is no longer needed for minerals use.* Supporting this are Policies 9 (Restoration of quarries and waste developments), 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the HMWP (2013). These all require temporary minerals development to be restored in a phased manner to beneficial after-uses that are in keeping with the character and setting of the local area, and which contribute to the delivery of local objectives for habitats, biodiversity or community use where applicable.
123. The proposal includes a programme of phased extraction and restoration, using site-derived materials (i.e. soils and overburden), to provide agricultural land, areas of woodland, heathland and grassland whilst conserving and enhancing existing local ecology and biodiversity and the landscape character of the locality. The proposal would meet the criteria of Policy 5 and that of Policies 9, 10 and 13 of the HMWP (2013) with the delivery of essentially the same level of restoration with improved levels of habitat and biodiversity net gain being included (refer to **ecology** section below).
124. Soils and overburden stripped within **Phases 1 and 2**, would initially be used to form a screenbank around the extension area to screen external views and the diverted footpath, thus minimising the visual impacts from additional quarrying operations. Policy 8 (Protection of soils) of the HMWP (2013) should be adhered to in *requiring that minerals development ensures that extracted soils are protected during quarrying and when appropriate, recover and enhance soil resources*, within the phased restoration scheme. The applicant has undertaken to do this acknowledging that the use of local soils is always preferable to the importation of soils, as native material contains locally derived soil type/s that benefit the local flora and fauna.

125. 'The Kingsley/Blackmoor Mixed Farmland and Woodland Landscape Character Area' (LCA) notes in its assessment that *'the high degree of tree cover in this area limits the visual sensitivity of this landscape, and therefore increases its ability to accommodate development without creating adverse landscape effects'*. This combination of natural tree screening and local topography around the periphery of both Lode Farm and Rookery Farm and the latter's easterly extension, would provide a substantial screen between them and the National Park to the south, west and north.
126. The effects of further quarrying and the continuing use of the dredger and pipeline from that currently used at Rookery Farm, would remain visually and audibly unobtrusive, as opposed to the use of mechanical excavators and HGV movements within a land-won sand quarry. The use of an excavator and HGVs during the six, four-week long soil and overburden stripping and movement to Lode farm would be discernible but not unacceptable and controlled and monitored within conditioned Nationally approved, short-term noise levels for quarries. Any impacts would only create minor and non-significant effects that would become minor to negligible once the site is restored to a lake with nature conservation features around its margins.
127. Continuing the approved processing, recycling, sand handling and incomplete restoration operations within Lode Farm would also be insignificant and unobtrusive in terms of impacting and effects on the local landscape. Lode Farm and its operations already form part of the wider landscape and the higher ground surrounding the sites, coupled with boundary planting works undertaken as part of the previously approved restoration works would ensure only minor and non-significant effects that would become minor to negligible once the site is restored to agricultural and wetland/heathland uses.
128. The County Landscape Advisor and Arboriculture's along with East Hampshire District Council raise concerns and object to the loss of the two rows of mature poplar trees that stand along the length of the former railway embankment.
129. Without removing the embankment, to join the existing Rookery Farm dredging lake with the eastern extension area, less than 200,000 tonnes of the 1Mt of sand available could be recovered. This, coupled with the poor quality and worsening health of the poplar trees and the proposed compensatory tree planting and landscaping to be controlled by conditions are satisfactory in ensuring that this loss on balance can be supported against the requirements of Policies 5 (Protection of the countryside) and 9 (Restoration of quarries and waste development) of the HMWP (2013).

130. Based on the assessments undertaken and the provisions put in place for what is a time-limited proposal, the proposed development is identified as a site that can demonstrate it requires a countryside location, that it would not cause an unacceptable adverse visual impact on and that it would maintain and enhance the distinctive character of the landscape in line with Policies 5 (Protection of the countryside), 8 (Protection of soils), 9 (Restoration of quarries and waste development), 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the HMWP (2013).

### Soil Protection

131. Policy 8 (Protection of soils) of the HMWP (2013) requires minerals and waste development to protect and, wherever possible, enhance soils. It also states that development should not result in the net loss of best and most versatile agricultural land and gives provisions for the protection of soils during construction. The Agricultural Land Classification (ACL) system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile (BMV) land is defined as Grades 1, 2 and 3a.
132. It is noted that the current use of the land within the proposed easterly extension area is for grazing. The proposed site covers 3.4ha with 2.6ha of Best and Most Versatile (BMV) agricultural land and 0.8 hectares of non-agricultural land.
133. As stated previously, soils and overburden stripped within **Phases 1 and 2** of the extension area would initially be used to form a screenbank around the area to screen external views and the diverted footpath.
134. With Policy 8 (Protection of soils) of the HMWP (2013) requiring *that minerals development ensures that extracted soils are protected during quarrying and when appropriate, recover and enhance soil resources*, the applicant has undertaken to do this acknowledging that the use of local soils is always preferable to the importation of soils.
135. With the restoration at Lode Farm providing around 6ha of agricultural land, and using the extracted soils from the extension area, the loss of the agricultural land would be off-set and an overall net gain delivered. Therefore, the proposed development is considered as being acceptable and in accordance with Policy 8 (Protection of soils) of the HMWP (2013).

### Cultural and Archaeological Heritage

136. Policy 7 (Conserving the historic environment and heritage assets) requires minerals and waste development to protect and, wherever possible, enhance Hampshire's historic environment and heritage assets (designated and non designated), including their settings unless it is

demonstrated that the need for and benefits of the development decisively outweigh these interests.

137. An Archaeological Impact Assessment was submitted with the application. It fully assesses the potential impacts on archaeology and cultural heritage arising from proposals to extend the dredging area. No investigations were undertaken at Lode Farm or within Rookery Farm's existing dredging lake as any areas of interest are no longer present but would've been investigated following decades of mineral extraction and ancillary operations.
138. The County Archaeologist concurs with the conclusions of the Assessment stating "*Paragraph 4.1 acknowledges that based on archaeological discoveries in the immediate vicinity the site has an archaeological potential (that is it is likely that archaeological sites which are as yet undiscovered will be encountered during development) and that this impact should be mitigated by some provision. Paragraph 5.1 promotes a mitigation strategy whereby the relevant stages of development (topsoil and subsoil stripping) will be subject to archaeological monitoring and that provision will be made for archaeological excavation of evidence as it is encountered, that post excavation analysis of the evidence (as appropriate) will be undertaken in due course and that the results will be published/disseminated.*"
139. The County Archaeologist further agrees that the above approach, understanding that although the monitoring is described as a watching brief, will ensure that the archaeological excavation of the remains encountered will be appropriate and proportionate as required to be.
140. Paragraph 5.2 of the archaeological assessment recommends that imposition of an archaeological condition to secure the archaeological monitoring of the relevant stages of development, to recognise and record (by excavation where appropriate) archaeological remains encountered and to secure the post-excavation analysis and publication of the results should be imposed. This is supported by the County Archaeologist.
141. With the imposition of this condition the proposed development is considered as being acceptable and in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the HMWP (2013).

#### Ecology and biodiversity

142. 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.

143. The ecology information provided includes a suite of different Phase I and Protected Species survey reports, and those setting out numerous ecological impact assessments.
144. The HMWP (2013) clearly states that development cannot be permitted if it may negatively affect the integrity of European protected sites and where development considerations relate to the requirements for maintaining this integrity are identified these must be addressed.
145. The application was supported by an Ecological Impact Assessment, including surveys of local flora and fauna populations, how the proposed development could affect them and proposed mitigation to offset these impacts and effects. These covered the ecological issues set out in the development considerations for the site.
146. The assessment acknowledges that the site contains or could 'have a reasonable likelihood of containing or hosting' a range of protected species including invertebrates, bats, common reptiles and badger sets. Subject to mitigation measures which are proposed adverse impacts will be avoided.
147. Potential impacts to European designated sites have been addressed within the ecological documents. It has been concluded that the proposal will not result in likely significant effects to any European designated site. Natural England has not raised concerns regarding impacts to European Designated sites.
148. Any planning permission will be subject to the requirement of a detailed Ecological Management Plan setting out mitigation, compensation and enhancement measures, prior to, during and after the extraction (during both aftercare and long term future management periods). The final restored site should be ecologically enhanced along with the proposed receptor location area on land recently acquired by the applicant to the west of Oakhanger Lane and south of the B3004. The land is also accessed from the B3004.
149. The Ecological Management Plan would result in a significant net increase in habitat for legally protected Priority Habitats and Species within Kingsley Quarry, the proposed easterly extension and the wider locality i.e. a net gain in biodiversity provision.
150. The management plan will aim to provide a flexible practical approach that sets out the overall aims of the site that also accounts for the phasing of

the extraction. This approach is supported by Natural England and the Environment Agency.

151. In the light of the above the County Ecologist is satisfied, subject to submission and approval of a detailed restoration scheme and an Ecological Management Plan, that the proposed development would be acceptable.
152. Based on the provisions proposed and associated conditions the proposal is in accordance with Policy 3 (Protection of habitats and species) and the relevant development considerations of the HMWP (2013).

#### Highways impact

153. 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.
154. According to the submitted Traffic Assessments, there are no proposals to increase output from the site or HGV movements as a consequence of the proposed extension. Output and HGV movements would simply continue at recent levels, 140,000 tonnes per annum (100,000 tonnes of sand, 20,000 tonnes of soil blended products and 20,000 recycled aggregates).
155. Imports by road/by HGV would also remain at 20,000 tonnes of soil and 25,000 tonnes of inert materials for soil blending and recycling purposes per annum respectively.
156. These equate to a combined total of 185,000 tonnes of “material movements” per annum. Payloads of HGVs do vary, from 7.5 tonnes to 28 tonnes but generally they are between 15 and 20 tonnes. If the average HGV payload was 20 tonnes then 185,000 tonnes of “material movements” this would equate to 9,250 loads per annum or 18,500 two-way HGV movements. If the average HGV payload was 15 tonnes then 185,000 tonnes of “movements” would equate to 12,333 loads per annum or 24,666 two-way HGV movements.
157. The site can operate on 6 days of the week, but most of the activity and HGV movements are undertaken between Monday to Friday. The proposed daily average two-way HGV movements would be 99 per day based on 12,333 two-way movements over a 250-day year on average when spread over a year.
158. These HGV movements have been raised as problematic and unsafe by objectors living locally. The B3004 connects the A31 to the west and the

A325 to the east and forms part of the Strategic Road Network. It is a well-used road although only 4% of the submitted traffic surveys comprised HGVs and not all of those were entering Lode Farm.

159. The Highway Authority raise no concerns over HGV numbers using the B3004 to continue accessing the site subject to the imposition of conditions requiring HGV records to be retained on site, visibility at the Lode Farm access with the B3004 to be maintained, all HGVs carrying materials to be covered and all wheels on HGVs exiting the site to be clean.
160. It is worth noting, that the current proposals would be a substantial reduction on the levels assessed in the 2003 ROMP which were 250,000 tonnes per annum. This level was acceptable and there were no highway concerns or conditions limiting HGV numbers. The current recycling activity was additional (subsequent) to the ROMP level of activity and effectively increased the overall HGV tonnage to almost 300,000 tonnes per annum.
161. The only change to material transport would be through the daily 28 or 56 two-way road movements between Rookery Farm, travelling the short distance along Oakhanger Lane and the B3004 to Lode Farm. These movements carrying soils and overburden through the six, four-weekly campaigns from the eastern extension area (c.30,000 tonnes total) would take place during the initial three to six years.
162. No objection to these short-lived movements have been raised by the Highway Authority. They would be limited to within the site's permitted operating hours and controlled by condition that requires the applicant to notify the County Council in advance of these campaigns commencing.
163. With the imposition of the above conditions the proposed development is considered as being acceptable and in accordance with Policy 12 (Managing traffic) of the HMWP (2013).

#### Flood risk and protection of groundwater and surface water quality

164. Policy 10 (Protection of public health, safety and amenity) of the adopted HMWP (2013) requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. This includes impacts on the water environment.
165. In addition, Policy 11 (Flood risk and prevention) relates to minerals and waste development in flood risk areas and sets criteria which developments should be consistent with relating to flood risk offsite, flood protection, flood resilience and resistance measures, design of drainage, net surface water run-off and Sustainable Drainage Systems.
166. The application was accompanied by a [Hydrological and Hydrogeological Assessment](#) identifying the impact of the development on the surface and sub-surface water environment.

167. Mineral extraction can present risks to groundwater and surface water bodies. This can be because of changes to groundwater flows and aquifer saturation caused by the physical disturbance of strata, increased vulnerability of groundwater to contamination and the management of storm water run-off to manage on and off-site flood risk and water quality.
168. The assessment concludes that the development will not have any significant effects on surface water, groundwater or flood risk. Excavation of sand is by dredger and requires no dewatering or artificial control. Water piped to Lode Farm is returned to Rookery Farm once removed from the extracted sand.
169. Potential impacts during and post mineral extraction has been assessed and the overall catchment sensitivity, including on nearby ecology and biodiversity, is assessed as 'low'.
170. The Environment Agency, who is the national regulator responsible for water quality and protection of water resources, initially raised concerns about the application on the following areas:
- Adequacy of the Flood Risk Assessment for Main River fluvial flood risk;
  - Need for a technical hydraulic assessment for all phases of the development;
  - Requirement for more information on the means of disposal of surface water; and
  - Requirement for more information on sources, nature, volumes and mechanism for works relating to perimeter bunding in flood zones 2 and 3.
171. As a result, there has been detailed discussions between the Environment Agency and the developer on the issues of flood risk and modelling as part of the planning application. These discussions were, along with ecology and biodiversity, the main reasons for the delay in determining the application. The applicant has provided further information, including additional modelling and sought clarification from the Environment Agency on their methodologies for assessing applications such as this one based on its location. As a result of this additional information being provided, all initial concerns have now been addressed and the Environment Agency is raising no objection to the proposal subject to several conditions.
172. The Lead Local Flood Authority does not raise objection to the application but advises that any works to watercourses or culverting would likely require advance permission or a separate consent from them or the Environment Agency.

173. The proposal is therefore in accordance with Policies 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) and the relevant development considerations set out in the site allocation in the adopted HMWP (2013) in relation to the protection of the water environment.

#### Impact on health, safety and amenity

174. Concerns were raised in representations about potential impacts on residential amenity from noise, dust and vibrations from large vehicles.
175. 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 or unacceptable adverse amenity impacts. Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development.
176. The HMWP (2013) also includes a development consideration on the protection of the amenity of nearby residential properties as noted in the following sections.

#### Air Quality (Dust)

177. Concerns were raised in representations relating to potential impacts on air quality and dust. Impacts on air quality can arise because of the release of dust from site operations and from exhaust emissions from traffic generated by the development. The [Air Quality Assessment](#) assessed the potential for impacts from these sources.
178. The assessment identified the existing background concentration of PM10 in the locality and then calculated the estimated contribution as a result of the development. With the site extracting wet sand and piping it to Lode Farm the risk of dust and particulate generation is negligible to zero. Activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance are specifically mentioned in terms of air quality/dust generation and impacts.
179. The assessment also concluded that in accordance with [Environmental Protection UK \(EPUK\)](#) and [IAQM 'Land-Use Planning and Development Control: Planning for Air Quality' \(2015\)](#) guidance, impacts on air quality as a result of vehicle exhaust emissions will be insignificant.
180. The assessment has been reviewed by the Environmental Health Officer who subsequently raises no objection in relation to air quality impacts, subject to conditions requiring the submission of a site-specific Dust Management Plan (DMP). A restriction on the processing of waste or

minerals is considered to meet the concerns of the Parish Council in preventing these types of activities from taking place on site. The Dust Management Plan will be required to be formulated in accordance with Appendix 6 of [The Institute of Air Quality Management \(IAQM\) guidance](#) on the [Assessment of Mineral Dust Impacts for Planning \(2016\)](#) and would incorporate appropriate mitigation measures as identified in section 7 of the guidance. These conditions are included within Appendix A of this report. Impacts to ecological receptors have also been considered in line with Policy 3 and considered to be acceptable.

181. The proposal is therefore considered to be in accordance with Policies 3 (Protection of habitats and species) & 10 (Protection of public health, safety and amenity) of the adopted HMWP (2013) in relation to air quality.

#### Noise and vibration

182. Concerns were received in representations about potential noise impacts from the development. The [Noise Impact Assessment](#) submitted with the application assessed the worst-case predicted noise levels that will be generated by the development.
183. NPPF (2019) sets out guidance for the determination of planning applications for mineral extraction and identifies noise limits for such developments. Paragraph 204 and 205 set out the quantitative guidance on acceptable noise levels in relation to mineral and landfill sites. It recognises that activities in the early stages of such developments may give rise to particularly noisy short-term operations. Paragraph 205 sets out noise limits for normal day to day operations following completion of such short-term works. Paragraphs 021 and 022 of the [NPPG \(2014\)](#) sets out the appropriate noise standards for mineral operators for normal operations; what type of operations may give rise to particularly noisy short-term activities and what noise limits may be appropriate. Activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance are specifically mentioned.
184. A [Noise Survey](#) was undertaken at a number of representative locations in the community local to the application site to establish the existing baseline ambient and background noise levels and hence to quantify the relevant NPPF noise criteria applicable for the proposed working of the site. In accordance with the NPPF guidance, the potential noise impact in the community has been minimised by proposed noise mitigation measures including strategic siting of the processing and concrete plant, access/haul roads and environmental bunding together with sequential phasing of the extraction/restoration areas. The cumulative noise level contributions associated with the mineral working have been predicted using standard methodology in accordance with BS 5228 and based on reliable source data. It has been demonstrated that the cumulative noise levels in the

community associated with the development would readily comply, with a margin to spare, with the appropriately derived NPPF noise criteria.

185. The Noise Impact Assessment concludes that based on the predicted change in overall ambient noise levels due to the proposed development i.e. the easterly extension, the noise impact on the local community would, in the main be classed as a 'slight impact'. Only during infill activities closest to Burton Common (Phase 6), could the noise impact exceed the 'slight impact' range albeit still within permitted maximum noise levels for short-term operations within an active mineral extraction site.
186. Concerns have been received from both residents and the Parish Council to the proposed operating hours of the development, specifically the start time of 07:00 and the finish time of 18:30. Regarding the latter, the applicant only wishes to work until 18:00 hours Monday to Friday. In accordance with BS5228-Part 1:2009 +A1:2014 (Code of practice for noise and vibration control on construction and open sites – Part 1: Noise), 07:00 is classified as the start of the daytime period. The Environmental Health Officer advises that the operating hours will therefore be in accordance with accepted daytime working hours on open sites. The proposed hours of working are and remain acceptable in planning terms.
187. The Noise Impact Assessment has been reviewed by the Environmental Health Officer who has subsequently raised no objection in relation to noise, subject to conditions relating to hours of working and noise limits to ensure that the total noise from the site shall not exceed 10dB above the Background Noise Level (LA90) with an upper limit of 55dB LAeq 1 hour, at the noise sensitive receptors shown in the submitted Noise Impact Assessment's acoustic report. These measured locations can and will be monitored should substantiated complaints be raised.
188. A further condition will be imposed enabling increased temporary daytime noise limits of up to 70dB LAeq 1 hour (free field) at the boundary of the nearest noise sensitive premises for a period of up to eight weeks a year to facilitate essential site preparations. Lastly, the applicant's acoustic mitigation measures proposed within the Assessment concerning silencing measures and other mitigation used on plant and machinery will also be controlled by condition.
189. The proposal is in accordance with Policy 10 (Protection of public health, safety and amenity), the relevant development considerations set out in the site allocation in the adopted HMWP (2013) in relation to noise as well as paragraphs 21 and 22 of the NPPG (2014) and paragraph 205 of the NPPF 2019.

#### Light pollution

190. Concerns were received in representations to the potential light impacts of the development and some complaints made over lighting left on after the

site has closed. These complaints were not always substantiated although when site lighting has malfunctioned the applicant has fixed it within a short period of time following receipt of the complaint.

191. The few existing lighting columns on site will only be used at limited periods at both ends of the working day. The lights will only be on when needed within the operating hours and will not be on after 1800 hours. However, the excavator and dump trucks have fixed headlights which will be needed if working takes place in the dark, as will lorries using the internal road when working outside daylight hours.
192. Given the measures put in place to prevent off site light spillage, the proposal is in accordance with Policies 3 (Protection of habitats and species) & 10 (Protection of public health, safety and amenity) and the relevant development considerations set out in the site allocation in the adopted HMWP (2013) in relation to the potential for light pollution.

### Public Access

193. Prior to **Phase 1 of the easterly extension area** commencing, public footpath (Kingsley 132/5) which crosses the proposed extension area running NE to SW, would be securely fenced off. Prior to **Phase 2** commencing the footpath would need to be diverted to ensure the continuing safe use of this right of way by its users. It would be diverted around the eastern boundary of the proposed extension area.
194. Concerns have been raised in representations about the potential loss of amenity through impacts on the rights of way and bridleways. The area is well served by public rights of way.
195. To protect the users of the rights of way, fencing, signage and long-term maintenance will be put in place in accordance with Policy 10 (Protecting public health, safety and amenity) throughout the life of the quarry and post-restoration works to ensure the safety of its users.
196. Whist HCC Rights of Way team has raised no objection to the proposal, both they and the South Downs National Park Authority were hoping to retain the former railway embankment for a potential future recreational link. The landowner has always maintained that he will not allow this and as the land is not within the National Park and only an aspirational desire it is highly unlikely to ever happen. Subject to an appropriate diversion and an agreed Repair and Maintenance Scheme, which will be delivered via Highways-related legislation under the Town and Country Planning Act 1990, the proposals for the rights of way are considered to be acceptable.
197. Based on the provisions proposed, the proposal is in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) of the adopted HMWP (2013).

### Cumulative impacts

198. Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013) states that a proposal should not cause an unacceptable cumulative impact arising from the interactions between minerals and waste developments, and between mineral, waste and other forms of development. It also states that the potential cumulative impacts of minerals and waste development and the way they relate to existing developments must be addressed to an acceptable standard.
199. The measures put in place to offset the potential impacts of the proposed development, on nearby and proposed residential areas are noted and indicate that potential cumulative impacts have been considered when preparing the application. The potential cumulative impacts of the development on the highway were considered as noted earlier in this commentary. The proposal is in accordance with Policy 10 (Protection of public health, safety and amenity) in the adopted HMWP (2013) in relation to cumulative impacts.

### Potential pollution associated with the development

200. Paragraph 50 of the [National Planning Practice Guidance](#) 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 but are closely linked. 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.
201. Planning permission determines if a development is an acceptable use of the land. EA permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.
202. The waste importation element of the development will require an Environmental Permit or other approval from the Environment Agency.
203. The scope of an Environmental Permit is defined by the activities set out in the [Environmental Permitting Regulations \(England and Wales\) 2016](#) (EPR). The aim of the EPR regime is to protect the environment from potential impacts associated with certain liable facilities or installations. The permitted activities may form a part of, but not all, of the development needing planning permission. In these cases, the planning application will need to address environmental considerations from those parts of the development that are not covered by the permit.

204. The proposed facility is acceptable in terms of planning. Should a permit be granted for the operation, it will be monitored and enforced in the same manner as any other regulated site by the Environment Agency. Several mechanisms are put in place to ensure compliance such as audits, site visits, data analysis and compliance checks.

#### Community benefits and engagement

205. A frequent concern of communities that host minerals development is that there are no immediate benefits to 'compensate' for the inconvenience that occurs. In Hampshire there is already a precedent for minerals or waste operators to contribute to local communities' funds. However, this process lies outside of the planning system.
206. Policy 14 (Community Benefits) of the HMWP (2013) encourages negotiated agreements between relevant minerals and waste developers/operators and a community as a source of funding for local benefits. Agreements can be between operators and local bodies such as Parish Councils or resident's associations. Whilst the Minerals and Waste Planning Authority encourages these agreements, it cannot be party to such agreements and the agreements cannot be considered in decision making.
207. The applicant does run a National Community Benefit Fund, which they say has been well used across the UK and well publicised locally. The fund has not been well used here at Kingsley with the local community stating that they were unaware of its existence.
208. In addition to the above, paragraph 5.59 of the HMWP (2013) states that there is an expectation that all 'major' minerals and waste development will be accompanied by a site Liaison Panel. A Panel was established at this site but has not taken place for some time. The applicant has indicated that they are intending to re-establish it and has recently held a meeting with Kingsley Parish Council and the local County Councillor to discuss this amongst other planning-related matters.
209. An informative note to applicant is recommended on the re-establishment of a liaison panel for the site if permission were to be granted in the interests of promoting communication between the site operator and local community.

#### Other matters

210. In addition to fencing the location and size of the environmental bunds are designed to provide a physical barrier to deter unauthorised entry and will remain until taken down as part of the final restoration works.
211. Appropriate signage will be erected especially where there are public rights of way or close to public open space.

## Conclusions

212. It is considered that the proposal would:

- contribute to maintaining an adequate and steady supply of silica sand for Hampshire through the development of an extension to an existing mineral extraction sites in the adopted Hampshire Minerals and Waste Plan (2013);
- be a time limited mineral extraction in the countryside which is subject to a requirement for restoration and aftercare and not cause an unacceptable visual impact;
- protect soils;
- not adversely affect local archaeology and cultural heritage;
- not have a significant adverse effect on designated or important ecology and biodiversity;
- be acceptable in terms of highway capacity and safety;
- not cause any additional flood risk and protect the quality of groundwater and surface water; and
- not cause unacceptable adverse amenity impacts.

## **Recommendation**

That planning permission be GRANTED subject to the conditions in Appendix A.

Appendices:

Appendix A – Conditions

Appendix B - Committee Plan

Appendix C – Existing Site Layout with Extension Area Plan

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy and independent lives:</b>	No
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	No
<b>OR</b>	
<b>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:</b>	
the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste or local planning authority.	

**Section 100 D - Local Government Act 1972 - background documents**

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

Document

Location

51188/003

Hampshire County Council

EH025

Kingsley Quarry, Bordon, Hampshire (EIA)  
 (Easterly extension of the existing sand extraction area, extend the end date for quarry operations and restoration and amend the approved restoration schemes)



## **EQUALITIES IMPACT ASSESSMENTS:**

### **3. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Officers considered the information provided by the applicant, together with the response 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.