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NOTICE OF MEETING

Meeting	Regulatory Committee
Date and Time	Wednesday, 21st October, 2020 at 10.00 am
Place	Virtual Teams Meeting - Microsoft Teams
Enquiries to	members.services@hants.gov.uk

John Coughlan CBE
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

This meeting will be recorded and broadcast live on YouTube via the County Council's website.

AGENDA

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence received.

2. DECLARATIONS OF INTEREST

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Non-Pecuniary interest in a matter being considered at the meeting should consider whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

3. MINUTES OF PREVIOUS MEETING (Pages 3 - 6)

To confirm the minutes of the previous meeting

4. DEPUTATIONS

To receive any deputations notified under Standing Order 12.

5. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

6. A303 IBA RECYCLING FACILITY DRAYTON ROAD BARTON STACEY (Pages 7 - 32)

To consider a report of the Director of Economy, Transport and Environment regarding Variation of Condition 14 of Planning Permission 17/00172/CMAN to allow a temporary increase in annual throughput at The A303 IBA Recycling Facility, Drayton Road, Barton Stacey (Application No. 20/01480/CMAN) (Site Ref: TV231).

7. GRUNDEN SAND AND GRAVEL LTD. FRITH END SAND QUARRY FRITH END BORDON (Pages 33 - 64)

To consider a report of the Director of Economy, Transport and Environment regarding Variation of Condition 1 of Planning Permission 30633/034 to extend the time period of extraction to 31 December 2022 and completion of restoration within a further period of 2 years at Grunden Sand and Gravel Ltd., Frith End Sand Quarry, Frith End, Bordon (Application No. 30633/038) (Site Ref:EH121).

ABOUT THIS AGENDA:

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

Agenda Item 3

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY
COUNCIL held virtually on Teams on Wednesday, 16th September, 2020

Chairman:

* Councillor Peter Latham

- | | |
|---------------------------------|-------------------------------|
| * Councillor Lance Quantrill | * Councillor Wayne Irish |
| * Councillor Christopher Carter | * Councillor Alexis McEvoy |
| * Councillor Mark Cooper | * Councillor Neville Penman |
| * Councillor Rod Cooper | * Councillor Stephen Philpott |
| Councillor Roland Dibbs | * Councillor Roger Price |
| * Councillor Jane Frankum | Councillor Jan Warwick |
| * Councillor Andrew Gibson | * Councillor Pal Hayre |
| * Councillor Keith House | |
| * Councillor Gary Hughes | * Present |

212. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Jan Warwick. Councillor Pal Hayre attended as a deputy.

213. DECLARATIONS OF INTEREST

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

214. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed.

215. DEPUTATIONS

There were four deputations, which had 10 minutes each to speak.

216. CHAIRMAN'S ANNOUNCEMENTS

Members were reminded of refresher training that was due to take place virtually on Monday 5 October at 14:00.

217. **FOREST LODGE HOME FARM, HYTHE**

***Variation of conditions 16 of planning permission 18/11586 to allow additional mobile kit (Excavator, Dumper truck, and cell engineering equipment) on site to improve operation efficiency at Forest Lodge Home Farm, Fawley Road, Hythe SO45 3NJ (No. 20/10282)
(Site Ref: NF271)***

The Committee considered a report from the Head of Strategic Planning (item 6 in the minute book) regarding an application at Forest Lodge Home Farm in Hythe.

The officer introduced the item, and the Committee was shown aerial photographs of the site, along with access points. The nearest residential properties to the west of the site were also identified. There had been no objections from the local Environmental Health Officer on the retrospective application for machinery, but objections had been received from local residents on the grounds of noise and dust.

An update report had been circulated, which confirmed changes to conditions 9 and 31 and also updates to the 106 legal agreement.

The committee received two deputations on this item. Peter Armstrong spoke against the application as the Chairman of the Local Residents Association. There had been many breaches of conditions at the site and communication with local residents had deteriorated, with there being no liaison panel having taken place since 2019. Photos had been sent to Hampshire County Council recently after high winds had covered over 500 houses from the nearby estate in dust following dampening down not being carried out. Councillor Malcolm Wade also spoke against the application, requesting that Committee consider deferring the item until issues on the site had been rectified.

During questions of the deputations, the following points were clarified:

- Equipment had been moved on site without permission and the noise had increased since its appearance;
- No communication had been received from the applicant since the liaison panel in 2019;
- The site entrance was 35metres away from the nearest properties;
- No effort had been made to conceal the additional plant machinery

During questions of the officers, the following points were clarified:

- Whilst the application was retrospective, this was not unusual and not a planning consideration;
- The operator had not maintained a good relationship with local residents, but the site manager had been proactive in working with the County Council;
- Noise issues were covered under conditions, and a management plan had to be submitted and approved;

- There were no plans to increase the number of staff on site;
- The plant machinery was not expected to be used regularly and was only required as part of the restoration process.

Members agreed that the applicant had a poor history of heeding to conditions, and also had concerns that a full assessment had not been completed for the additional machinery brought on site.

It was proposed and seconded that the item be deferred and this was won on a vote.

RESOLVED

The application was deferred to a future Regulatory Committee meeting, for additional noise monitoring/modelling and exploration of potential for additional noise conditions and consideration of real time monitoring.

Voting:

Favour: 9

Against: 2

Abstain: 4 (including Councillor Penman, who left before the voting took place)

218. HAMER WARREN QUARRY (BLEAK HILL), NEAR RINGWOOD

- 1) Application for permission for an extension of mineral working at Hamer Warren Quarry, to extract some 600,000 tonnes of sand and gravel from Bleak Hill III, including works to create an extended haul road and back filling with inert material and progressive restoration to agriculture with increased nature conservation and biodiversity enhancements until 31 December 2025 at Bleak Hill III (No. 19/11326)**
- 2) Variation of Condition 1 of Planning Permission 19/10014 to allow an extension of time for the working of minerals and the tipping of materials at Bleak Hill I and II until 31 December 2025 (19/11325)**
- 3) Variation of Condition 1 of Planning Permission 19/10015 to allow an extension of time for an aggregate recycling plant and operations at Bleak Hill I until 31 December 2025 (19/11324)**

At Hamer Warren Quarry, Harbridge Drove, Nr Ringwood BH24 3PX (Site Ref: NF091)

Councillor House left the meeting

The Committee considered a report from the Head of Strategic Planning (item 7 in the minute book) on a series of applications relating to Hamer Warren Quarry. It was confirmed that this composed of three separate applications (expanding across Bleak Hill I, II and III) which were all part of a major mineral development.

The Committee was shown elevation photos of the site, along with videos and photos of the access. Highways had no concerns regarding the applications

subject to the contribution of highway maintenance, however the Parish Council had rejected the proposals. The hours of operation would continue 7am-6pm Mon-Fri and 7am-1pm Saturday, but the applicant had since proposed to change to an 8am start on Saturdays. An update had also been provided to Committee regarding one of the recommendations.

The Committee received two deputations on this item. Councillor Lindsay Burtenshaw, Chairman of Ellingham, Harbridge & Iblesey Parish Council shared her concerns, particularly around the inadequate gated facilities at the crossing point of the footpath and also the deterioration of the adjacent road network and Harbridge Drove. The barriers were heavy and cumbersome and the liaison panel hadn't met for many years, making it difficult to address concerns with the applicant. Helen Hudson spoke on behalf of the applicant and emphasised the importance to allow sand extraction works to be completed and followed by suitable restoration. A safety kit had been put in place for the gate but discussions could take place going forwards. Whilst the applicant were not the only traffic on the road, they were willing to contribute to the maintenance of it.

During questions of the deputations, the following points were clarified:

- Liaison meetings would be set up for the future;

The number of complaints regarding the path and Rights of Way were unknown.

RESOLVED:

A) It is recommended that planning permission be granted for planning application 19/11326 subject to a new Section 106 legal agreement providing obligations on lorry routing, groundwater monitoring, management and aftercare and financial contributions for Highway maintenance and the conditions listed in Appendix A.

B) It is recommended that planning permission be granted for planning application 19/11325 subject to a deed of variation to transfer the Section 106 legal obligations to 19/11325 from planning permission 19/10014, and the conditions listed in Appendix B.

C) It is recommended that planning permission be granted for planning application 19/11324, subject to the conditions listed in Appendix C.

Voting:

Each recommendation was voted on individually, but the results were the same for each:

Favour: 12

Abstentions: 1

Chairman,

HAMPSHIRE COUNTY COUNCIL Decision Report

Decision Maker:	Regulatory Committee
Date:	21 October 2020
Title:	Variation of Condition 14 of Planning Permission Number 17/00172/CMAN to allow a temporary increase in annual throughput at The A303 IBA Recycling Facility, Drayton Road, Barton Stacey SO21 3QS (No. 20/01480/CMAN) (Site Ref: TV231)
Report From:	Head of Strategic Planning

Contact name: David Smith

Tel: 07810 162684

Email: david.smith@hants.gov.uk

Recommendation

1. That planning permission be granted subject to conditions.

Executive Summary

2. The planning application is for variation of Condition 14 of Planning Permission 17/00172/CMAN to allow a temporary increase in annual throughput at The A303 IBA Recycling Facility, Drayton Road, Barton Stacey SO21 3QS.
3. This application is being considered by the Regulatory Committee at the request of the Local Member, Councillor Gibson.
4. Key issues raised are highways, impact on local amenity and intensification of development on the site.
5. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
6. It is considered that the proposal would be in accordance with the relevant policies of the adopted [Hampshire Minerals & Waste Plan \(2013\)](#) (HMWP) and [Test Valley Borough Revised Local Plan \(2011 - 2029\) \(2016\) \(TVBLP \(2016\)\)](#) as the proposal is a time limited extension of operations at an existing and permanent waste site that will not have a significant adverse effect on the landscape and amenity. The proposal is acceptable in terms of highway capacity and safety and cumulative impacts and is not considered to be likely to cause unacceptable adverse amenity or other cumulative impacts.

7. That planning permission be granted subject to the conditions listed in Appendix A.

The Site

8. The application site (approximately seven hectares in area) lies to the south east of Andover, approximately 1.8 kilometres (km) north of Barton Stacey and approximately 1.9km south of Longparish. Immediately to the south is the existing A303 Materials Recycling Facility (MRF). The site is accessed through the adjoining MRF by private haul road which subsequently joins the Barton Stacey to Longparish road. Fifty metres to the south of the junction are the two slip roads on and off the A303 strategic highway route. The operational area of the site measures two hectares, with the remaining application area accounted for by landscaped perimeter bunds.
9. The existing operation involves the importation of Incinerator Bottom Ash (IBA) from Energy from Waste plants across Hampshire and Jersey via Southampton Docks. The IBA is processed to remove a significant proportion of the metal content. Metals are forwarded from the site for refining elsewhere before being reused.
10. The remaining material, Incinerator Bottom Ash Aggregate (IBAA) is sold from site as an aggregate substitute and is used as a direct replacement for primary aggregates in road construction.
11. The facility benefits from permanent planning permission for waste management (see Planning History section of this report).
12. The land immediately to the north has been developed as a solar farm. Lines of photovoltaic solar panels have been erected in the adjacent field and produce renewable energy. To the east is a gas pipeline service station that provides access to the main southwest gas pipeline to machinery for cleaning and inspection. There is also a Go-Kart track mainly used at weekends. These use the same access as the A303 Site.
13. The nearest residential properties lie at Drayton Park, approximately 300 metres south-west of the haul road access and over 600 metres from the IBA facility. Lodge Farm lies approximately 450 metres to the east of the site. The site is screened from public view by existing bunds to the north, south and west.

14. The site lies within a Groundwater Vulnerability Zone and overlies a chalk aquifer.
15. Whilst there are no landscape or ecological designations overlying the site, Drayton Down (Drayton Down Area 1) a Site of Importance for Nature Conservation (SINC), lies approximately 130 metres to the south east. The site also lies approximately 900 metres from the River Test Site of Special Scientific Interest (SSSI) at its closest point.
16. The current permission states that no Heavy Goods Vehicles (HGVs) shall enter or leave the site except between the following hours: 0700 – 2000 Monday to Friday and 0700 – 1400 Saturday. No Incinerator Bottom Ash plant or machinery shall be operated except between the following hours: 0600 – 2000 Monday to Friday and 0600 – 1400 Saturday. There shall be no working on Sundays or recognised Public Holidays.
17. There is no restriction on HGV movements, the permission instead relying on the condition restricting throughput to 180,000 tonnes per year to control HGV numbers.
18. The development consists of a large concreted pad with contained drainage system and water storage lagoon surrounded by the landscaped bunds. The processing plant sits on the southern half of the pad, with the site office and welfare cabin, whilst the stockpiles of processed and unprocessed materials sit on the northern half. The permission restricts the height of stockpiles to 8 metres.
19. The site has an active Liaison Panel. The last panel sat on 9 September 2020.

Planning History

20. The planning history of the site is as follows:

Application No	Proposal	Decision	Date Issued
NMA/2018/0770	Erection of minor additional fixed plant to PP 17/02024/CMAN	Granted	28/09/2018
16/01417/CMAN	Variation to condition 5 of Planning Permission 12/02445/CMAN (hours	Granted	22/07/2016

	of working)		
14/00071/CMAN	Variation of condition 5 of planning permission 12/02445/CMAN (hours of working)	Granted	18/03/2014
13/01755/CMAN	Minor alteration of site boundary to accommodate improved drainage and operational changes, including new weighbridge and office/welfare unit	Granted	01/10/2013
12/02445/CMAN	Variation of condition 5 of planning permission 10/02691/CMAN to allow extended working hours only within the MRF building to increase the capacity for site to process waste and recover commodities for recycling	Granted	31/01/2013
10/02691/CMAN	Application for variation of conditions for PP:09/01292/HCC3N and 10/00030/CMAN dealing with site layout (condition 3) extension of operating hours (condition 4) variation to bund (condition 5) and carrying permitted waste to include commercial and industrial waste (condition 19)	Granted	30/03/2011
10/00030/CMAN	Variation of conditions 3, 14 and 15 of Planning Permission 09/01292/HCC3N (to	Granted	23/04/2010

	relocate the waste recycling picking station, increase length of building and provide an additional portacabin office)		
09/01292/HCC3N	Permanent facility for recycling construction and demolition waste and extension of existing site including construction of screening bund, erection of recycling building and waste recycling plant, importation of aggregates for re-sale including erection of storage bays	Granted	09/10/2009
06/02870/CMAN	To develop a waste recycling facility for farm, construction and demolition waste, including soil screening, concrete crushing, material and container storage	Granted	18/05/2007

21. The site is identified in the adopted Hampshire Minerals and Waste Plan (2013) as a safeguarded site for other material recovery (MRF) and Foamix plant for manufacturing road making materials from recycled asphalt planings under Policy 26 (Safeguarding – waste infrastructure).

22. The worldwide coronavirus pandemic has led to a number of recommendations from Government including the need for Local Planning Authorities to use their discretion on the enforcement of planning conditions which hinder the effective response to COVID-19. The Government stated that the waste sector is safeguarded to continue to provide waste removal services from domestic and other protected sectors, which has required changes to the way existing minerals and waste sites operate.

23. Recognising this, a Protocol was agreed in March 2020 by Assistant Director of Waste Planning Environment (WPE) in the Economy, Transport and Economy (ETE) department setting out arrangements to agree temporary

relaxation of some conditions or other planning controls where a request has been made by a waste or minerals site operator and where this can be clearly demonstrated to be required as a result of the response to Covid-19. It also covers where operations may take place which are without the benefit of planning control currently.

24. The A303 IBA Facility, Longparish has made several requests for temporary relaxation of conditions under this process. Initially the operator requested a variation to conditions 2 (Working Hours) and 4 (Height of Stockpiles) of permission 17/00172/CMAN to deal with the increased quantity of IBA being imported whilst the amount of IBAA required for construction projects reduced as lockdown took effect.

25. There was then a subsequent request for temporary emergency use of adjacent land (formerly subject of the 'Wheelabrator EfW' proposal) for storage of excess IBAA. Due to the existing site being almost filled to the increased levels as agreed above, the operator discussed the use of the adjacent site for a temporary period with both the County Council and the Environment Agency. Following submission of detailed information, the EA agreed that the land could be used, subject to 12 conditions (relating to operations) and the use ceasing on the 30 September 2020. Subsequent to this approval, the County agreed the temporary use of this land subject to a further 6 conditions, including setting a maximum stockpile height of 5m and a meeting to review the situation by the end of July. The operator was also required to inform the local Liaison Panel. The applicant has had further discussions with the EA to continue using this land whilst the backlog of IBAA is used. The EA have agreed an extension until end of March 2021. The County Council have considered the request for an extension to the period for the emergency storage of the IBAA and have decided that the need for the temporary dispensation is still valid. Consequently, the County Council has agreed for a further temporary period in line with the EA's enforcement position, subject to the conditions already imposed. The applicant has been told, however, that no further temporary dispensation will be considered and any further request would have to be subject to a full planning application.

The Proposal

26. The proposal is for Variation of Condition 14 of Planning Permission 17/00172/CMAN to allow a temporary increase in annual throughput at The A303 IBA Recycling Facility.

27. The facility currently has permission to import 180,000 tonnes of IBA, predominantly from the Energy from Waste plants in Hampshire, per year. This

is screened and recycled to produce Incinerator Bottom Ash Aggregate (IBAA) which is used as a secondary aggregate in road construction.

28. The facility is currently operating at about 60% of capacity with approx. 100,000 tonnes being imported per year. This involves around 60 HGV movements per day.
29. The IBA is transported from the EfW plants in articulated lorries, whereas the IBAA is removed off site in 8 wheeled 'tipper' lorries.
30. The Operator is asking to vary the amount that can be imported until the end of 2021, increasing the tonnage by 25, 000 tonnes from 180, 000 to 205, 000 tonnes per year for the remainder of this year and the next year.
31. The Operator has secured the contract for handling IBA from a new EfW plant in Kent and is in the process of finalising the planning permission and Environmental Permit (from the EA) for a new facility nearby. However, the process has been delayed during the current pandemic and the facility is behind schedule and not now expected to be completed until July 2021. In the interim, the Operator wishes to bring up to 105,000 tonnes of IBA this year and next from Kent for recycling with the same amount of IBAA going the other way. Because the HGVs that import the IBA from Kent will also be exporting IBAA back to Kent, it is expected to increase the HGV movements by around 40 per day.
32. Under the current permission, the Facility could import up to 180, 000 tonnes and using their current transport model (with different lorries used to import the IBA and export the IBAA) this would equate to about 105 movements per day. Under the proposal the Facility could import up to 205, 000 tonnes this year and next year, but due to the different transport model (with the same lorry used to import the IBA from Kent and return IBAA back to Kent) this will equate to a total of around 101 movements per day. This is made up of the 60 per day servicing the Hampshire EfW facilities plus the 40 to and from Kent.
33. There is no actual condition covering lorry numbers for the site, the tonnage level is used to limit numbers, but the new temporary proposal indicates that there will be no increase over the level that is currently allowed. The backloading of lorries to handle both imports and exports is also considered more sustainable.
34. It should be noted that the Environment Agency have issued a Permit Variation for the A303 IBA Facility to increase throughput to 205ktpa.

35. Kent County Council are currently considering the application for the Facility in Kent and are awaiting agreement on lorry routing. It is understood that issues have been resolved with their Highways Authority and a Decision is to be made shortly.

36. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017.](#); Schedule 2; 11(b) Installations for the disposal of waste (unless included in Schedule 1) and 13(b) changes to or extension of development, where that development is already authorised, executed or in the process of being executed and does not require an Environmental Impact Assessment.

Development Plan and Guidance

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

National Planning Policy Framework (2019) (NPPF)

38. The following paragraphs are relevant to this proposal:

- Paragraph 11: Presumption in favour of sustainable development;
- Paragraph 80: Support of sustainable economic growth; and
- Paragraph 102-103: Sustainable transport;

National Planning Policy for Waste (2014) (NPPW)

39. The following paragraphs are relevant to the proposal:

- Paragraph 1: Delivery of sustainable development and resource efficiency; and
- Paragraph 7: Determining planning applications.

National Waste Planning Practice Guidance (NWPPG) (last updated 15/04/2015)

40. The following paragraphs are relevant to the proposal:

- Paragraph 007 (Self sufficient and proximity principle);
- Paragraph 0046 (Need); and
- Paragraph 0050: (Planning and regulation).

Hampshire Minerals & Waste Plan (2013) (HMWP)

41. The following policies are relevant to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 2 (Climate change – mitigation and adaptation);
- Policy 5 (Protection of the countryside);
- 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 17 (Aggregate supply – capacity and source);
- Policy 18 (Recycled and secondary aggregates development);
- Policy 25 (Sustainable waste management);
- Policy 26 (Safeguarding - waste infrastructure);
- Policy 27 (Capacity for waste management development);
- Policy 28 (Energy recovery development);
- Policy 29 (Locations and sites for waste management);and
- Policy 30 (Construction, demolition and excavation waste development).

[Test Valley Borough Revised Local Plan \(2011 - 2029\) \(2016\) \(TVBLP \(2016\)\)](#)

42. The following policies are relevant to the proposal:

- Policy SD1: Presumption in Favour of Sustainable Development;
- Policy LE17: Employment Sites in the Countryside; and
- Policy T1: Managing Movement

Consultations

43. **County Councillor Gibson:** Was notified.

44. **Test Valley Borough Council:** Has no objection.

45. **Test Valley Borough Council Environmental Health Officer (EHO):** Has no objection.

46. **Barton Stacey Parish Council:** Has objection due to general planning creep.

47. **Longparish Parish Council:** Has no objection but did comment on general planning creep on the site.

48. **Environment Agency:** Was notified.

49. **Local Highway Authority:** Has no objection.

50. **Planning Policy (HCC):** Has no objection.

51. **Highways England:** Has no objection.

52. **Defence Infrastructure Organization:** Has no objection

Representations

53. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.

54. In complying with the requirements of the SCI, HCC:

- Published a notice of the application in the [Hampshire Independent](#);
- Placed notices of the application at the application site and local area;
- Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
- There are no residential properties within 100 metres of the boundary of the site.

55. As of 2nd October 2020, no representations on the application have been received.

Habitats Regulation Assessment [HRA]

56. The [Conservation of Species and Habitats Regulations 2017](#) (otherwise known as the 'Habitats Regulations') transpose European Directives into UK law.

57. In accordance with the Habitats Regulations, Hampshire County Council (as a 'competent authority') must undertake a formal assessment of the implications of any new projects we may be granting planning permission for e.g. proposals that may be capable of affecting the qualifying interest features of the following European designated sites:

- Special Protection Areas [SPAs];
- Special Areas of Conservation [SACs]; and
- RAMSARs.

58. Collectively this assessment is described as 'Habitats Regulations Assessment' [HRA]. The HRA will need to be carried out unless the project is wholly connected with or necessary to the conservation management of such sites' qualifying features.

59. The HRA screening hereby carried out by the Waste Planning Authority considers the proposed development to have **no likely significant effect** on the identified European designated sites due to:

- It is not located at a distance to be considered to have proximity to directly impact on the European designated sites;
- The site is not considered to have any functional impact pathways connecting the proposed works with any European designated sites; and
- The proposal does not have any significant increase on any adverse impacts the wider site may have.

Climate Change

60. Hampshire County Council declared a climate change emergency on 17 June 2019. This proposed development has been subject to consideration of Policy 2 (Climate change – mitigation and adoption) of the HMWP (2013) and Paragraph 148 of the NPPF (2019). The HMWP lists the opportunities minerals and waste developments can provide in terms of mitigating and adapting to the effects of climate change. One of the items references the opportunity to “reduce emissions from or created by transport.” Backhauling material as proposed would be compliant with this opportunity as well as meeting point ‘a’ of Policy 2 (reducing greenhouse gas emissions). As a short term, temporary change to the throughput of an existing facility there is little scope for wider climate change mitigation and, as such, the proposal complies with Policy 2 (Climate change – mitigation and adoption) of the HMWP (2013) and Paragraph 148 of the NPPF (2019).

Commentary

Development Plan/Policy context/Principle of the development

61. The NPPF (2019) includes an overarching ‘presumption in favour of sustainable development’ which means ‘approving development proposals that accord with the development plan without delay’. The presumption allows for only refusing permission where adverse impacts clearly outweigh the benefits, or NPPF policies indicate developments should be restricted. This is translated into the adopted HMWP (2013) through Policy 1 (Sustainable minerals and waste development) which states that the Hampshire Authorities will take a positive approach to minerals and waste development that reflects the presumption in favour of sustainable development contained in the NPPF.

62. The proposed (temporary) increase in throughput would be supported by Policies 17 (Aggregate supply – capacity and source) and 18 (Recycled and secondary aggregates development) of the HMWP (2013) since the development offers an alternative to marine-won and land-won aggregate and maximises recycled and secondary aggregate. Policy 18 (Recycled and secondary aggregates development) is clear that recycled and secondary

aggregate production will be supported by encouraging investment and further infrastructure to maximise the availability of alternatives to marine-won and local land-won sand and gravel extraction. Furthermore, the most recent Annual Monitoring Report (AMR, 2018) identifies Policy 18 did not meet its monitoring indicator target as “there was a small decrease in production from 2017”, so this proposal could work to positively influence this indicator target in the future.

63. In addition, paragraphs 6.215 and 6.216 which support Policy 30 (Construction, demolition and excavation waste development) of the HMWP (2013) recognise the importance of IBA from Hampshire’s municipal energy recovery facilities to produce an aggregate and encourage the use of IBAA for beneficial uses such as in road construction. The Plan also acknowledges that it would be necessary to make permanent provision for the treatment of IBAA within the Plan period. Policy 30 clearly states that ‘development to maximise the recovery of construction, demolition and excavation waste to produce at least 1mtpa of high quality recycled/secondary aggregates will be supported’. The proposal contributes towards capacity. The proposal is considered to be in accordance with Policy 30 of the HMWP (2013).

64. Policy 25 (Sustainable waste management) of the HMWP (2013) works to drive waste up the Waste Hierarchy and ultimately away from disposal (landfill). The existing A303 recycling site works in accordance with this initiative by ensuring IBA is processed to form an aggregate. However, the application proposes to (temporarily) increase the annual throughput of waste by 25,000 tonnes for 2020 and 25,000 tonnes for 2021. Policy 25 identifies intensification of a site must not “cause unacceptable harm to the environment or communities...”. The Environment Agency, Environmental Health Officer and the Highways Authority have all been consulted on the proposal and raised no concerns about the impact from the temporary increase in throughput. The proposal is therefore considered to be in accordance with Policy 25 of the HMWP (2013).

Development in the countryside

65. The existing A303 facility benefits from permanent planning permission through planning permission 13/01643/CMAN, as amended. The facility is visually well screened from external viewpoints, benefitting from existing perimeter landscape screening bunds and intervening vegetation. The site is located within the countryside. There are no changes to any aspect of the operations within the facility as a result of this proposal. On the basis of the permanent consent, the proposal has already been considered to be in

accordance with Policies 5 (Protection of the countryside) and 13 (High-quality design of minerals and waste development) of the HMWP (2013).

Impact on amenity and health

66. Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013) requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development. The wider impacts of the facility have already been considered by the grant of the permanent permission and meet Policy 10 (Protecting public health, safety and amenity). The issue for consideration here is whether the increase in throughput from 180,000 tonnes per year to 205,000 tonnes per year would cause any undue adverse public health and safety impacts, and unacceptable adverse amenity impacts. The Environmental Health Officer has been consulted and raises no objection to the temporary extension. Consequently, the proposal is considered to be in accordance with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013).

Potential pollution associated with the development

67. 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 (Paragraph 050 Reference ID: 28-050-20141016)

68. Planning and permitting decisions are separate but closely linked. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.

69. The site already operates under an Environmental Permit from the Environment Agency. The EA have been consulted and have made no comment.

Highways impact

70. 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.

71. The Highways Authority recognises that the current permission does not restrict the number of HGVs / vehicles entering the site, control being achieved via the annual throughput condition.
72. The current throughput of the site is around 100,000 tonnes per annum which gives rise to an estimated average daily total of 60 vehicle (HGV) movements. If the site were operating at its maximum throughput of 180,000 tonnes per annum this would give rise to approximately an additional 46 HGV movements per day giving a total of 106.
73. The applicant outlines that the number of additional HGVs likely to be associated with receiving and processing the additional IBA from Kent is likely to be around 40. It is therefore argued that this, added to the currently reduced throughput, would result in approximately the same number of HGV movements as if the site were running at full capacity.
74. As the site benefits from a direct link to the A303, the Highways Authority comments that an additional 40 HGV movements per day for the next 18 months will not have a significant impact on the safety or operation of the highway. As the A303 is part of the Strategic Network, Highways England were also consulted and raised no objection.
75. Consequently, the proposal is considered to be in accordance with Policy 12 (Managing traffic) of the HMWP (2013).

Community liaison

76. 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. There is an existing liaison panel for this site with the last meeting taking place on 9 September 2020. An informative note to applicant is recommended on the continuation of a liaison panel in the interests of promoting communication between the site operator and local community.

Conclusions

77. It is considered that the proposal would:

- be a time limited extension of operations at an existing and permanent waste site;
- not have a significant adverse effect on the landscape and amenity;
- be acceptable in terms of highway capacity and safety and cumulative impacts; and
- not cause unacceptable adverse amenity or other cumulative impacts.

78. It is considered that the proposal would be in accordance with relevant policies of the development plan.

Recommendation That planning permission be granted subject to conditions.

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Site Plan

Other documents relating to this application:

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

20/01480/CMAN
TV231

Hampshire County Council

The A303 IBA Recycling Facility, Drayton Road, Barton Stacey SO21 3QS
(Variation of Condition 14 of Planning Permission Number 17/00172/CMAN to allow a temporary increase in annual throughput

EQUALITIES IMPACT ASSESSMENTS:

1. 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 in particular 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.

CONDITIONS

Commencement

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

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

Hours of Working

2. No heavy goods vehicles shall enter or leave the site except between the following hours: 0700 – 2000 Monday to Friday and 0700 – 1400 Saturday. No Incinerator Bottom Ash plant or machinery shall be operated except between the following hours: 0600 – 2000 Monday to Friday and 0600 – 1400 Saturday. There shall be no working on Sundays or recognised public holidays.

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

Landscape

3. The landscaping for the perimeter of the site shall remain as approved under permission 13/01643/CMAN (Landscape specification and Planting Plan approved on 03/07/14), for the duration of the development. Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The scheme shall be implemented as approved.

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

4. Stockpiles of waste or materials shall be no higher than eight metres in height.

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

5. The roofs and walls of the plant housing and ancillary buildings shall be colour coated RAL 6003 (Olive Green) or similar and maintained for the duration of the development.

Reason: In the interests of visual amenity and to secure a satisfactory development to ensure the development complies with Policies 5 (Protection of the countryside), 10 (Protecting health, safety and amenity) and 13 (High-quality design) of the Hampshire Minerals and Waste Plan (2013).

Protection of Water Environment

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

Reason: To prevent pollution of the water environment in accordance with Policy 10 (Protecting health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

7. All areas where waste is stored, handled or transferred shall be underlain by impervious hard-standing with dedicated drainage to foul sewer or sealed tank.

Reason: To prevent pollution of the water environment in accordance with Policy 10 (Protecting health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

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

Reason: To prevent pollution of the water environment in accordance with Policy 10 (Protecting health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

9. No sewage or trade effluent (including vehicle wash or vehicle steam cleaning effluent) shall be discharged to any surface water drainage system.

Reason: To prevent pollution of the water environment in accordance with Policy 10 (Protecting health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

10. The treatment of surface and foul water shall remain as approved under permission 13/01643/CMAN (Hydrological and Flood Risk Assessment approved on 03/07/14), for the duration of the development.

Reason: To ensure the protection of the groundwater vulnerability zone in to ensure the development complies with Policy 10 (Protecting health, safety and amenity) of the Hampshire Minerals and Waste Plan (2013).

Dust and Odour

11. The development shall be operated in accordance with the Dust & Odour Management and Control Scheme Version 6 (dated April 2014). The Scheme shall be implemented for the duration of the development unless otherwise amended/approved by the Waste Planning Authority in writing.

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

Lighting

12. The outdoor lighting scheme shall remain as approved under permission 13/01643/CMAN (Lighting layout approved 03/07/14), for the duration of the development.

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

Highways

13. The Traffic Management Plan shall remain as approved under permission 13/01643/CMAN (approved on 03/07/14), for the duration of the development.

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

14. No more than 180,000 tonnes of Incinerator Bottom Ash waste shall be delivered to the site per year except during 2020 and 2021 when no more than 205,000 tonnes of Incinerator Bottom Ash shall be delivered to the site. A written record of tonnage entering the site associated with the permission hereby granted shall be kept onsite and shall be made available to the Waste Planning Authority for inspection upon request.

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

Restriction of Permitted Development Rights

15. Notwithstanding the provisions of Parts 4, 8 and 25 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order):

- (i) fixed plant or machinery, buildings, structures and erections or private ways shall not be erected, extended, installed or replaced at the site without the prior agreement of the Waste Planning Authority in writing;
- (ii) no telecommunications antenna shall be installed or erected without the prior agreement of the Waste Planning Authority in writing.

Reason: To protect the amenities of the area in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design) of the Hampshire Minerals and Waste Plan (2013).

16. At such time as the development is no longer used for the purpose hereby approved the recycling facility including the buildings and associated plant, infrastructure, associated machinery and waste shall be removed from the site and the land restored back to agricultural use. The restoration details for the site shall be submitted within three months of the cessation of use for written approval by the Waste Planning Authority. The restoration shall be completed in accordance with the approved restoration details within six months of approval.

Reason: To prevent the retention of a development in the countryside that is no longer providing a benefit in sustainability terms and contributing to reducing the reliance on primary aggregates in accordance National Planning Policy Framework and with Policy 5 (Protection of the countryside) of the Hampshire Minerals and Waste Plan (2013).

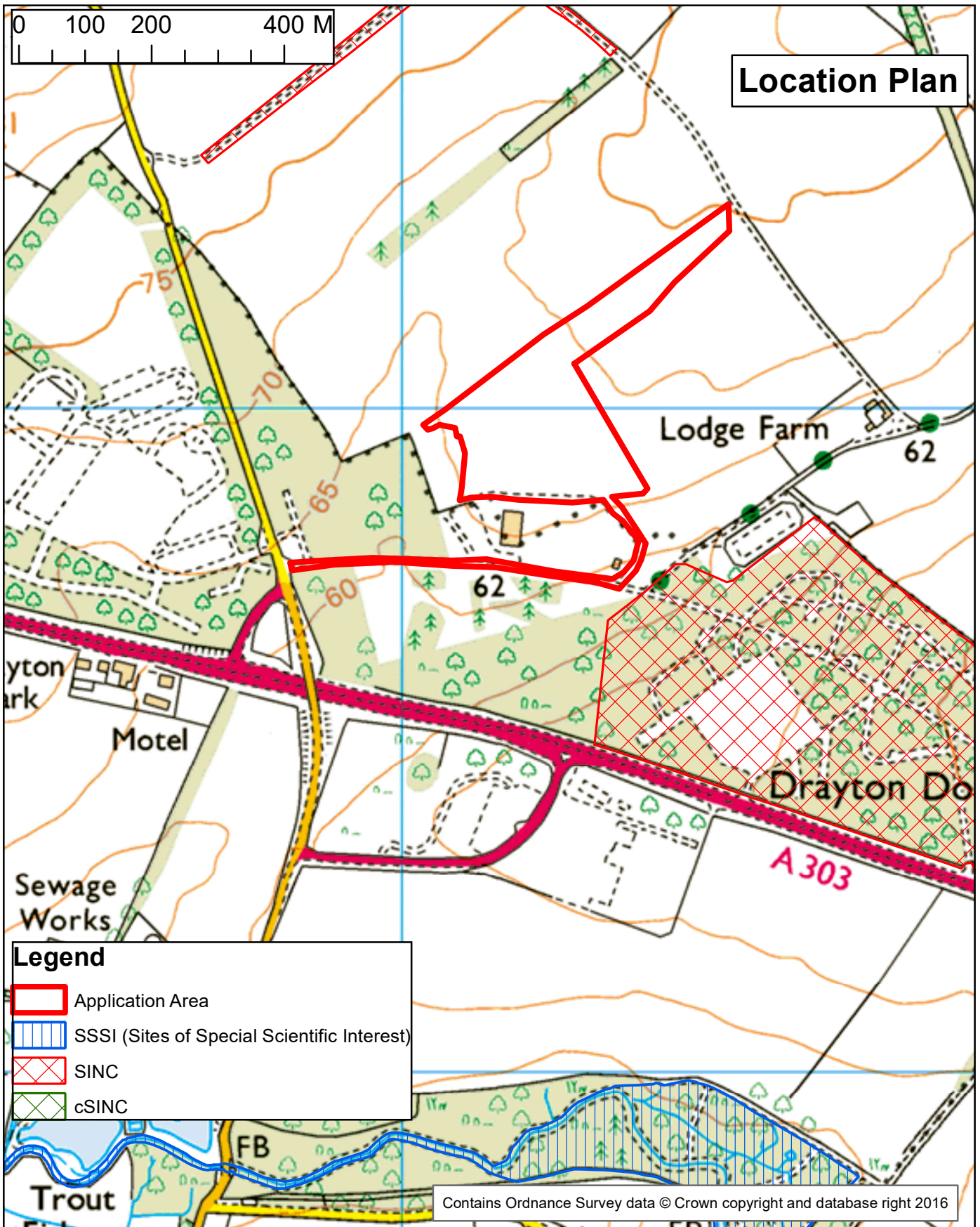
Plans

17. The development hereby permitted shall be carried out in accordance with the following approved plans: A1/RB/2/11, A2/RB/2/12, A2/RB/7/10, A2/RB/7/08RevB, A2/RB/7/11, A2/RB/2/13, A2/RB/2/14, A2/RB/2/15, A2/RB/2/16, A2/RB/2/20, A2/RB/2/21, A2/RB/2/22, A2/RB/6/04, A13430-P1

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

Note to Applicants

1. In determining this planning application, the Minerals and Waste Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2019), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.
3. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 3.5 tonnes un-laden.
4. The County Council supports the continuation of the existing Liaison Panel between the site operator, Waste Planning Authority and community representatives at a suitable frequency to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community. Guidance on liaison panels is available: <http://documents.hants.gov.uk/planningstrategic/LiaisonPanelProtocolforHCCsites-November2016.pdf>
5. All other conditions attached to planning permission 17/ 00172/CMAN remain in force. The throughput of the site would revert back to the throughput set out in condition 14 of 17/ 00172/CMAN at the end of the temporary period covered by this permission.



Variation of Condition 14 of Planning Permission
 Number 17/00172/CMAN to allow a temporary
 increase in annual throughput at The A303 IBA
 Recycling Facility, Drayton Road, Barton Stacey
 SO21 3QS

Regulatory Committee
 Date: 21 October 2020 1:8,000



Application No: 20/01480/CMAN

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Hampshire
 County Council

Site Reference: TV231


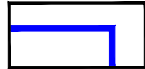
Drawn by: Strategic Planning

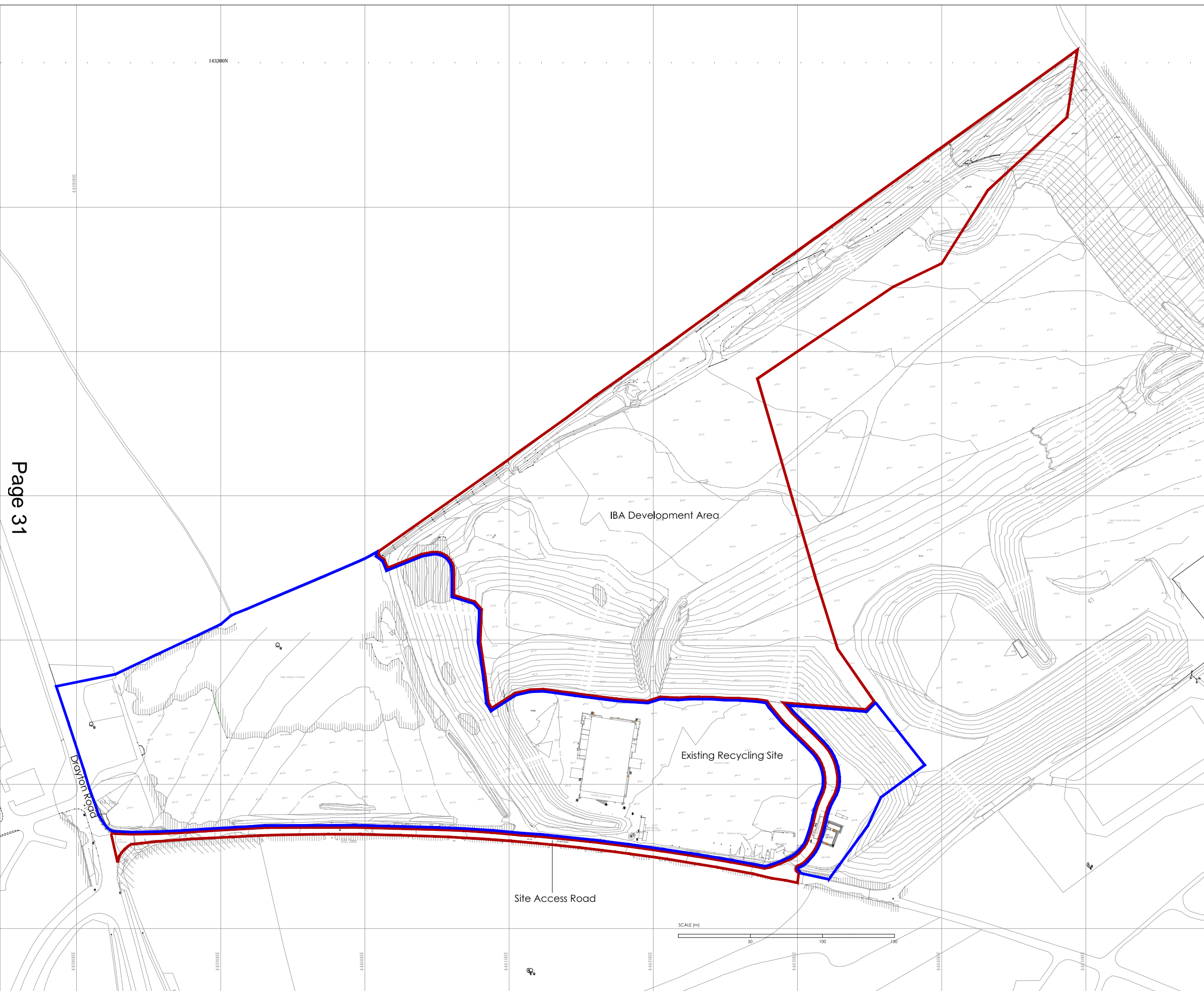
Economy, Transport and Environment

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Key:

-  Application area
-  Other land under applicant's control



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rev:	date:	details:
		
<small>The Old Dairy Yanworth Cheltenham Gloucestershire GL54 3LQ tel: 01285 721072</small>		
client:		
Raymond Brown Minerals and Recycling Ltd		
project:		
A 303 Recycling Site: Proposed IBA Recycling Facility		
title:		
Application Site Location Plan		
scale:	date:	drawn by:
1:2500	27/06/13	JLB
checked by:	size:	
AW	A3	
Project ref.:	dwg no.:	rev:
A2/RB/2	A2/RB/2/12	

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HAMPSHIRE COUNTY COUNCIL Decision Report

Decision Maker:	Regulatory Committee
Date:	21 October 2020
Title:	Variation of condition 1 of Planning Permission 30633/034 to extend the time period of extraction to 31 December 2022 and completion of restoration within a further period of 2 years at Grundon Sand and Gravel Ltd Frith End Sand Quarry, Frith End, Bordon GU35 0QR (No. 30633/038) (Site Ref: EH121)
Report From:	Head of Strategic Planning

Contact name: Philip Millard

Tel: 0370 779 7430

Email: philip.millard@hants.gov.uk

Recommendation

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

Executive Summary

2. The planning application is for variation of condition 1 of Planning Permission 30633/034 to extend the time period of extraction to 31 December 2022 and completion of restoration within a further period of 2 years at Grundon Sand and Gravel Ltd Frith End Sand Quarry, Frith End, Bordon GU35 0QR.
3. This application is being considered by the Regulatory Committee as it was requested to do so by County Councillor Kemp-Gee, in accordance with the Hampshire County Council Scheme of Delegation for planning matters.
4. Key issues raised are:
 - Repair flood damage to the site to allow recommencement of supply of mineral resources and site restoration; and
 - Local public impact and amenity.
5. A committee site visit by Members did not take place due to Covid-19 restrictions. Site plans and photographs have been added in Appendix B to support members of the Committee.
6. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
7. The site is an existing mineral extraction quarry which is safeguarded by Policy 16 (Safeguarding – minerals infrastructure) and contributes towards an

adequate and steady supply of aggregates for Hampshire and surrounding areas. It is considered that the proposal would be in accordance with the relevant policies of the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) and that the proposed development would:

- Allow for the repair of the site from flood damage to the site to allow recommencement of supply of mineral resources;
- Allow for the approved restoration scheme to be implemented; and
- Not cause an increase in the level of adverse impacts, but rather extend those impacts considered acceptable by previous permissions to continue for a further two years.

8. Therefore, it is recommended that planning permission be granted subject to the conditions listed in Appendix A.

The Site

9. Frith End quarry is an active sand quarry that comprises approximately 17.4 hectares of land located to the north of Bordon, Hampshire. The quarry is accessed by means of a purpose built access road direct off the A325 and the site has good access onto the strategic road network. The quarry has been in operation for approximately 30 years.
10. The quarry is identified in the adopted [Hampshire Minerals and Waste Plan \(2013\)](#) as a safeguarded site for the extraction of soft and silica sand with the current planning permission (30633/034) allowing extraction of sand until 31 December 2020 and complete restoration by 31 December 2022. The quarry has been extended a number of times, both in terms of area and the length of time to complete operations.
11. The site also contains hedgerows and blocks of woodland, with remnant areas of grassland. A single large remnant hedgerow approximately 440 metres long bisects the site in an east/west alignment along the northern side of public footpath no.26. Dense scrub woodland also exists along 300 metres of the south side of the footpath. Pasture fields bisected by native species-rich hedgerows and blocks of broad-leaved woodland extends in all other directions.
12. The sand and clay extraction areas are separated by an internal site road and public footpath no.26. The footpath is located on a slope where instability has been identified. Footpath 8 (Headley) runs adjacent to the site in an east-west direction. Footpath 25 (Kingsley) lies 75m to the west (running north to south) of the site. Bridleway Kingsley 29/ Crandle Lane lies 10m to the east of the site, running in a north-south direction.

13. The site has the Groom Farm Sandpit Site of Importance for Nature Conservation (SINC) located within it. Abbots Wood Inclosure, Mellow Farm Meadows, Heath Hill and Bordon Sandpit SINC's are located 580m to the north, 215m to the south-east, 420m to the east and 590m to the south west respectively. Broxhead & Kingsley Site of Special Scientific Interest (SSSI) is located 450m to the south of the site.
14. The South Downs National Park boundary is located 580m to the north of the site. The site lies within the Wealden Greens and National Character Area (Natural England, 2016) which is characterised by extensive belts of woodland with open areas of heath on acidic soils, river valleys and mixed farming. Whilst the site is not the subject of any statutory ecological or environmental designations, it does have a small Great Crested Newt population currently subject to a Natural England licence which allows them to be relocated and contained in ponds to the north east. The site also has a House Martin nesting site. The site is located on Grade 3 best and most versatile agricultural land.
15. The River Slea and associated riparian/woodland corridor runs along the southern, south eastern, and south-western boundary of the site. The site is in an area prone to ground water flooding. It also encompasses several areas prone to surface water flooding. There is a small section of Environment Agency (EA) Flood Zone 2 that runs through the centre of the site. The site is a principle aquifer, and the south eastern corner of the quarry lies within Groundwater Source Protection Zones 2 and 3. In February 2020, the River Slea broke its banks and broke through the perimeter bund of the quarry. The current condition of and operations at the site are detailed in the Proposal section below. Photographs of the site are shown in integral Appendix B.
16. The 2007 Planning Permission [F30633/012/CMA](#), established the current operational site and access, including extraction of sand for export from its southern area, and gault clay from the northern quarry fields, solely for onsite restoration and not for export. It enabled a southern extension towards the River Slea and for the deepening of the quarry to some six metres below the water table to 55 metres AOD. This gave a total site reserve of one million tonnes to be worked over a ten-year period. Current on site operations comprise of:
 - The overarching planning permission [30633/034](#), for extraction, processing and exportation of minerals until 31 December 2020 and approved restoration and 5-year aftercare scheme to be completed by 31 December 2022, as previously permitted by planning permissions [30633/031](#) and [F30633/012/CMA](#);
 - Planning permission [30633/033](#) gave temporary permission until 31 December 2022 for the relocation of the ancillary activity of the importation, handling and re-sale of aggregates, as previously permitted by planning permission [30633/030](#); and
 - Planning permission [30633/035](#) gave temporary permission until 31 December 2022 to import recovered sand from development projects in Bordon and surrounding area.

17. The overarching planning permission P30633/034 includes phased programme of working and restoration. The approved restoration and aftercare scheme comprises:
- The approved restoration scheme is to agriculture, amenity and nature conservation as per approved documents;
 - The approved aftercare period is 5 years from the completion of restoration;
 - Material imported for restoration of the sand extraction area is restricted to naturally occurring earth spoils. This is due to its proximity to the River Slea and lying upon a protected aquifer and water source;
 - The retention of public footpath PROW 26;
 - The creation of a lake to the south of the site;
 - The southern area of the quarry (areas A1 to A4) is to be restored to grazing at a level of 62-64 metres AOD using the gault clay (to act as an appropriate liner for infilling below water table and provide a geological barrier) extracted from land lying to the north of the sand extraction area (areas C1 to C4);
 - The void created by clay extraction is to be infilled to original ground levels using 500,000 tonnes of imported earth spoil. The sand extraction and importation of infill material was envisaged to require 100 movements per day, including a significant number associated with infill operations.
18. Farnborough Airfield Safeguarding Zone is located 300m to the north of the site.
19. The closest residential properties are located at Grooms Farm, Stannards View which are 100-180m to the north of the site. Other nearby dwellings include:
- 5 dwellings at Kites which is 400m to the north of the site;
 - 6 dwellings located in the Holt Farm area which lies 400-500m to the north-east of the site;
 - Mellow Farm is located 520m to the east;
 - Headley Park Hotel is located 350m to the south;
 - 2 dwellings at Grove Cottage are located 340m to the south-west of the site; and
 - 3 dwellings at Trottsford Farm are located 400-450m to the south west of the site.
20. There is a historic landfill at Trottsford Farm which is located 590m to the south-west of the site.
21. The Alice Holt Forest, Romano-British kiln sites are located 520m to the north of the site. There are also various Grade II listed buildings located in proximity to the site at:
- Grooms Farmhouse is located 100m to the north-west of the site;
 - Trottsford Farm (cluster) area located 390m to the south-west of the site;
 - Kites is located 430m to the north of the site;
 - Mellow Farm (cluster) area located 520m to the east of the site; and

- Huntingford Bridge & Others (cluster) are located 700m to the south-east of the site.

22. The site has an active Liaison Panel. This meets four times a year, with the last meeting taking place on 17 September 2020.

Planning History

23. The planning history of the site is as follows:

Application no.	Proposal	Date issued
SCR/2020/0309	EIA Scoping for a proposed south-west (Rank's Hill) extension to the current mineral working	22/07/20
30633/035	Sand recovery from development projects in Bordon and surrounding area.	29/10/18
30633/034	Variation of conditions 5 (Phasing), 11 (Landscaping), 24 (Restoration) and 27 (Plans) of Planning Permission 30633/031 to revise the approved working and restoration schemes within the approved timescales	29/10/18
30633/033	The relocation of the ancillary activity of the importation, handling and re-sale of aggregates as previously permitted by pp 30633/030	29/10/18
30633/031	Variation of condition 2, of planning permission F30633/012/CMA to extend the approved time for extraction of sand and clay	28/02/17
30633/030	Variation of condition 1 of planning permission 30633/019 to allow the continued importation, handling and re-sale of aggregates until 31 December 2022	28/02/17
30633/019	Use of land for the importation, handling and re-sale of aggregates (retrospective application)	11/01/2012
F30633/012/CMA	Winning & working of sand with restoration at low level to nature conservation uses to include a southern extension to the existing extraction area, and the retention of the processing plant	07/02/2007
F20310/11C	Revised Phasing	30/07/1996
F20310/10C	Vertical extension of existing mineral working	12/12/1995

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

24. The site is identified in the adopted Hampshire Minerals and Waste Plan (2013) as a safeguarded site for the extraction of soft and silica sand.

The Proposal

25. The proposal is for a variation of condition 1 (timescale) of the current planning permission (30633/034) for the quarry. This is to seek an extension of time for the extraction of sand from and the restoration of the site. The existing wording of Condition 1 is:

The extraction of sand and clay shall cease on or before 31 December 2020 and the site office, all foundations and hardstandings, access roads, all plant (including processing plant and ancillary washing facilities), machinery and stockpiles shall be removed and the site restored in accordance with the schemes approved under Condition 23 (Restoration) within a further period of two years.

26. The proposal is to revise the wording of Condition 1 to:

The extraction of sand and clay shall cease on or before 31 December 2022 and the site office, all foundations and hardstandings, access roads, all plant (including processing plant and ancillary washing facilities), machinery and stockpiles shall be removed and the site restored in accordance with the schemes approved under Condition 23 (Restoration) within a further period of two years.

27. The reason given for the proposed extension of time is the need to address the impacts caused by a significant flood event at the site in February 2020. This was caused by the River Slea overtopping its banks and eroding a channel into the quarry. As a result, the quarry and river are joined and the extraction area of the quarry was flooded by river water and remains so. Photographs of the site are shown in integral Appendix B. The flooding has submerged the sand working area, only a small amount of reserves, less than 20,000 tonnes is accessible. In effect the flood has ceased sand extraction and the quarry is currently not providing minerals to the market. It is estimated that there is 12-18 months of sand resources remaining in the quarry. In addition, works to complete restoration have also been limited. The approved quarry restoration scheme is divided into two linked activities, restoration of the sand extraction area using clay from an adjacent area and the restoration of the adjacent clay area. The EA have stated that clay cannot be put into the flood

area due to the risk of particulate pollution of the river, therefore clay cannot be taken from the clay area to the extraction area. This means that restoration of the clay area has also slowed. This is further slowed by the Covid crisis limiting the supply of inert waste for the restoration of the clay area. Some restoration is also occurring to the silt ponds to the east of the site.

28. The proposed resolution to allow for continued extraction to repair the river bank so that river water no longer enters the quarry. Areas of note relating to this include that:
- The grassland and River bank lies outside of the quarry operator's control;
 - The works on the bank need to be undertaken at certain times of year as they cannot be carried out during the winter months (flood risk) or during fish spawning (March to July for Course fish; salmon and trout spawn over the winter months). Therefore, the operator does not envisage being able to undertake these works before August 2021;
 - The repair itself is likely to take about four weeks;
 - The river water will then be moved back into the River by pumping. The EA have stated that this needs to be undertaken gradually and when there is no risk of flooding which means avoiding the winter period; and then
 - Full recommencement of extraction and restoration can then occur.
29. The Environment Agency (EA) have stated that an Emergency Works Permit is required before any works to repair this is carried out. They advised that the approval of the permit typically takes 6 months from submission and they have resource issues dealing with a permit backlog exacerbated by Covid-19.
30. There are no proposed changes to any other conditions of the existing permission, the extraction and restoration is proposed to be completed to the same design and plans as currently permitted. The only proposed change is the completion dates of these, 31 December 2022 (from 31 December 2020) for extraction and then the completion of the restoration within 2 years of this date, by 31 December 2024.
31. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). Screening under the EIA Regulations has been carried out on the proposed development as supplied. The development is classified as a Schedule 2 development as it falls within Category 2. Extractive industry, (a) Quarries, open cast mining and peat extraction. However, whilst being identified under the Regulations, it is not deemed an EIA development requiring an Environmental Statement as the proposal is related to an active quarry and seeks no intensification of activities nor any significant environmental effects impacts of the sensitivities of the surrounding area.

Development Plan and Guidance

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

National Planning Policy Framework (2019) (NPPF)

33. The following sections of the National Planning Policy Framework (NPPF) are relevant to this proposal:

- Paragraph 11 (Presumption in favour of sustainable development);
- Paragraph 42 (participation of other consenting bodies);
- Paragraph 47 (Determination in accordance with the development plan);
- Paragraph 80 (Supporting economic growth);
- Paragraph 170 (Conserving and enhancing the natural environment);
- Paragraph 175 (Conserving and enhancing the natural environment);
- Paragraph 180 (development appropriate for its location);
- Paragraph 203 (Facilitating the sustainable use of minerals);
- Paragraph 205 (Weight given to minerals extraction);
- Paragraph 207 (Steady and adequate supply of aggregates);
- Paragraph 208 (Steady and adequate supply of industrial minerals).

Hampshire Minerals & Waste Plan (2013) (HMWP)

34. 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 5 (Protection of the countryside);
- Policy 8 (Protection of soils);
- Policy 9 (Restoration of quarries and waste developments);
- Policy 10 (Protecting public health, safety and amenity);
- Policy 11 (Flood risk and prevention);
- Policy 12 (Managing traffic);
- Policy 13 (High-quality design of minerals and waste development);
- Policy 15 (Safeguarding - mineral resources);
- Policy 16 (Safeguarding - minerals infrastructure);
- Policy 17 (Aggregate supply – capacity and source);
- Policy 20 (Local land-won aggregates); and
- Policy 21 (Silica sand development).

East Hampshire Local Plan Core Strategy (Adopted 2014) (EHLPC)

35. The following policies are relevant to the proposal:

- Policy CP26 (Water resources/water quality);

Consultations

36. **County Councillor Kemp-Gee:** Has objection due to concern for operational creep at the site both in time and site area (Ranks Hill).

37. **East Hampshire District Council:** Was notified.

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

39. **Dockenfield Parish Council:** Was notified.
40. **Headley Parish Council:** Has no objection.
41. **Kingsley Parish Council:** Has objection. Suggestion for 12 month extension rather than 24 month.
42. **Natural England:** Has no objection.
43. **Environment Agency:** Has no objection subject to all other existing conditions being retained. They confirm they are currently reviewing the flood risk activity permit.
44. **Defence Infrastructure Organisation:** Has no objection subject to conditions being retained from planning permission 30633/034.
45. **TAG Aviation UK Ltd:** Was notified.
46. **Hampshire Wildlife Trust:** Was notified.
47. **Local Highway Authority:** Has no objection.
48. **Lead Local Flood Authority (LLFA):** Has no objection.
49. **Landscape Planning and Heritage (Landscape) (HCC):** Has no objection subject to other existing conditions being retained.
50. **Planning Policy (HCC):** Has no objection.
51. **Rights of Way Manager (HCC):** Was notified.
52. **County Ecologist (HCC):** Was notified.

Representations

53. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
54. In **complying** with the requirements of the SCI, HCC:
- Published a notice of the application in the [Hampshire Independent](#);
 - Placed notices of the application at the application site;
 - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
 - Notified by letter all residential properties within 100 metres of the boundary of the site.

55. As of 7 October 2020, a total of nine representations to the proposal have been received. There were four representations in support of the proposal and five objected to the proposal. The main areas of concern raised in the objections related to the following areas:

- Impact to residential amenity and health, including noise and dust;
- Impact to residential amenity and health with regards to continued development creep - the repeating pattern of the permitting of extensions of time for operations beyond that approved timescales;
- Failure of the operator to complete quarrying development and the concern of the permeance of the development at the site;
- Concern for future applications for area extensions to the quarry to extract additional resources;
- Concern over misleading and factual errors in the application documents, with regards to the flood risk to the existing southern area of the site and questions as to why the operator did not apply sooner to the Environment Agency for a permit for the repair works; and
- Past performance of the operator at the site.

56. The above issues will be addressed within the following commentary.

Habitats Regulation Assessment [HRA]

57. The Conservation of Species and Habitats Regulations 2017 (otherwise known as the 'Habitats Regulations') transpose European Directives into UK law.

58. In accordance with the Habitats Regulations, Hampshire County Council (as a 'competent authority') must undertake a formal assessment of the implications of any new projects we may be granting planning permission for e.g. proposals that may be capable of affecting the qualifying interest features of the following European designated sites:

- Special Protection Areas [SPAs];
- Special Areas of Conservation [SACs]; and
- RAMSARs.

59. Collectively this assessment is described as 'Habitats Regulations Assessment' [HRA]. The HRA will need to be carried out unless the project is wholly connected with or necessary to the conservation management of such sites' qualifying features.

60. It is acknowledged that the proposed development includes environmental mitigation essential for the delivery of the proposed development regardless of any effect they may have on impacts on European designated sites.

61. The HRA screening hereby carried out by the MPA considers the proposed development to have **no likely significant effect** on the identified European designated sites due to:

- The proposal does not have any significant increase on any adverse impacts the wider quarry may have.

Climate Change

62. Hampshire County Council declared a climate change emergency on 17 June 2019. This proposed development has been subject to consideration of Policy 2 (Climate change – mitigation and adoption) of the HMWP (2013) and Paragraph 148 of the NPPF (2019).
63. No climate assessment was included in the application and so it cannot be demonstrated that the proposal addresses mitigation or adaptation to climate change. It therefore not considered in accordance with Policy 2 (Climate change – mitigation and adoption) of the HMWP (2013).

Commentary

Principle of the development

64. The Planning Statement and the summary of the reasons for this application as set out in the Proposal section above highlight the circumstances in which has resulted in Frith End Quarry having to effectively cease extraction activities. It is demonstrated that the flood event in February 2020 prevented the operator from achieving the permitted development within the current permitted timescales.
65. The operator has worked in a proactive manner to address the situation and proposes to complete the required repairs to the river to enable the quarry to continue activities as soon as possible. The timescale of the repairs being demonstrated in the application as being defined by the Environment Agency, both in the Environmental Permitting process and the environmental need to carry out parts of the repairs at certain times of the year.
66. The quarry is currently at an incomplete stage, part way through its phased extraction and restoration. Two key objectives of temporary mineral extraction development are the supply of minerals in a sustainable manner, and successful, quality restoration of the site.
67. This application seeks a variation to Condition 1 (Timescale) for the existing temporary planning permission 30633/034. It does not seek any other changes to the existing approved scheme, including no changes to the approved Restoration Scheme. Planning permission is required to provide time for the quarry operator to address regulatory requirements under the remit of the Environment Agency, and then complete the extraction and restoration of the quarry as per the existing permission, with the exception of the timescales.
68. Therefore, the principle of this development is sound, consideration for an extension to approved, existing activities, to allow accommodation of the impact of a flood event at the site, caused by weather conditions.
69. The identified benefits of the extension of the timescale to complete the works include:

- Winning and working of soft and silica sand contributing to the required Hampshire supply, in the region of approximately 150,000 tonnes;
- Reduction in demand for other local quarry sites to supply markets with minerals;
- Increased likelihood of the successful completion of the approved restoration scheme, as, without repairing the flood, it is not currently achievable.

70. However, it is also recognised that by allowing for the extension of the timescales for the quarrying and restoration activities, this may lead to impacts on the local environment, community and residents as well as a delay in the completion of the restoration of the site and potential loss of biodiversity recovery and net gains over those additional two years (2022-2024). These are explored further, in policy terms, in the following sections.

Future possible development at the site

71. Frith End quarry has been subject to a number of extensions of time since its original permission in 1990. These are outlined in the Planning History section of this report. Permission F30633/012 was granted in 2007 to extract sand until 31 December 2016. A further permission, 30633/031, was granted in 2017 to extend by a further four years until 31 December 2020. These associated changes to the life expectancy of the site have had understandable impacts on local residents. Each determination for a proposed extension to the site has been considered on its own merits at the time of determination. This is the case here. The applicant has put forward a case for an extension of two years for the lifespan of the site and the decision is to determine if this is acceptable by current material considerations based upon the balance of benefits to detrimental impacts. This proposal includes no other development other than an extension of time to the activities permitted by existing, temporary planning permission 30633/034, and therefore should be considered on its own merits.

72. It should be noted that any plans for future applications at the site are not a material consideration in relation to this proposal. This includes extensions to the area of site activities. Of particular note is that the operator submitted an EIA Scoping for a proposed extension to the current mineral working to the south-west, an area known as Rank Hill, reference [SCR/2020/0309](#). No planning application has been received by the Minerals and Waste Planning Authority for an extension of this nature to date. That possible future application, and any other, will be considered on their own merits, should and when they are submitted. Cumulative impact is a material consideration, and this would refer to impact due to duration as well as by magnitude.

Safeguarding

73. The existing quarry is safeguarded in the HMWP (2013) through Policies 15 (Safeguarding - mineral resources) and 16 (Safeguarding - minerals infrastructure) for its soft sand and silica mineral resources and for the

infrastructure at the site that enables the quarrying activities. These policies aim to protect from development that may sterilise minerals resources and that reduce minerals infrastructure. In this case, the application seeks to continue winning and working minerals, and so these policies are not relevant. However, in real terms, should the remaining soft and silica sand mineral resources in the quarry not be extracted due to the inability to repair the damage from the flood event, then those mineral resources are effectively sterilised, impacting negatively upon supply.

Demonstration of need

74. Chapter 17 (Facilitating the sustainable use of minerals) of the National Planning Policy Framework (NPPF) (2019) sets out it is essential that there is a sufficient supply of minerals (Paragraph 203) and when determining planning applications, great weight should be given to the benefits of mineral extraction (Paragraph 205) whilst the Planning Authorities ensure a steady and adequate supply of aggregates (Paragraph 207) and industrial minerals (silica sand) (Paragraph 208). These set required landbanks of 7 years for soft sand (as part of sand and aggregates) and 10 years for silica sand. Soft and silica sand resources are scarce and concentrated in a small number of areas, in comparison sharp sand and gravel resources are much more prolific and spread out within Hampshire. Soft sand is only found in a cluster of quarries, most notably in north-east Hampshire and the New Forest. Silica sand is only found in two quarries located in north-east Hampshire, one of which is Frith End.
75. Policy 17 (Aggregate supply – capacity and source) of the HMWP (2013) considers the production of an adequate and steady supply of aggregates, including soft sand. The policy states that minerals will be provided from local sand and gravel sites at a rate of 1.56 million tonnes per annum (mtpa), of which 0.28mtpa would be soft sand. This requirement is currently not being met, the [Local Aggregate Assessment 2019](#) shows an average over the past 3 years of an average of 0.22 mtpa.
76. The site is an allocated site under Policy 20 (Local land-won aggregates) of the HMWP (2013). This is for the extraction of remaining mineral reserves, in order to contribute to the Hampshire's soft and silica sand landbanks. Policy 21 (Silica sand development) lists Frith End Quarry as one of two sources of the supply of silica sand for the Plan.
77. Paragraph 208 of the NPPF (2019) states that Minerals Planning Authorities should plan for a steady and adequate supply of industrial minerals, such as silica sand. The Hampshire [Local Aggregate Assessment 2019](#) states a 2.9 year landbank of soft sand and a 3 year landbank for silica sand based upon 3 year averages (due to growing demand and industry confidentiality). Therefore, there is significant local and national need for the remaining reserves of soft sand and silica sand in Frith End Quarry, predicted to be in the region of approximately 150,000 tonnes. The continuation of mineral extraction proposed will be in line with the existing permission and the county is currently

below its landbank targets for soft and silica sands. Therefore, the proposed development is in accordance with Policies 17, 20 and 21 of the HMWP (2013).

Need for restoration

78. Policy 5 (Protection of the countryside) of the HMWP (2013) states the expectation that development in the countryside will meet the highest standards of design, operation and restoration and be subject to the requirement that it is restored when no longer required.
79. Policy 9 (Restoration of minerals and waste developments) of the HMWP (2013) requires temporary minerals development to be restored to beneficial after-uses and that this should be in keeping with the character and setting of the local area and be phased throughout the life of the development.
80. The operators of Frith End Quarry have progressed with phased restoration. Without repair of the quarry flooding, continuation and completion of the approved restoration scheme is not possible. An alternative Restoration Scheme could be submitted for consideration by the operator. However, the flooded sand extraction pit is a deep-water feature that would be unlikely to be considered an acceptable restoration feature, with little ecological benefit and public safety issues. It is a requirement of the HMWP (2013) that the site is restored in accordance with Policies 5 and 9.
81. The application demonstrates that in order to achieve the current approved Restoration Scheme, additional time to that permitted under the current planning permission (30633/034) is going to be required. Therefore, the proposal is considered to be in accordance with Policies 5 and 9 of the HMWP (2013).

Additional required variations to Planning Permission 30633/034

82. The consultation response from the EA identifies the need to revise the Landscape Management and Aftercare document (dated July 2018) approved under the current planning permission 30633/034 to reflect the extended timescales of operations, should permission be granted. This document is referred to in conditions 10, 21, 23, 24 and 25 of planning permission 30633/034. Therefore, these conditions will be required to be revised to reflect the need for the applicant to submit to and have approved by the Minerals and Waste Planning Authority a revised Landscape Management and Aftercare document. Conditions have been included to this effect in Appendix A.

Impact to residential amenity and health, including noise and dust

83. Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013) requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development.

84. The public objections focus on the adverse impact of the continuation of the quarry. In effect, the adverse impact of a further two years of activities on the site on amenity and health. This is a cumulative impact of the continuation of these impacts with an extension of time to the quarry. The main impacts being noise and dust. Concerns were also raised about the the repeating pattern of the permitting of extensions of time for operations beyond that approved timescales.
85. Two noise complaints have been received by the Minerals and Waste Planning Authority from local residents regarding the site over the past year, and another was received in 2016. These typically relate to noise generated by HGVs, wheel cleaning tracks and other machinery used in the restoration activities to the north of the site. This area is closest to residential dwellings 100-180m north of the site, including Grooms Farm and Stannards View. Monitoring Officers have engaged with the operated who reacted proactively in the case of each complaint. Sound monitoring was carried out by the operator and works methods altered to ease the issue. Currently, the operator is in discussions with the Minerals and Waste Planning Authority about raising the height of the noise attenuation bund to this area to further address these complaints. Monitoring Officers have found no evidence that the operator was in breach of any planning conditions and as such, these noise complaints are not a direct material consideration for this application. Two further complaints have been received about the site, one in May 2020 about the flooding issue which is subject of this application and its destruction of meadow and river bank, and another in 2013 about protected trees being felled (this was not by the quarry operator).
86. Public representations raise objection on the grounds of the operator's past performance and the failure of the operator to complete quarrying development. The HMWP (2013) does not identify that the past performance of a mineral operator is a material consideration for mineral applications in the same way as it does for waste.
87. The consultation response from the East Hampshire District Council (EHDC) Environmental Health Officer (EHO) was no objection. Whilst the concerns raised in representations are noted and acknowledged, it is considered that, on balance, based upon the consultation response from the EHO and operator compliance with the established operating planning conditions for planning permission 30633/034, that the cumulative impact of extending activities on the site for two further years is outweighed by the benefits of completing extraction of the minerals and achieving the approved restoration of the site. The proposal is therefore considered to be in accordance with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013).

Ecology

88. 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.

89. The consultation response from Natural England was no objection. County Ecology was notified and did not raise objection. Therefore, it is considered that the delay in the completion of the restoration of the site, and the potential loss of biodiversity recovery and net gains over those additional two years (2022-2024) is not significant. This impact should also be considered within the context that the repair of the flood needs to occur before much of the ecological benefits of the restoration scheme can be realised.

90. Therefore, the proposed development is considered in accordance with Policy 3 (Protection of habitats and species) of the HMWP (2013).

Flooding

91. Policy 11 (Flood risk and prevention) of the HMWP (2013) 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.

92. Policy CP26 (Water resources/water quality) of the EHLP (2014) states that development will protect and enhance the quality and quantity of groundwater, surface water features and controls aquatic pollution to help to achieve the requirements of the European Water Framework Directive.

93. Concerns were raised in representations about misleading and factual errors in the application documents, with regards to the flood risk to the existing southern area of the site and questions as to why the operator did not apply sooner to the Environment Agency for a permit for the repair works.

94. The consultation responses from the EA and Lead Local Flood Authority was for no objection, considering that the proposal will not have any additional impact on flood risk. Therefore, the proposed development is considered in accordance with Policy 11 (Flood risk and prevention) of the HMWP (2013) and Policy CP26 (Water resources/water quality) of the EHLP (2014).

Highways impact

95. 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.

96. The consultation response from the Local Highway Authority was for no objection.

97. Therefore, the proposed development is considered in accordance with Policy 12 (Managing traffic) of the HMWP (2013).

Community liaison

98. 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. There is an existing liaison panel for this site with the last meeting taking place on 17 September 2020. An informative note to the applicant is recommended on the continuation of a liaison panel in the interests of promoting communication between the site operator and local community.

Conclusions

99. It is considered that the proposal would be in accordance with the relevant policies of the Hampshire Minerals and Waste Plan (2013). It is considered that the cumulative impact of extending activities on the site for two further years is outweighed by the benefits of completing extraction of the minerals and achieving the approved restoration of the site. The remaining amount of soft and silica sand is significant. The ecological, social and landscape gains by achieving successful restoration are significant. To allow for an additional two-year time extension to enable the repair from the flood and therefore the completion of extraction and restoration is considered reasonable and in accordance with the policies of the HMWP (2013).

Recommendation

100. That planning permission be granted subject to the conditions listed in Appendix A.

Appendices:

Appendix A – Conditions

Appendix B - Committee Plan

Appendix B – Site photographs

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

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

30633/038

Hampshire County Council

EH121

Grundon Sand and Gravel Ltd Frith End Sand
Quarry, Frith End, Bordon GU35 0QR

(Variation of condition 1 of Planning

Permission 30633/034 to extend the time
period of extraction to 31 December 2022
and completion of restoration within a
further period of 2 years

EQUALITIES IMPACT ASSESSMENTS:

1. 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 in particular 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.

CONDITIONS

Timescale

1. The extraction of sand and clay shall cease on or before 31 December 2022 and the site office, all foundations and hardstandings, access roads, all plant (including processing plant and ancillary washing facilities), machinery and stockpiles shall be removed and the site restored in accordance with the schemes approved under Condition 23 (Restoration) within a further period of two years.

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

Working

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

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

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

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

Phasing

4. Within three months of permission being hereby approved, revised phasing plans, updated to reflect Condition 1 (Timescale), shall be submitted to and approved by the Minerals and Waste Planning Authority to replace the following existing drawings:
 - DG/Q0/FRI/PHASING PLAN/A;
 - DG/Q0/FRI/PHASING PLAN/B;
 - DG/Q0/FRI/PHASING PLAN/C;
 - DG/Q0/FRI/PHASING PLAN/RES/1;
 - DG/Q0/FRI/PHASING PLAN/RES/2;
 - DG/Q0/FRI/PHASING PLAN/RES/FULL; and
 - DG/Q0/FRI/RES/CS.

The phased extraction and restoration shall then be in accordance with those approved plans, or a subsequently approved revised plans by the Minerals and Waste Planning Authority.

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

Hours of Working

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

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

Restoration Material

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

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

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

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

Protection of Water Environment

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

Associated pipework shall be located above ground where possible and protected from accidental damage.

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

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

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

Landscape

10. Within three months of permission being hereby approved, a revised Landscaping and Restoration Scheme updating the timings to reflect Condition 1 (Timescale) shall be submitted to and approved by the Minerals and Waste Planning Authority. This shall include updates of the following documents:
 - Landscape Management and Aftercare document (existing dated July 2018);
 - Restoration Proposal Plan (existing is drawing DG/Q0/FRI/PHASING PLAN/RES/FUL rev 0, dated July 2018); and
 - Final Restoration Plan (existing is drawing Figure 2, dated July 2018).

The revised approved scheme, or a subsequently approved revision by the Minerals and Waste Planning Authority, shall then be implemented in a phased process in accordance with Condition 4 (Phasing) throughout the duration of operations at the site.

Reason: In the interests of visual amenity and quality restoration in accordance with Policies 9 (Restoration of minerals and waste developments), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development of the Hampshire Minerals and Waste Plan (2013)).

Noise, Dust and Odour

11. Noise from operations carried out on the site, measured or predicted as dB LAeq, 1 hour levels, shall not exceed the background noise level at the boundary of any residential property (measured as dB LA90) by more than 10 dBA during hours of operation with a maximum allowable noise level of 55 dB LAeq, 1 hour at the boundary of any residential property during the same hours. Temporary works necessary to the operation of the site for creating baffle mounds and construction of new permanent landforms may only exceed the noise control criteria set out above with the prior agreement

in writing of the Mineral Planning Authority and implementation of agreed noise mitigation measures.

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

12. A 2-metre-high bund shall be maintained along the Phase C4 area's northern and western boundaries for the duration of works in that phase.

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

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

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

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

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

Highways

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

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

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

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

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

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

Rights of Way

18. The crossing points with public rights of way and signs warning heavy good vehicles drivers of the presence of public rights of way shall be maintained for the duration of the development.

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

Archaeology

19. Work shall continue in accordance with the Programme of Archaeological Work and any associated Scheme of Investigation as issued by the appropriate archaeological contractor under permission F30633/012/CMA.

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

Nature Conservation

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

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

21. Measures shall be taken to ensure sand extraction does not damage sand martin nests in the sand faces (as approved under F30633/012/CMA) during the operational life of the site, and a suitable face be maintained for nesting during the restoration and aftercare. This shall be in accordance with the Restoration Proposal Plan and the revised Landscape Management and Aftercare document as approved under Condition 10 (Landscape).

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

22. The Great Crested Newt mitigation strategy set out in the Method Statement (dated April 2006) shall be fully implemented as approved under F30633/012/CMA.

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

Restoration

23. The site shall be restored to a mixture of agriculture, amenity and nature conservation in accordance with the restoration and landscape scheme approved under Condition 10 (Landscape) and shall be implemented in a phased process in accordance with Condition 4 (Phasing).

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

After-Care

24. The approved Aftercare Scheme, as detailed in the Revised Landscape Management and Aftercare document (dated July 2018), or any subsequently approved revision under Condition 10 (Landscape), shall be implemented as approved.

Reason: To ensure that the land is satisfactorily restored in accordance with Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

25. The site shall be subject to a 5-year aftercare period, as detailed in the Revised Landscape Management and Aftercare document (dated July 2018), or any subsequently approved revision under Condition 10 (Landscape). The aftercare period shall commence upon the completion date, as approved by the Minerals Planning Authority, of the restoration hereby approved by Conditions 10 (Landscape) and 23 (Restoration).

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

Plans

26. The development hereby permitted shall be carried out in accordance with the following approved plans: **DG/QO/EST/FRI/01, DG/QO/EST/FRI/02, DG/QO/FRI/02, DG/QO/FRI/03, DG/QO/FRI/04, DG/QO/FRI/Phasing Plan/A, DG/QO/FRI/Phasing Plan/B, DG/QO/FRI/Phasing Plan/C, DG/QO/FRI/Phasing Plan/Res/1, DG/QO/FRI/Phasing Plan/Res/2, DG/QO/FRI/Phasing Plan/Res/Full, DG/QO/FRI/Res/CS,**

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

Notes to Applicant

1. In determining this planning application, the Minerals Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2018), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 3.5 tonnes un-laden.
3. The County Council supports the continuation of the Liaison Panel between the site operator, Minerals and Waste Planning Authority and community representatives at a suitable frequency to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community. Guidance on liaison panels is available: <http://documents.hants.gov.uk/planningstrategic/LiaisonPanelProtocolforHCsites-November2016.pdf>.
4. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.

Appendix B- Site Photographs



Figure 1: Site Aerial photograph showing area now flooded by flood event in February 2020.



Figure 2: June 2019 – extraction area prior to flood event, looking south east.



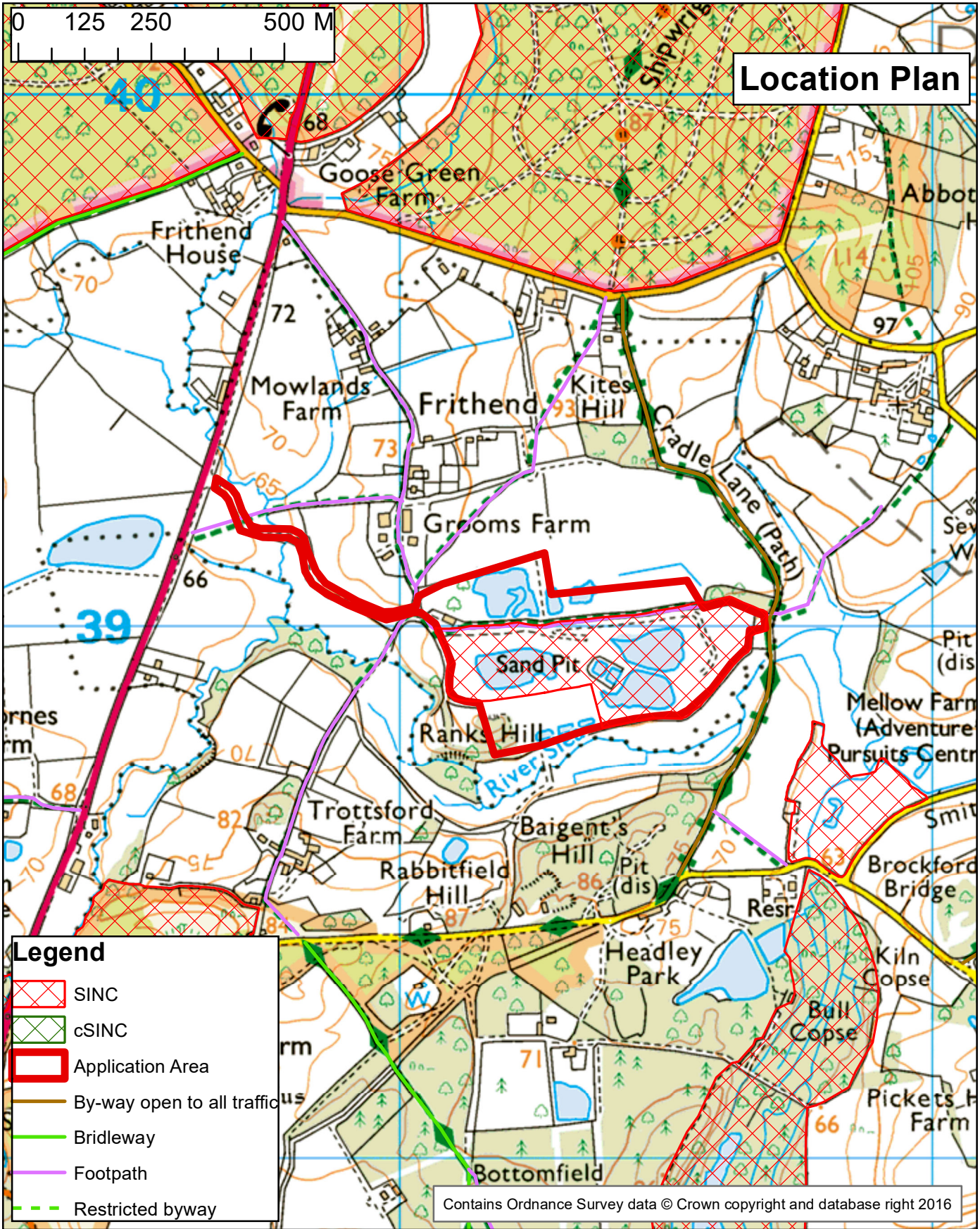
Figure 3: February 2020 – flooded extraction area with river breach top centre, looking east.



Figure 4: February 2020 –River breach with flooded excavation area, looking north-east.










Figure 5: September 2020 – Flooded excavation area, looking north-west.



Location Plan

Legend

-  SINC
-  cSINC
-  Application Area
-  By-way open to all traffic
-  Bridleway
-  Footpath
-  Restricted byway

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Variation of condition 1 of Planning Permission 30633/034 to extend the time period of extraction to 31 December 2022 and completion of restoration within a further period of 2 years at Grundon Sand and Gravel Ltd Frith End Sand Quarry, Frith End, Bordon GU35 0QR

Regulatory Committee

Date: 21 October 2020

1:10,000



Application No: 30633/038

Drawn by: Strategic Planning
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Hampshire County Council

Economy, Transport and Environment

Site Reference: EH121

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