
Appeal Decisions

Hearing held on 7 June & 7 July 2016

Site visit made on 7 July 2016

by Bridget M Campbell BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 September 2016

Appeal A: APP/Y9507/W/15/3032542

**Heath End Quarry, Station Road, Heath End, Petworth,
West Sussex GU28 0JG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Dudman Group of Companies against the decision of the South Downs National Park Authority.
- The application Ref:SDNP/14/00111/CND, dated 17 December 2013, was refused by notice dated 17 March 2015.
- The application sought planning permission for development described as "*Variation of condition 2 of planning permission PW/1385/05 to extend the end date for the winning and working of minerals from 31 December 2010 to 31 December 2013*" without complying with a condition attached to planning permission Ref:WSCC/104/10/PW/SDNP, dated 3 March 2011.
- The condition in dispute is No.2 which states that: *The use of the site for the winning and working of minerals shall cease not later than 31 December 2013 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.*
- The reason given for the condition is: *To comply with section 91 of the Town and Country Planning Act 1990, and to secure the prompt restoration of the site.*

Summary of Decision: The appeal is dismissed.

Appeal B: APP/Y9507/C/15/3133267

**Heath End Quarry, Station Road, Heath End, Petworth,
West Sussex GU28 0JG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Dudman Aggregate Properties Limited against an enforcement notice issued by the South Downs National Park Authority.
 - The notice was issued on 14 August 2015.
 - The breach of planning control as alleged in the notice is the carrying out of operational development; explicitly the winning and working, sales and exporting of minerals from the above site without the required planning permission.
 - The requirements of the notice are to:
 1. Cease all winning of minerals on the site.
 2. Cease all working of minerals on the site.
 3. Cease all sales and exportation of minerals from the site.
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4. Remove dredger barge and associated piping from the site.
- The period for compliance with the requirements is one day for requirements 1-3 and 10 days for requirement 4.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Decision.

Preliminary matters

1. At the hearing an application for costs was made by the Appellants against the National Park Authority. This application is the subject of a separate Decision
2. In relation to Appeal A, the application is to carry out development of the land without complying with condition 2 subject to which the 2011 permission was granted. The 2011 description of the development granted is not especially clear but the decision itself explains that it relates back to a permission granted in 1996 for an extension to mineral workings for the extraction and processing of sand with restoration to a landscaped lake for informal recreational uses, heathland, woodland and grassland. That was originally granted temporary planning permission but has since been the subject of two time extensions in 2005 and 2011. The appeal is against a further application to extend the time.
3. At the hearing it was agreed that in the event that Appeal B failed and the notice was upheld, the requirements of the notice and times for compliance would need to be varied to delete reference to a calendar date since passed and to enable any working necessary to achieve the restoration of the land.

Appeal A

4. The application form submitted for the proposal, the subject of Appeal A, was confined to applying for a relaxation of Condition 2 attached to permission WSCC/104/10/PW/SDNP to enable minerals to be worked on the land for an extended period beyond 31 December 2013. The reason given for the need to vary the condition was that "*Proven reserves of mineral remain within the site which will not be extracted before 31 December 2013*". Further, the form asked for the condition to be changed to read "The use of the site for the winning and working of minerals shall cease not later than 31 December 2018".
5. Nowhere on the form was there any suggestion that what was being sought was anything other than the end date specified, although I note that the Supporting Statement" makes reference to 5 years. At the hearing, it was suggested that it was implicit that what was being sought was a 5 year extension of working from the date when a final decision was made which would now give an end date some 3 years later in 2021. Since the quarry has remained operational subsequent to the submission of the application one might expect the anticipated end date to continue to be that applied for. The Appellant, however, explained at the hearing that operations had been scaled down pending the final outcome of the application such that 5 year's worth of reserve still remains. Nonetheless, in my view, to treat the application as one for a 5 year permission rather than one proposing an end date of 31 December 2013, as explicitly stated, would be to consider a proposal which in substance is different from that applied for.

6. In addition, the Supporting Statement to the application said *"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"* and *"All other conditions attached to this planning permission¹ will remain the same"*. However, that quite patently cannot be so.
7. The Appellant points out that the description of the development remains unchanged and that there is no inhibition considering other conditions in an application made under s73 of the Act. I accept both those propositions. However, it is not the case that a description of development incorporated in a planning permission necessarily authorised any operational development falling within that description. For example "the erection of a dwellinghouse" could cover infinite shapes, sizes and design of building.
8. In this case the 1996 operational development permitted (with subsequent extensions of time) clearly related to working in a number of phases with a specified direction of working and progressive restoration with a de-watering system deployed. That is not the operation now proposed which, in particular, would not be phased and involves dredging, albeit that the proposed depth of working remains as shown on approved drawing H47/64B. Indeed, it is because the operations are so different from those initially approved that many of the other conditions attached to the 1996 and subsequent permissions would need to be altered were this appeal to be allowed.
9. As a matter of fact and degree, I find the operational development proposed in the application to amount to a fundamental alteration of the development put forward in the original application; and the proposal brought to appeal, requiring a different end date to that applied for, to further alter the nature of the application. The number of conditions which would need to be rewritten if permission was to be granted for the current proposal is such that what would be permitted would be a materially different development from that previously approved. An application made under s73 does not permit the permission to be rewritten which would effectively be the case here and thus I intend to dismiss the appeal.
10. Before moving on to consider Appeal B, I should mention that there is disagreement between the parties as to which was the approved restoration plan indicating the depths of excavation. The problem arises as drawing H47/64B was that approved in 1996, and is referred to in the conditions of that and the subsequent permissions and yet in 2004, pursuant to details required by the 1996 permission, the Authority approved a revised restoration plan with reduced levels H47/75D. However, that detailed approval was not acknowledged in either of the subsequent renewals, PW/1385/05 or WSCC/104/10/PW/SDNP which re-imposed the original conditions (other than altering the time limit for winning and working) and several refer to H47/64B and none to the later drawing.
11. Whilst I can accept that this might have been a clerical error and not what was intended, the law is clear that it is only permissible to take into account extrinsic evidence to interpret a planning permission when the permission is unclear on its face and it is necessary to do so in order to resolve an ambiguity. I do not find that to be the case here, but in any event as the appeal is to be dismissed the disagreement now has no relevance to Appeal A. The latest

¹ WSCC/104/10/PW/SDNP

permission has lapsed and no new permission is to be granted under s73. Similarly, although it is agreed that reference to drawing HD/47/65 should have included its revision A and did not do so, that too has no relevance now to the determination of Appeal A.

Appeal B

12. The ground of appeal is that planning permission should be granted for the matter alleged in the notice; that is, therefore, for the carrying out of operational development; explicitly the winning and working, sales and exporting of minerals.
13. In bringing this ground the Appellant makes clear that permission is sought for the operations for a period 5 years with an end date of 2021. In addition, permission is sought to carry out the development in accordance with the drawings associated with the 1996 permission, that is drawing numbers H47/60, 61, 63, 64B and 65A but excluding drawing H47/62A which set out a phasing sequence and direction of working. No phasing is proposed and a different method of working than previously approved is engaged comprising the continued use of the dredger and pumping system.
14. National policy in the National Planning Policy Framework (NPPF) recognises that minerals are essential to support sustainable economic growth and our quality of life and minerals planning authorities are required to plan for a steady and adequate supply of aggregates (paras.142 & 145). It says great weight is to be given to the benefits of the mineral extraction including to the economy but, amongst other things, requires no unacceptable adverse impacts on the natural and historic environment or on human health (para.144).
15. The Development Plan for the area includes the saved policies of the West Sussex Minerals Local Plan 2003 (SMLP) and of the Chichester District Local Plan 1999 (CDLP). Despite pre-dating the publication of the NPPF, the policies relevant to the consideration of this appeal are not inconsistent with it. It is recognised that minerals are finite in their natural state and can only be worked where they are found.
16. Whilst also pre-dating the designation of the National Park, policy 12 of the SMLP indicates that mineral working may be accepted in the national designated Areas of Outstanding Natural Beauty subject amongst other things to an assessment of need and consideration of any detrimental effect of the proposals on the environment and landscape and the extent to which that should be moderated. Given the parallel between Areas of Outstanding Natural Beauty and National Parks in that both benefit from the highest status of protection in relation to landscape and scenic beauty (para.115 NPPF) the policy might equally be applied in this case to the subsequent National Park Designation.
17. At the hearing, the Authority confirmed that there is no 'in principle' objection to the extraction of sand at the appeal site. But having regard to the revised restoration plan, H47/75D, it considers there is no need for further time to do so as the current level of extraction is already at, or in some places below, the levels shown on that drawing. It was concerned that, following further extraction, the site could not be restored in accordance with that plan.

18. The Appellant, however, wishes to work to restoration plans H47/64B and H47/65A which would enable a greater depth of extraction. The question under ground (a) in Appeal B, then, is not one of which plan I should have regard to since the previous planning permission has lapsed and I intend to dismiss the appeal which would have effected an extension to it. Rather the deemed application associated with ground (a) is for a new planning permission for extraction for which the Appellant asks for a 5 year permission working to restoration plans H47/64B and H47/65A.
19. Given the national and local planning policy background, the main considerations involve an assessment of the remaining reserve and the need for the sand, and whether any unacceptable adverse impacts would arise on the natural and historic environment or on human health.
20. Using plan H47/64B, and the results of a survey undertaken in November 2014, the Appellant produced for the hearing a schedule of remaining reserves for each of the previous phased area totalling a reserve of 338,495 tonnes (at 2 tonnes per cubic metre) or 287,730 (at 1.7 tonnes per cubic metre). Only some 30,000 tonnes are said to have been worked since that survey was undertaken. These figures were accepted by the Authority.
21. In the Authority's latest *Assessment of Need for Aggregates: Local Aggregate Assessment* (April 2016), a 7.1 year land bank of soft sand is identified when maintaining a supply at levels equivalent to the current 10 year average sales. I understand that this excludes the appeal site as, with reference to plan H47/75D, it was assumed that no reserve remained. A shortfall over the period of the emerging Minerals Local Plan of between 3.56 and 4.61mt is anticipated.
22. The additional reserves at the appeal site would thus make a positive contribution towards the indentified shortfall; recognising the value of the resource to the growth of the economy and for which there is an acknowledged local need. The proposal would enable the sand to be extracted before the site is sterilised by works of restoration. The National Park Authority confirmed at the hearing that provided any adverse effects could be satisfactorily addressed; there would be no objection to the revised proposal and an extended period of working.
23. Looking at environmental impact, for so long as the extraction continues and the site is not restored, there will be an adverse impact on the National Park and on the setting of the Scheduled Ancient Monument (SAM) within which the works take place. These, however, would be temporary and, whilst accepting that working has been going on for many years, they are proposed for only another five. The site is well screened by mature vegetation so that the impact from public vantage points is very limited. Furthermore, as accepted at the hearing, minerals must be worked where they occur and the Authority has no "in principle" objection to mineral working within the National Park which inevitably has a temporary impact.
24. There is some concern about the condition of the SAM, comprising a Bronze Age barrow cemetery, but this seems to arise from a lack of care and management (animal burrowing and scrub growth), rather than directly from the mineral working. No evidence was brought to suggest that the changed method of working proposed, or working to the depths shown on drawing H47/64B would, in themselves, result in any direct harm to it. This is, perhaps

- unsurprising given that H47/64B has been deemed appropriate in the past. Moreover, whilst the Appellant is certain that there would be no adverse effect; a condition has been suggested to require an assessment to be made as to the effect on the SAM and to identify any remedial measures should any be necessary. Nonetheless, for so long as work continues and the site is not restored, the setting of the SAM is adversely affected and restoration is likely to bring about positive improvements.
25. At the hearing, the Appellant confirmed that the site could be restored to the contours shown on drawings H47/64B and H47/65A without the need for the importation of material. Whilst the lake would be deeper than envisaged on drawing H47/75D, there was no evidence to suggest that, once restored; the site would be any less acceptable visually or in ecological terms as now proposed. In addition, a detailed scheme for restoration and aftercare, building on the scheme indicated on H47/64B, could be required by condition. Restoration, once complete, would achieve the first purpose of the National Park designation to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and the future use of the site is likely to bring about the second to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
26. There are a limited number of residential properties close to the site but it was clear from the representations made at the hearing that residents are disturbed by noise emanating from the site – in particular from the working of the dredger which was described as a constant drone which could be heard both indoors and out. This seems to be influenced by where on the lake the dredger is working and on the direction of the wind. During my visit, I asked for the dredger to be operating and I stood outside one of the closest properties, April Cottage on Graffham Road. At that time the sound of any working from the site was barely, if at all, discernible and what was most intrusive was the sound of fast moving traffic along the A285.
27. Nonetheless, I accept that residents have been disturbed by the operations taking place on the site but the Appellant agreed to investigate the frequency of the sound emanating from the dredger with a view to dampening it. This could be the subject of a condition and, together with conditions limiting the levels of noise emanating from the site at the nearby residential properties, would ensure that residents would not be unduly disturbed. There was no evidence that the stability of neighbouring properties would be affected by the proposal and in this regard the Appellant indicated that two yearly geotechnical assessments are undertaken.
28. Problems with dust can be addressed by condition and although further working at the site would result in continued lorry movements, the site has direct access to the A285 and I note the County Highway Authority raises no objection to continued working. Some concern was expressed that the site has not been properly secured but I was told that site security is regulated by the Safe Quarry Regulations.
29. Drawing together my findings there would be a temporary adverse effect on the National Park arising from a further five years of working and similarly a temporary adverse effect on the setting of the SAM. The impact on the Park throughout the period would be limited due to existing effective screening. Given the temporary nature of the effect on the setting of the SAM, a

designated heritage asset, the harm would be less than substantial².

Nonetheless, great weight is to be given to the asset's conservation and this harm should be weighed against the public benefits of the proposal, including securing optimum viable use.

30. Recognising that minerals are essential to support sustainable economic growth and that they can only be worked where found; the remaining reserves on the appeal site would make a positive contribution to the anticipated local shortfall. The benefits of mineral extraction attract great weight. These demonstrated reserves could be extracted before the site is finally restored. The temporary harm to the National Park and SAM has to be weighed against enabling an accepted reserve of a mineral of local and national importance to be extracted, with the potential to restore the site so as to bring about enhancements to the National Park environment and to the setting of the SAM.
31. The imposition of suitable conditions could ensure adverse effects during the five years of working are moderated to an acceptable degree so as to secure no unacceptable adverse impacts on the natural and historic environment or on human health. These include; ensuring the development is carried out as approved; restricting times and methods of working and requiring further details of working, restoration and aftercare; limiting noise and requiring details of attenuating the effects of dust and of noise from the dredger; requiring measures identified to protect the integrity of the SAM if found necessary; and requiring the establishment of a local liaison committee to foster a good working relationship with neighbouring residents.
32. Whilst some scepticism was expressed by residents about the likelihood of conditions being complied with; the wording of each was carefully discussed during the hearing with the aim of ensuring that they would each achieve their intended purpose and would be enforceable by the Authority should there be non-compliance. Due to their number and complexity, a further opportunity was given to the parties to comment on the specific wording of the agreed conditions after the close of the hearing in the interests of precision. I have taken the written comments made by the two parties into account and adopted suggestions made where I have considered them to be appropriate.
33. In conclusion, I find that a conditional planning permission for a temporary period of five years is justified. The short term harm to the National Park and setting of the SAM identified is outweighed by the public benefits of the proposals: primarily securing the extraction of the mineral resource shown to be remaining, with ultimate enhancement to the National Park and setting of the SAM. In this respect, overall, there would be no conflict with the purposes of the National Park designation or conflict with the national policy in the NPPF or with the provisions of the Development Plan. Need for the sand has been demonstrated and, with suitable conditions imposed, no unacceptable adverse impacts on the natural and historic environment would arise.

Formal Decisions

Appeal A: APP/Y9507/W/15/3032542

34. The appeal is dismissed.

² NPPF paras.133 & 134

Appeal B: APP/Y9507/C/15/3133267

35. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for operational development comprising the winning and working, sales and exporting of minerals on land at Heath End Quarry, Station Road, Heath End, Petworth, West Sussex GU28 0JG referred to in the notice, subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following drawings:
H47/60
H47/61
H47/63
H47/64B
H47/65A
- 2) The use of the site for the winning and working of minerals shall cease not later than 31 December 2021 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 permitted extraction of minerals from the site or such other time period as may be agreed in writing with the Mineral Planning Authority.
- 3) No access or egress from the site shall be obtained other than through the existing gateway from the public highway which shall be retained unaltered throughout the course of the development hereby approved.
- 4) The operations hereby permitted shall cease within one month, and all equipment and materials brought onto the land for the purposes of those operations shall be removed within one year, of the date of failure to meet any of the requirements set out in (i) to (iii) below in respect of each scheme listed (a) to (f):-
 - i) within 3 months of the date of this decision, or such longer period as may be agreed in writing by the Mineral Planning Authority, the following schemes shall have been submitted for the written approval of the Mineral Planning Authority and the schemes shall include a timetable for implementation:-
 - (a) A scheme detailing the restoration and aftercare of the site in accordance with drawing H47/64B. The scheme shall provide for post restoration site management, an aftercare programme and monitoring details and for informal recreation (which shall exclude motorised water sports). The scheme shall include, but not be limited to, measures to ensure the protection of the Scheduled Ancient Monument from overgrowth, erosion and damage from animal burrowing; a pathway suitable for pedestrian access around the site; bird watching screen; car parking; sand martin habitat, heathland, conservation grassland and wetland. Landscaping should include areas of hedgerow, broadleaved shrubs and woodland, mixed woodland, reed bed shallows and the retention of existing woodland.

- (b) A scheme setting out measures designed to minimise the discharge of windblown dust from the access road and processing plant areas of the site.
 - (c) A scheme assessing the effects (if any) arising from the development on the stability or integrity of the Scheduled Ancient Monument to include any measures necessary to avoid such effects.
 - (d) A scheme for the establishment of a Heath End Quarry local liaison group. The submitted scheme shall include the objectives of the group, its membership, the frequency and location of meetings and arrangements for the notification of meetings and arrangements for the publication of minutes. All meetings of the group shall be attended by representatives of the site operator and the Minerals Planning Authority.
 - (e) A scheme setting out the method of working and extraction across the site.
 - (f) A scheme setting out measures for the attenuation of noise from the operation of the dredger.
- ii) within 11 months of the date of this decision, or such longer period as may be agreed in writing by the Mineral Planning Authority, if the Mineral Planning Authority refuses to approve any of the schemes or fails to give a decision within the prescribed period an appeal shall have been made to, and accepted as valid by, the Secretary of State.
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted schemes shall have been approved by the Secretary of State.
- 5) The schemes approved pursuant to condition 4 shall be carried out as approved and in accordance with the approved timetable and thereafter retained in accordance with the details approved.
 - 6) Planting in the landscape belt adjacent to Graffham Road shall be retained in accordance with the scheme of landscaping submitted on 5th September 1996 and agreed by the Mineral Planning Authority on 11th September 1996.
 - 7) Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any amendment, replacement or re-enactment of that Order) no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed or replaced at the site without the prior agreement in writing of the Mineral Planning Authority.
 - 8) The sand processing tower shall be finished in a light grey colour throughout the course of the development and until removal from the site.
 - 9) No sand shall be stockpiled in the stockyard and processing plant area of the site to a height in excess of 40 metres AOD at any time.
 - 10) Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless the Mineral Planning Authority has agreed otherwise in writing:-

(a) no operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times:-

07.00 hours and 18.00 hours Monday to Friday; and
07.00 hours and 13.00 hours Saturdays;

(b) no servicing, maintenance and testing of plant shall be carried out at the site before 0700 hours or after 18.00 hours on any day and at no time on Sundays, or public and bank holidays;

(c) no operations for the formation and subsequent removal of material from the proposed environmental banks and soil storage areas shall be carried out at the site except between the following times:-

08.00 hours and 18.00 hours Monday to Friday;

(d) no operations other than environmental monitoring and water pumping at the site shall take place on Sundays or public holidays.

- 11) No working of sand shall take place to a depth greater than the maximum depths shown on drawing numbers H47/64B and H47/65A, nor to a gradient steeper than 1 vertical to 3 horizontal in any face which adjoins land not to be disturbed by sand extraction during the course of the development.
- 12) No commercial vehicles departing from the site shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.
- 13) The surface of the site access between any wheel cleaning apparatus and the public highway shall be kept clean and free of mud, dust and other debris at all times until the completion of the site restoration.
- 14) Between the hours of 07.00 and 18.00 on any day when working is permitted on the site, the noise levels arising from the extraction and processing of sand shall not exceed 55dB (LAeq) (1 hour), (freefield) at any residential property in the vicinity of the site.
- 15) Between the hours of 22.00 and 07.00 the following day, the noise levels arising from the development shall not exceed 42 dB(LAeq) (1 hour), (freefield) at any residential property in the vicinity of the site.
- 16) No work involving the removal of top soil and sub-soil from the site or the construction, grading or removal and reinstatement of the site shall be conducted in weather conditions which lead to the creation of dust which, when carried in the wind in the directions of all or any one of the residential properties close to the site, is such that visible airborne dust is apparent outside the boundaries of the site.
- 17) Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil. The pipes shall vent downwards into the bund.

- 18) For the duration of the development, the existing trees, bushes and hedgerows in the planted screening belts and hedgerows along the southern and eastern boundaries of the site shall be retained and shall not be felled, lopped or removed without the prior written consent of the Mineral Planning Authority. Any such vegetation removed without consent, which dies, is being severely damaged or becomes seriously diseased as a result of operations permitted by this permission shall be replaced with trees or bushes of such size and species as agreed by the Mineral Planning Authority, in the planting season immediately following any such occurrences.
- 19) Unless otherwise agreed in writing with the Mineral Planning Authority, all plant, buildings, hardstandings and minerals arising from the operations shall be removed from the site within one year of completion of the extraction and processing operations. Any plant, buildings or machinery which during the course of the development, becomes redundant for its intended purpose or any purpose directly associated with the extraction or processing of minerals associated with the site shall be removed within one year of becoming redundant.
- 20) No vehicles, plant or machinery shall be operated at the site unless silenced to a degree to enable compliance with the noise limitations set by conditions 14 and 15 of this permission or to the manufacturer's UK specification for the equipment whichever is the lower.
- 21) All work on the site shall be conducted in such a manner that no operational or mechanical discharge from the site carries silt or suspended matter into any watercourse.
- 22) The site shall not be artificially lit except during the permitted hours of working or by intruder triggered security lighting and no lighting fitment shall be installed or at any time operated on the site from which the source of light is directly visible from public roads or any residential property adjacent to the site.
- 23) If, before completion of the development, operations cease for a continuous period of six months, a revised scheme for the rehabilitation and restoration of the site shall be submitted in writing to the Mineral Planning Authority within three months for approval. Such a scheme when approved in writing by the Mineral Planning Authority shall be commenced within three months of the approval or such extended period as may be agreed in writing by the Mineral Planning Authority.

Bridget M Campbell

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr M Metcalfe	Chartered Minerals Surveyor
Mr A Tait QC	
Mr S Dudman	Appellant
Mr C Pine	Development Archaeology Services Limited
Mr P Whitby	The Ecology Co-op

FOR THE MINERAL PLANNING AUTHORITY:

Ms K Tipper	Minerals and Waste Planning Officer
Ms R Moutery	Solicitor, West Sussex County Council

INTERESTED PERSONS:

Mr D Stewart-Smith	Representing Graffham Parish Council
Mr N Moore	Representing Duncton Parish Council and residents of 3 neighbouring properties
Mrs E Williams	Representing the Heath End Liaison Committee
Mr C Davies	Neighbour

DOCUMENTS

- 1 Letter of notification of the hearing
- 2 Extracts from the South Downs National Park – Partnership Management Plan
- 3 Letter dated 21 June 2016 from the Appellant with attachment
- 4 Letter dated 1 July 2016 from the NPA with attachment
- 5 Email 4 July 2016 from Appellant with schedule of reserves
- 6 SDNPA comments on suggested conditions
- 7 Appellants' comments on suggested conditions