



TERRESTRIA LIMITED

HEATHEND SANDPIT

Petworth
West Sussex

Town and Country Planning Act 1990
Section 73

SUPPORTING STATEMENT

in respect of an application to continue winning and working of minerals
without complying with Condition 2 of Planning Permission
Ref WSCC/104/10/PW/SDNP

DECEMBER 2013

INTRODUCTION

Terrestria Limited is instructed by the Dudman Group of Companies to prepare and submit an application to extend the period permitted for the winning and working of minerals at Heathend Sandpit so as to allow all remaining reserves of sand to be fully extracted and processed.

Before Dudman Aggregates (Properties) Limited was assigned the rights to work the minerals at Heathend Sandpit (in December 2010) the site had been operated for many years by Tarmac Quarry Products Limited. It was unfortunate that this change of operator coincided with the economic downturn and the consequent severe reduction in demand for construction materials. Over the last 3 years output has remained low as growth in the construction industry continues to only slowly improve.

This slow growth in demand, and associated continued low level of sales means that significant reserves remain within the site, reserves estimated to be sufficient for a further 3 to 5 years "life" (see "The Development" section below).

It is against this background that this application is being submitted to enable proven reserves of sand to be worked in order to service future demand as the construction industry comes out of recession.

Whilst the site lies within the South Downs National Park this application is being submitted to West Sussex County Council being one of the delegated planning service planning authorities.

PLANNING HISTORY

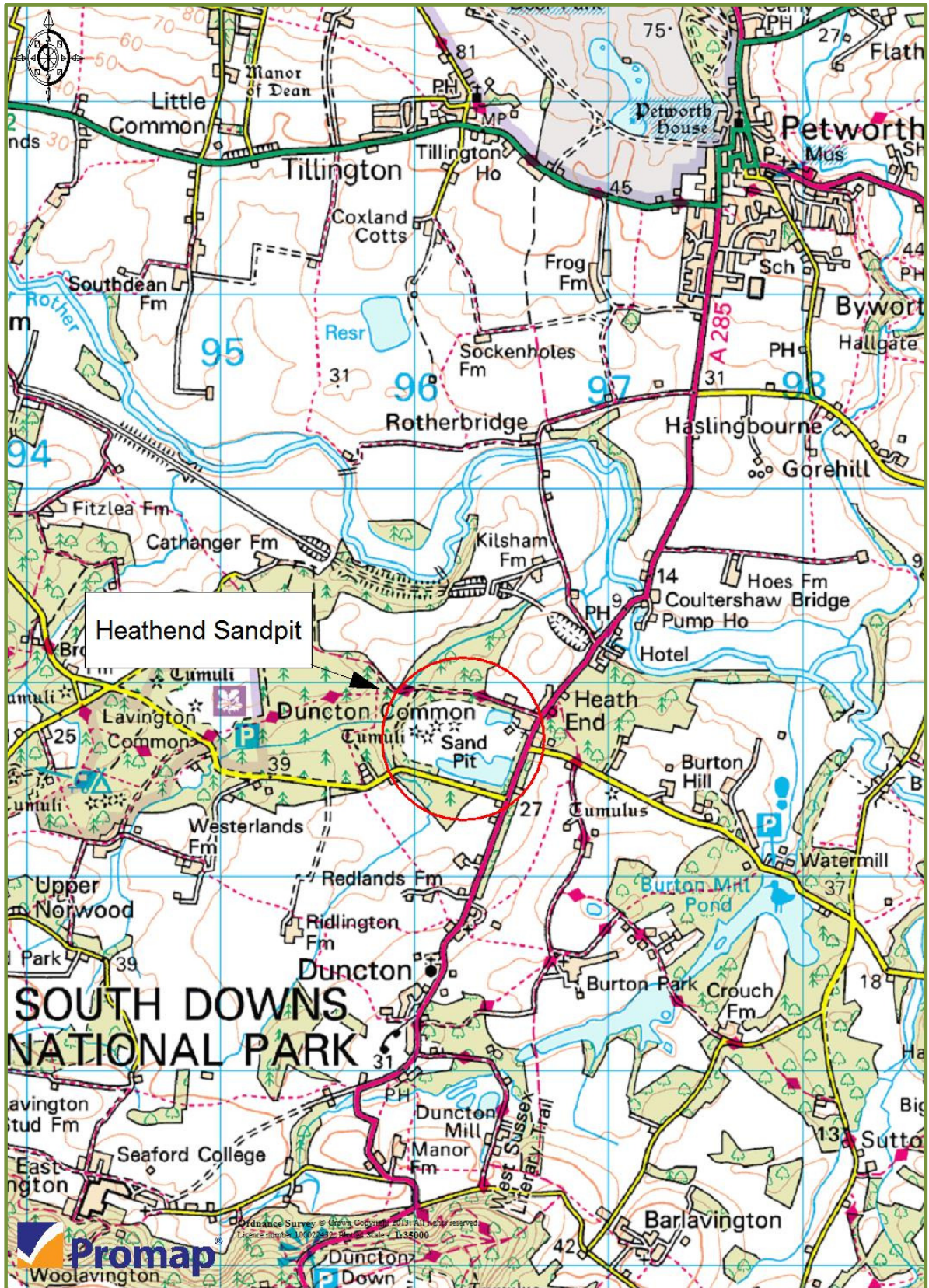
Planning permission was granted in July 1996 for the extraction and processing of sand with subsequent restoration to a landscaped lake for informal recreational uses, heathland, woodland and grassland in respect of land known as Heathend Sandpit (Ref DNPW/94/2569) ("the 1996 Consent").

Condition 2 of the 1996 Consent required that the "*winning and working of minerals shall cease not later than 31st December 2005*" and that restoration of the land (in accordance with the approved plans) would be completed "*within a period of 18 months of the date of the permanent cessation of the extraction of minerals*" (unless otherwise agreed with the mineral planning authority).

In June 2005 permission was granted to vary Condition 2 of the 1996 Consent such that the use of the site for the winning and working of minerals "*shall cease not later than 31st December 2010*". Similarly, restoration was to be completed within a period of 18 months from the cessation of mineral extraction (Ref PW/1385/05) ("the 2005 Consent").

The 2005 Consent repeated all of the conditions attached to the 1996 Consent (with the exception of the change to the end date in Condition 2).

FIGURE 1
Location Plan



In March 2011, further to an application to extend the period of working beyond December 2010, permission was granted varying Condition 2 of the 2005 Consent extending the permitted period for the winning and working of minerals until 31st December 2013 (Ref WSCC/104/10/PW/SDNP) (“the 2011 Consent”).

The 2011 Consent repeated all of those conditions attached to the 2005 Consent (with the exception of the change to the end date in Condition 2).

The 2011 Consent also made minor amendments to the wording of Conditions 3, 14 and 15 (inserting references to the A285 as being the specific “public highway” referred to in previous permissions) and inserted a new Condition 30 requiring the setting up of a local liaison group.

THE DEVELOPMENT

The development of the site will not change from the details set out in the application submitted in December 1994, and as subsequently amended prior to the issuing of the 1996 Consent.

Sand is extracted from the working area and then processed. The mobile plant and equipment used by the Dudman Group of Companies is similar or the same as that used by the previous operator and the existing processing plant will remain. It is therefore not proposed to make any changes to either visual or operational impacts.

Since 2010, sales have been well below what had been originally anticipated at the time of the 1996 Consent (up to 60,000 tonnes per annum) averaging only 25,000 to 30,000 tonnes per annum. Whilst sales are beginning to improve they are not expected to be above 50,000 tonnes per annum for the next 2 to 3 years.

In the application details for the 1996 Consent the traffic assessment was based on an assumed output of 150,000 tonnes per annum and at this level the assessment concluded that there would be no unacceptable impact. In light of the anticipated much reduced sales of up to 50,000 tonnes per annum, then it is evident that traffic movements associated with this level of production will be well within the capacity of the existing access and road network.

No changes are proposed to the approved restoration scheme.

POLICY

The National Planning Policy Framework

In March 2012 the Government issued the National Planning Policy Framework which sets out the Government’s requirements for the planning system, replacing previous policy statements with a simplified, clearer framework.

Key to the working of the Framework is “sustainable development”, a concept concerned with “*positive growth*” and “*making economic, environmental and social progress for this and future generations*”.

At the heart of the Framework is the presumption in favour of sustainable development.

The Framework refers to three elements that make up “sustainable development”,

- **economic** – the planning system should contribute towards building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places to support growth
- **social** – the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet present and future needs and by creating a high quality, built environment
- **environment** – the planning system should contribute towards protecting and enhancing the natural, built and historic environment, including improving biodiversity, the prudent use of natural resources, the minimisation of waste and reducing pollution

The Framework recognises that minerals are essential to support economic growth and quality of life and that it is important that there is a sufficient supply of material to provide the infrastructure, buildings, etc that the country needs. As a finite resource, then the best use must be made of them.

When determining planning applications then planning authorities should,

- give great weight to the benefits of mineral extraction, including to the economy
- as far as is practical make provision for supply outside of designated areas (including National Parks)
- ensure that the development does not lead to unacceptable adverse impacts on the natural and historic environment or human health
- ensure that any unavoidable noise, dust and particle emissions are controlled or mitigated, establishing noise limits where the development may impact on noise sensitive properties
- provide for restoration and aftercare

Technical Guidance was published alongside the National Planning Policy Framework which, amongst other things, considered minerals policy. The following issues are referred to in the Guidance,

- proximity of mineral workings to communities
- dust emissions
- noise emissions

- stability
- restoration and aftercare

There are proven reserves of sand remaining at Heathend Sandpit. The winning and working of minerals at the site has been regarded as being appropriate and acceptable for many years as evidenced primarily by the granting of planning permission in July 1996 and the subsequent renewals of this consent.

The National Planning Policy Framework recognises that great weight should be given to the benefits of mineral extraction including the positive impact it can have on the economy, an economy that is currently struggling to grow following recession.

The Framework looks for positive decisions to be made where there are no unacceptable impacts. As previously stated, this application does not propose to make any changes to the currently approved development. To the contrary, it can be reasonably argued that the potential for some impacts associated with the development are much reduced from what was originally considered (reference has already been made to the greatly reduced traffic movements).

Whilst the Framework recognises that great weight should be given to conserving the landscape and scenic beauty in National Parks (and that, except in exceptional circumstances, planning permission should be refused for major developments), it is relevant to note that Heathend Sandpit is an active quarry, the development pre-dating the formation of the National Park.

In light of the above, it is our view that this application should be viewed favourably being compliant with the policy aims of the National Planning Policy Framework.

West Sussex Minerals Local Plan

The West Sussex Minerals Local Plan (“the MLP”) was adopted in May 2003 and sets out the County Council’s vision, objectives and strategy for mineral land-use planning in West Sussex, and provides the detailed policy framework for determining mineral planning applications.

Whilst the MLP will be replaced by the new Minerals Local Plan when it is adopted by the County Council (scheduled for early 2016) until then the MLP is a material consideration in the determination of planning applications and part of the statutory development plan for West Sussex.

Whilst the MLP policies are principally designed to control new areas of mineral working rather than extensions in time for existing sites, the following are the “saved” policies which are relevant to this application.

Policy 1 concerns itself with the principal of sustainable development stating that mineral workings will only be permitted where (a) working practices will cause the least environmental harm and (b) opportunities to conserve and enhance the environment are incorporated in restoration proposals.

When planning permission was granted in 1996, whilst pre-dating the current Minerals Local Plan the application nevertheless took into consideration the potential for impact on the environment and proposed mitigation where required. In addition, an environmentally sensitive restoration scheme was proposed. This application proposes no change to either the method of working or the final restoration of the site and therefore this Policy is satisfied.

Policies 10 to 18 inclusive deal with environmental considerations, matters which were dealt with in the application which resulted in the 1996 Consent. The site has operated since that time in accordance with the application and conditions attached to the 1996 Consent (and, subsequently, the 2005 and 2011 Consents) and so, by implication, in compliance with these policies.

Policy 19 concerns the effect of mineral extraction on residential and other amenity, requiring measures to mitigate any impact.

This application is for a small extension in time to allow the remaining, previously consented mineral to be extracted. At the time of the 1996 Consent impact on amenity was considered and where appropriate mitigation measures were proposed. No change is proposed as a result of the application.

One element of the development that has the potential to impact on local amenity is lorry movements, traffic on the local roads. As previously indicated, at the time of the 1996 Consent an assessment was made based on exporting 150,000 tonnes per annum from the site and this concluded that there would be no adverse impact. The reason why this application is being submitted is because sales have slumped to less than a third of this amount, with the resultant reduction in traffic and consequently any impact on amenity is further minimised.

Policy 20 refers to the practical reclamation (restoration) of workings with the restoration to be completed at the earliest opportunity.

There is an approved restoration plan/scheme in place for Heathend Sandpit which will not change as a result of this application. However, because this application is seeking an extension to the permitted period for extraction of the remaining mineral then consequently this will delay the time by which the site will be finally restored. That said, restoration will be completed at the earliest opportunity following mineral extraction, that is within 18 months as initially proposed.

Policy 22 requires mineral planning applications to incorporate detailed proposals for reclamation (restoration) and as indicated above, a detailed restoration scheme is already approved for this site.

Policy 33 states that “*planning permission will only be granted for the extraction of sand and gravel from sites other than sites provided for, or proposed, in the Plan if...sterilisation of mineral resources would be avoided as a result*”.

Heathend Sandpit was already an operational quarry when the Minerals Local Plan was being prepared and as such it is not listed in the Plan. It could, therefore, be considered as being an “other site” (in the words of this Policy) and as such planning permission can be granted as not to grant permission would result in the sterilisation of proven sand reserves.

Policy 34 refers to “*minor extensions at existing workings*” which may be granted where the “*sterilisation of mineral resources would be avoided*”.

As regards Policy 34, the reference to “*extensions*” is in the context of additional land-take rather than time extensions. However, if interpreted to mean extension of time, the extension applied for is short (“*minor*”) and not to grant the time extension would result in the unnecessary sterilisation of mineral resources.

SUMMARY

The effects of the recession are still being felt in the construction industry. Whilst there are signs of recovery, this is slow and growth is from a very low baseline. As a consequence output from Heathend Sandpit continues to be significantly down on what was anticipated at the time of the 1996 Consent (c 25,000 tonnes per annum now compared with projections in excess of 100,000 tonnes per annum). This means that proven reserves of sand remain at the site, and will not be worked before the end of 2013, as required by Condition 2 of the 2011 Consent.

This application is to amend Condition 2 of Planning Permission Ref WSCC/104/10/PW/SDNP so that it reads,

The use of the site for the winning and working of minerals shall cease not later than 31st December 2018 and the progressive restoration of the site shall be implemented throughout the course of the development in accordance with the scheme approved under condition 4 below and shall be completed within a period of 18 months of the date of the permanent cessation of the extraction of minerals from the site or such other time period as may be agreed in writing with the Mineral Planning Authority

In other words, this application is to extend the completion date for extraction by 5 years with restoration to be completed (at the latest) within 18 months after that date.

All other Conditions attached to this planning permission will remain the same.

Heathend Sandpit has operated successfully for many years without giving rise to any unacceptable impacts on the environment and it is submitted that operating in the same manner, under effectively the same planning permission and conditions for a further 5 years will not result in any changes.

The operations at Heathend Sandpit are compliant with both national and regional/local planning policies.

Approval of this application will ensure that the remaining, proven reserves are not needlessly lost or sterilised and that they can continue to contribute towards maintaining a steady supply of minerals to the local and wider market.