

**Hampshire County Council
Director of Economy, Transport & Environment**

Applicant: Hanson Quarry Products Europe Limited

Variation of conditions 1 of planning permission BDB/74592 to extend the end date for restoration of the plant site for a further 12 months at Welshman's Road, Mortimer West End, RG7 4QD (No. BDB/77355)

(Received: 30 November 2012)

General

Planning permission is sought for the variation of condition 1 of planning permission BDB/74592 to extend the end date for restoration of the plant site at Budds Firs for a further 12 months at Mortimer Quarry, Welshman's Road, Mortimer West End.

Mortimer Quarry, comprises three key parts – Area A (Burnt Common), which is subject of a nature conservation management plan and due to be restored by 2015 (BDB/74592) . Area B (Budds Firs) is that part of the site subject of this application , which was the original plant site for Burnt Common and is now processing mineral extracted from Area C (eastern extension area - BDB/ 73552). Area C is also subject of an extension of time application to extend operations until 30 November 2013 (BDB/77347) . Justification for the eastern extension area application is given on the basis that the plant site broke down and did not operate for a period of time . This meant that the mineral extraction at the eastern extension area had to stop until plant at Budds Firs (the key application area subject of this report) was up and running again. The two applications are interdependent and therefore need to have the same end dates as proposed of 30 November 2013.

This application proposes to extend the time period for restoration of Burnt Firs Plant site to 30 November 2013 a further 12 months from that currently permitted.

Development Plan

Hampshire Core Strategy DPD 2007

DC1(Sustainable Minerals and Waste Development); DC3 (Impact on Landscape and Townscape); DC6(Highways); DC7 (biodiversity), DC8(Pollution, health, quality of life and amenity), DC12 (Restoration and Aftercare); DC15(Sand and Gravel).

Consultations

Councillor Chapman - whilst raising no objection highlights that no more extensions of time beyond this application should be permitted on this site.

Mortimer West End Parish Council - no response has been received
Environmental Health Basingstoke - no response has been received
Basingstoke and Deane Borough Council – no objection
Environment Agency Southern- no objection
Hampshire Wildlife Trust- no response has been received
Highway Authority- no objection subject to existing conditions being carried forward
Rights of Way Manager – no response has been received
Newbury Town Council- no response has been received
West Berkshire District Council - no objection
Councillor Tucker- has been informed of the proposal

Representations

One letter of representation has been received to the application from a local resident highlighting their ‘disapproval’ of this application, as well as their disapproval of the eastern extension area application (BDB/77347) on the basis that this application - together with other mineral applications in the area - are considered to have the potential to destroy countryside walks and animal habitats and that the operators concerned do not always ‘clear up and make good their mess’. The resident concerned also states that no reasonable explanation has been given by the applicant for the proposed extension of time on this site .

Commentary

The principle of gravel extraction and the existence of the mineral plant in this location, accords with the development plan, in that this is an active approved site and the plant site, whilst no longer needed to process mineral from Burnt Common adjoining to the west- because this is currently being restored to heath land- is needed to restore mineral arising from the eastern extension area. The County Council is also in receipt of an application to extend the time period for restoration of the eastern extension area and this is to be granted planning permission. Accordingly this application subject of this report and the application for the extension of time at the eastern extension area, are interdependent.

It is noted that no objection has been raised to the proposal from consultees. However, it is noted that a local resident , has highlighted their ‘disapproval’ of this application as well as their disapproval of the eastern extension area application (BDB/77347) on the basis that this application together with other mineral applications in the area are considered to have the potential to destroy countryside walks and animal habitats and that the operators concerned do not always ‘clear up and make good their mess’. It is noted that the resident concerned also states that no reasonable explanation has been given by the applicant for the proposed extension of time on this site .

County Planning has assessed all the information before it with relation to this and other related applications , and on balance, considers that the need for the extension of time is justifiable .County Planning acknowledges that this extension of time application, is linked to the extension of time for the active eastern extension mineral extraction area.

Accordingly, whilst it is disappointed that a further extension of time is needed, County Planning considers that on balance, permission should be granted to enable mineral from the eastern extension area to be processed and exported from the site.

Accordingly it is recommended that permission be granted subject to conditions this report.

Recommendation

That permission be granted subject to following reason for approval and conditions:

Reasons for Approval

1. It is considered that this restoration of time proposal would be in accordance with the development plan (summary attached), and that this sustainable mineral development would be acceptable in terms of highway safety and convenience (Policy DC6); would not materially harm the character of the area (DC3- Impact on Landscape and Townscape) nor the amenity of local residents (DC8) or biodiversity (DC7) and would be restored to a beneficial after use (DC7, DC12) without any significant adverse hydrological impacts.

Conditions

Timescale

1. The winning and working of minerals permitted by planning permission BDB32190 shall cease on or before eight years from the date of commencement (5 January 1998) and the area known as Burnt Common (land west of the existing hedge marked in dark green on approved plans B156r/89 and B156r/90 separating the site from Budds Firs plant area to the east) shall be finally restored by 30 November 2015. The land to the east of this hedgerow known as Budds Firs shall be restored by 30 November 2013 and in accordance with planning permission no. BDB/73552 granted 14 June 2011.

Reason: To comply with Schedule 5 of the Town and Country Planning Act 1990 and to minimise the duration of disturbance from the approved operations.

Restriction of Permitted Development Rights

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order) no vehicular access other than that shown on the approved plans shall be formed to the site, without the prior approval of the Mineral Planning Authority.

Reason: In the interests of highway safety.

Access

3. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.

Reason: In the interests of highway safety.

Hours of Working

4. Except with the prior approval of the Mineral Planning Authority in writing, no operation authorised by this permission shall be carried out and plant shall not be operated other than during the following hours: between 0700 and 1900 Monday to Friday; 0800 and 1300 on Saturday. No such operations shall take place on Sunday or recognised public holidays.

Reason: In the interests of the amenity of the area.

Noise

5. Noise from all operations on the site, including extracting, processing and haulage shall not exceed 52dB LAeq (one hour) (free field) at any noise sensitive premises.

Reason: To minimise the noise disturbance experienced by local residents

Dust

6. A scheme for the suppression of dust shall be submitted to the Mineral Planning Authority within one month of this permission. The measures shall be implemented upon approval of the scheme.

Reason: To safeguard the local environment.

Water Protection and Pollution

7. The approved hydrological monitoring scheme shall be implemented for the duration of the development. Should monitoring reveal an adverse impact on local ground water levels then mitigating measures should be immediately submitted to the Mineral Planning Authority for approval and implemented immediately on receipt of the approval of the Mineral Planning Authority in writing.

Reason: To safeguard environmentally sensitive areas

8. All tanks containing fuel shall be sited on a concrete base surrounded by bund walls capable of retaining at least 110 percent of the tank's volume and any spillages from fill or draw pipes. The bund walls shall be built and subsequently maintained in a condition such as to satisfy this condition in respect of the reason stated.

Reason: To prevent pollution of water courses and ground water.

9. No water carrying any form of pollution shall at any time be allowed to flow or permeate into any adjacent land, watercourse, ground water resource; nor shall any solid material or litter at any time be allowed to overspill or be blown over any adjacent land.

Reason: In the interests or general amenity and to avoid environmental pollution to adjacent land.

10. In backfilling the settlement ponds the integrity of the aquitard separating the ground water associated with the Bagshot Beds from the ground water associated with the overlying plateau gravels shall be maintained. There shall be no direct tipping into the water.

Reason: To prevent pollution of water courses and ground water.

11. No refuse shall be burnt on site or deposited in any watercourse.

Reason: In the interests of the amenities of the area.

Importation of Material

12. No materials from sources outside the site shall be introduced to the site for backfilling or for processing, or for use in the plant hereby approved, without the prior agreement of the Mineral Planning Authority in writing.

Reason: To minimise lorry traffic generation and the duration of disturbance from mineral extraction and processing.

Depth of Working

13. No excavation shall take place to levels below the final working depth indicated on the approved drawing no. B156m/24c, and the Bagshot Beds shall not be disturbed except from obtaining silts and clays from the Upper Bagshot Beds, except for the purposes of obtaining sealing media for the protection of the ecologically sensitive areas and where required to form clean water and silting facilities (at locations to be agreed beforehand by the Mineral Planning Authority in writing).

Reason: To ensure that the final landform is in keeping with the locality and capable of a beneficial after-use.

14. The extraction and restoration of the site shall proceed in accordance with details shown on varied plans B156r/89 and B156r/90 dated May 2011, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To ensure that the site is satisfactorily restored.

Soil Stripping and Storage

15. All topsoil, subsoil and overburden stripped prior to mineral extraction shall be stored separately and retained on site for use in site restoration.

Reason: To ensure that the site is satisfactorily restored.

Restoration, After-care and After-use

16. No further restoration shall take place until a detailed methodology for the restoration of the site has been submitted to and approved by the Mineral Planning Authority.

Reason: To ensure satisfactory restoration of the site.

17. A detailed methodology for the restoration of the site shall be submitted to the Mineral Planning Authority within three months of the date of this permission. This methodology shall be additional to the approved restoration plan (drawing no. B156r/89 and B156r/90) and together they shall comprise the restoration scheme.

Reason: To ensure satisfactory restoration of the site

18. The fencing around the areas of ecological importance to the south (Welshman's Pond) and the north of the site, as indicated on drawing no. B156r/89, shall be maintained for the duration of the operations around these areas.

Reason: To safeguard environmentally sensitive areas.

19. Planting indicated on the restoration scheme (B156r/89) shall be implemented within the first planting season following the restoration of the site.

Reason: In the interests of the amenity of the area.

20. The subsoil and topsoil shall be respread over the western part of the site to be restored to grassland (as indicated on drawing no. B156r/89) to an even depth as to follow the final contour of the land indicated on approved drawing no. B156r/89 and to permit natural surface drainage.

Reason: To ensure that the site is satisfactorily restored to pasture.

21. Following the resspreading, tining and scarifying of soils, the western area of land to be turned to grassland (as indicated on drawing no. B156r/89) shall be prepared to a state suitable for seeding by grading using a light bulldozer or tracked loader and by cultivation.

Reason: To facilitate proper restoration of the land.

22. An after-care scheme, requiring that such steps as may be necessary to bring those parts of the site to be restored to grassland and nature conservation (indicated on drawing no.

B156r/89 to the required standard for grassland and nature conservation shall be submitted for the approval of the Mineral Planning Authority not later than six months from the date of this permission and before the final grading of the areas put aside for nature conservation, whichever is sooner. After-care shall commence as soon as each phase is restored to the satisfaction of the Mineral Planning Authority.

Reason: To ensure land restored to grassland and nature conservation is correctly husbanded.

23. The submitted after-care scheme shall specify in outline the programme of after-care. The programme shall include provision for an annual site meeting to discuss the detailed steps necessary on the restored land.

Reason: To ensure land restored to agriculture is correctly husbanded.

24. Subject to Condition (22), after-care of the site shall be carried out in accordance with the after-care scheme as approved by the Mineral Planning Authority in writing.

Reason: To ensure land restored to agriculture is correctly husbanded.

25. No later than four weeks before each annual meeting referred to in Condition (23) above, a detailed scheme for the after-care of the restored land shall be submitted to the Mineral Planning Authority. No later than two weeks following the annual meeting a detailed scheme (revised as necessary following the annual meeting) shall be submitted for the approval of the Mineral Planning Authority.

Reason: To bring land to the standard required for agricultural use.

26. The overflow pipe linking the site with Benyon's Enclosure, south of Welshman's Road, shall be of sufficient size to accommodate gravity discharge after site restoration.

Reason: To avoid prolonged water logging of the site during the winter.

27. The central drainage ditch for the land restored to pasture shall be of adequate capacity for its catchment area. The ditch shall be carefully dug to an even gradient with sides gently sloping to avoid bank slippage. Where slippage occurs the section of the drainage ditch shall be re-excavated.

Reason: To ensure the satisfactory drainage and restoration of the site.

28. No later than 12 months from the cessation of all extraction or such other date as the Mineral Planning Authority may agree in writing that they are no longer required, whichever is the sooner, all plant and machinery, buildings, foundations, hardstandings and access roads no longer required in connection with the workings, restoration or future use of the site shall be removed from the site.

Reason: In the interests of the amenities of the area.

29. Prior to commencing restoration on the silt lagoon system, a scheme for the safeguarding of protected species, including reptiles, shall be submitted to the Mineral Planning Authority within three months of the date of this permission. On approval by the Mineral Planning Authority the scheme shall be implemented.

Reason: To protect the nature conservation value of the site.

Landscaping

30. The trees and hedges on site which are to be retained shall be protected during the extraction and restoration by strict compliance with the requirements of the Mineral Planning Authority relating to their protection.

Reason: To ensure the enhancement of the development by the retention of natural features.

31. Planting indicated on the restoration scheme (B156r/89) shall be implemented within the first planting season following the restoration of the site.

Reason: In the interests of the amenity of the area.

32. No work shall take place within the crown spread of existing trees either underground or on the surface, including the storage of materials, excavating soil and fixed plant.

Reason: To protect the health and stability of the trees to be retained on site.

Footpaths

33. Measures should be taken to ensure that Footpaths No. 1 and 2 are not in any way obstructed during operations.

Reason: In the interest of local amenity and public safety.

Note to Applicant

1. There is a long term management agreement for Burnt Common between Hampshire Wildlife Trust, The Stratfield Mortimer Relief in Need Charity, and Hanson Quarry Products Europe Limited. The agreement is dated 22nd September 2000.
2. In determining this planning application, the Mineral Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate

or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

Case Officer
Julia Davey

Date.....26/02/2012.....

Authorised on behalf of the Director of the Economy, Transport & Environment

.....P Chadwick.....

Date.....26/02/2013.....

Annexe to Reasons for Conditions
(as required by Article 31 of the Town and Country Planning
(Development Management Procedure) (England) Order 2010)

Hampshire Minerals and Waste Core Strategy DPD 2007

Policy DC3 – Impact on Landscape and Townscape

Minerals and waste development will only be permitted if due regard is given to the likely visual impact of the proposed development and its impact on, and the need to maintain and enhance, the distinctive character of the landscape or townscape. If necessary, additional design, landscaping, planting and screening, including planting in advance of the commencement of the development, should be proposed.

Policy DC6 – Highways

Major mineral extractions, landfills and ‘strategic’ recycling, aggregate processing and recovery and treatment facilities, will be permitted provided they have a suitable access to and/or route to the minerals and waste lorry route as illustrated on the Key Diagram.

In all cases, minerals and waste development will only be permitted if it pays due regard to the likely volume and nature of traffic that would be generated by the proposal and the suitability of the proposed access to the site and of the road network that would be affected. Consideration should be given to highway capacity, road and pedestrian safety, congestion and environmental impact, and whether any highway improvements are required and whether these could be carried out satisfactorily without causing unacceptable environmental impact.

DC7 – Biodiversity

Minerals and waste developments will only be permitted if due regard is given to the likely effects of the proposed development on biodiversity and, where possible, proposals should conserve and enhance biodiversity. Development likely to adversely impact upon ‘regionally or locally designated sites or protected species’ – designated in adopted Local Plans or Local Development Frameworks – (including Sites of Importance for Nature Conservation (SINCs), Species of Principal Importance for Biodiversity, Regionally Important Geological Sites and Local Nature Reserves) shall only be permitted if the merits of development outweigh the likely impact.

Policy DC8 – Pollution, health, quality of life and amenity

Minerals and waste development will only be permitted if due regard is given to the pollution and amenity impacts on the residents and users of the locality and there is unlikely to be an unacceptable impact on health and/or quality of life of occupants of nearby dwellings and other sensitive properties. Where necessary minerals and waste developments should include mitigation measures, such as buffer zones between the site and such properties.

Policy DC12 – Restoration and Aftercare

Minerals extraction, landfill and other appropriate developments will not be permitted unless there is satisfactory provision for the restoration of the site, within a reasonable timescale, for an after use consistent with the general planning objectives of the area.

The restoration and aftercare of sites should seek to meet two or more of the following planning objectives:

- a. Improving public access to the countryside, including public access for disabled people and recreation;
- b. Use for management of water resources and/or flooding management;
- c. The improvement of biodiversity;
- d. Use as back-up grazing;
- e. Return to agriculture, forestry or other 'open' use recreational facilities

Policy DC15 – Sand and Gravel

Sand and gravel extraction will be permitted, provided the site:

- a. Is identified for sand and gravel extraction in the Hampshire Minerals Plan or pending its adoption, is within the Mineral Resource Area shown on the Key Diagram, or
- b. The proposed development involves a small-scale extension to or deepening of an active sand and gravel extraction site, and
- c. Hampshire's landbank indicates there is a need for sand and gravel which cannot reasonably be met from identified sites and locations and it can be shown that working such land would be equally acceptable to working within an identified site or location, and
- d. Is not within or would not have an unacceptable impact upon the New Forest National Park, the proposed South Downs National Park or Areas of Outstanding Natural Beauty, and
- e. The proposal include restoration opportunities for increasing biodiversity or access to public open space, or help to meet other planning objectives, and
- f. Where necessary, proposals for landscaping and planting (prior to operation) are included, and
- g. Is close to, and with good access to, the minerals and waste lorry route illustrated on the Key Diagram.