

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

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Recommendation

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

Executive Summary

2. The planning application 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

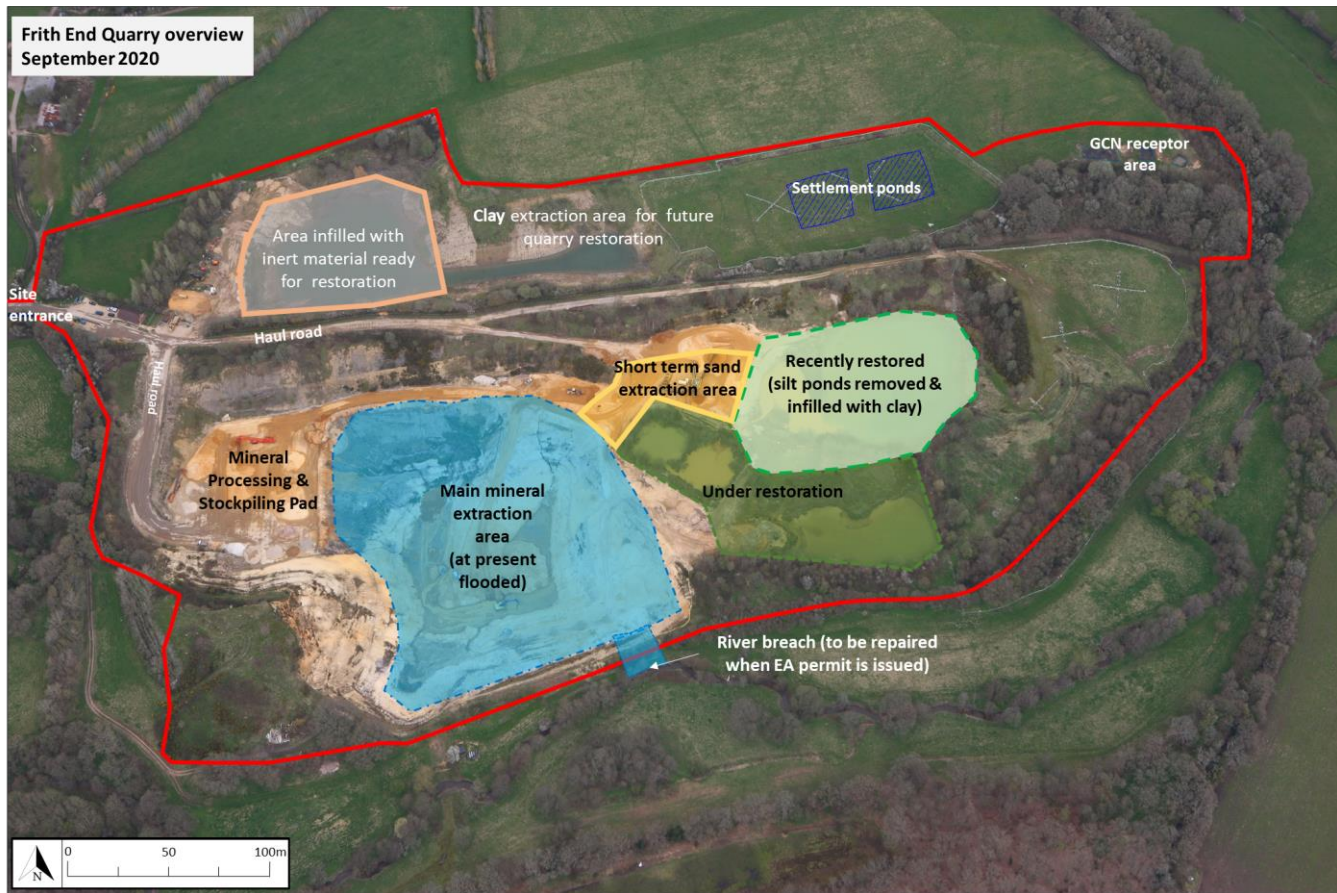


Figure 1: Site Aerial photograph showing area now flooded by flood event in February 2020.



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.