

TOWN & COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011

'SCOPING OPINION'

Decision Maker:	Head of County Planning
Date:	23 April 2012
Title:	Request for Scoping Opinion: extension of the clay workings at Michelmersh Brickworks, including extraction of clay and sand reserves at the site know as School House Field at School House Field, Michelmersh
Reference:	TV111
Report From:	Head of County Planning

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1. Introduction

Hampshire County Council is in receipt of a request for a Scoping Opinion under the EIA Regulations for the extension of the clay workings at Michelmersh Brickworks, including extraction of clay and sand reserves at the site know as School House Field at School House Field, Michelmersh, Hampshire.

A Screening Opinion undertaken by Hampshire County earlier this year concluded that the proposed development is an EIA development under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 as the proposal by way of its nature, scale (depth of extraction) and location (both the school field and the extension of time for restoration of the western extension area) - has the potential to cause significant environmental effects. In particular , the school field site and western extension area are adjacent to footpaths and residential properties; and the school field is near a built conservation area, and is a steeply sloping site. The development is considered therefore to have the ability to cause significant environmental effects in terms of amenity, hydrology, , geotechnical (property stability) landscape (including setting of a conservation area) and- if the option is progressed for importation of restoration materials – the potential for highway impacts.

This report forms the formal scoping Opinion of the County Council as Mineral Planning Authority on the said proposal together with the detailed

comments of consultees which are attached to this Opinion. This opinion includes a summary of consultee responses.

2. Site

The proposed school field clay extraction site, associated with the existing brickworks at Michelmersh, is allocated as a mineral site in the draft 2011 Hampshire Minerals Plan and is a site subject of the public examination into the Hampshire Minerals and Waste Framework due to take place during June 2012.

The proposed site would comprise the School Field extraction site, the haul route between the extraction site and the existing western extension area and the existing quarry (western extension). An extension of time for the western extension would be included in any forthcoming application because it needs to be used for the temporary storage of clay from the School Field. Any Environmental Assessment submitted would therefore need to address impacts on all areas supporting the extraction of clay as well as the school field itself and the surrounding areas.

The extraction part of the site extends across an area of approximately 7.6 hectares of grassland to the north east of the current brickworks known as The School Field, Michelmersh. It slopes upwards steadily in a south west – north – east direction towards a residential property known as the Old School House- a building of local historic interest. The Old School House sits therefore on high ground on the edge of the village of Michelmersh with views across the site in a westerly and south- westerly direction. The proposed extraction site is bordered by a public footpath on its northern and western boundaries. The southern part of the site adjoins the existing brickworks clay stockpiling and operational area and this is the point at which lorries would access the extraction site.

Two options are proposed for restoration of the extraction site at the school field- low level and restoration back to grazing land and countryside uses through the importation of inter materials so the land is restored back to original ground levels.

Site Key Constraints:

Footpath adjacent to north and west
Building of historic interest- The Old school House adjacent to North-east
Steep sloping land from The Old Stables on higher ground to east, downwards to west
Built Conservation area of Michelmersh Village adjacent to north
Minor aquifer
Source protection zone 2/3
Middle Wallop Airfield Bird Strike Area
Grade 3 agricultural land
SINC -490m approximately to NE

Tributary of River 800m west of extraction area and 570m west of western boundary of site to be used for clay storage (existing western extension area)

Main River SSSI- 900m to west

Historic quarry and landfill 800m to south east (Hunts Farm- inert; and Bunny Lane.

Mottisfont bats- foraging area/flypath

3. Proposal

A Planning application accompanied by an Environmental Statement would be submitted in the future to Hampshire County Council for the extraction of 81,000 tonnes (40,500m³) Clay and 30,000 tonnes (15,800m³) Sand from a site known as The School Field, Michelmersh. The site has been put forward in the Hampshire Minerals framework which is subject of a public examination in June 2012. The key factors relating to the proposal are summarised in outline below:

- Maximum depth of extraction – 10 metres
- Stand-off margin of 5m on boundaries of extraction site and 10m in NE corner near residential properties
- Three-four year extension of time for restoration of existing western extension area which would be used for clay storage- no higher than 5m
- Extraction would commence in South –west and move towards north east corner- total period 3-4 months
- Over 3-4 month extraction campaign mineral would be transported by HCV from school Field by haul route to western extension area where clay would be stored for 3-4 years.
- Two options proposed for restoration of the Old School Field either:
 - a) low level grassland completed within 6 months post extraction, or
 - b) infilling with 56,000m³ imported inert material back to original ground level within 12 months of extraction generating approximate average of 43 loads (86 movements) per day over 26 weeks (approximately 6 month) Reducing the infilling over 9 month would equate to reduction in lorry movements to 57 movements per day.
- Proposal would not commence until western extension area extraction is complete in 3 years as quarry needed for clay storage.

4. Development Plan

Hampshire Core Strategy 2007 – S1 (Sustainable Design Construction and Demolition S11 (Brickmaking and Other Clay); DC1- (Sustainable Mineral and Waste Development); DC3- (Impact on Landscape and Townscape); DC4 (Historic Heritage); DC6 (Highways); DC7 (Biodiversity); DC8 (

pollution, health, quality of life and amenity); DC10 (Water resources); DC11 (flooding); Dc12 (Restoration and aftercare) DC14 (landfill); DC17 (Clay); Test Valley Borough Local Plan (2006)- ENV 11(Archaeology and Cultural Heritage); ENV17 (settings of Conservation Areas, Listed Buildings, archaeological sites and historic parks and gardens)

Test Valley Borough Local Plan (2006) –key policies : SET 03 (countryside); SET07 and SET 10 (Employment sites); AME1, AME4 (amenity); DES1 , DES5, DES10 (landscape and layout)

National Planning Policy Framework NPPF- is a material consideration. Consideration needs to be given to the presumption in favour of sustainable development and the Core Planning Principles- including character of countryside; enhancement of biodiversity, landscape and built character; protection of environment, rural economy and community policies all apply.

Draft Hampshire Portsmouth, Southampton, New Forest and South Downs Minerals and Waste Local Plan is emerging policy. The Plan has been submitted to the Secretary of State. An independent Planning Inspector will now consider the draft Plan at Public Examination on its 'soundness'. Policy 21: relates to Brick-making clay.

The public hearing sessions are scheduled for June 2012.

5. Consultations

Environmental Health Test Valley South The main issue from an Environmental Health perspective is noise. A noise assessment should accompany the application. The School House Field is immediately adjacent to some residential properties which will no doubt be impacted by clay and sand extraction, and associated infilling, landscaping and profiling work. It is questioned whether the suggested 10-metre stand-off on the north-east boundary is adequate for noise control purposes.

If after clay extraction the site is to be filled, this will increase the overall impact very substantially, and the EHO states he would prefer to see reinstatement of the land which eliminates, or minimises, the need for infilling. If infilling were to happen, not only would the total duration of noisy work increase substantially, but the impact would also extend beyond the immediate local area to lorry movements on the local road network. The noise assessment would therefore need to consider the increased traffic noise impact along Hill View Road at least.

Whereas dust has not to the EHO's knowledge been a problem to local residents due to existing clay extraction operations, sand extraction and infilling operations would certainly be likely to give rise to dust. A statement relating to dust control should accompany the application in any case. Depending on the nature of the fill (which should be clarified if applicable in the planning application) other impacts may well result also, though it is presumed that only inert, non-odorous, non-gas producing waste would be contemplated in this locality.

Test Valley Borough Council – states that it considers that the proposed development is likely to have significant effects on the environment consistent with the County Council’s adopted screening opinion. As such the scope of any ES needs to address the matters raised by Environmental Health and the following comments:

Landscape

A landscape and visual impact assessment (LVIA) will be required in accordance with the Guidance from the Guidelines for Landscape and Visual impact Assessment 2nd Edition from the Landscape Institute and Institute of Environmental Management and Assessment and should include the following:

Details of alternatives to be assessed

Alternative sites; the process by which they were considered and the reasons for selection of the preferred option. The nature of other alternatives open to consideration including alternative layouts and mitigation measures should also be included.

The methods to be used to gather baseline data

To establish the range of sensitive receptors this should include a study of the character of the physical landscape as well as visual amenity. A study area for different types of impacts to be assessed should be included - Receptors to include relative character and landform across and along both sides of the valley, and visual receptors should include intervisibility of views across and along the valley landform. A landscape character study is required to include the pattern and scale of landform, land cover, land use and built development leading to a definition of local landscape character around the site. Visual receptors should include views from Haccups Lane and Hill View Road, local Public Rights of Way including those directly across the valley and views from the national routes the Test Way and Monarchs Way. The landscape character study should take account of the Test Valley Landscape Character Assessment 2004. The timing of survey data should include the worst case scenario with regard to seasonal views including effects in winter views.

The methods to be used to predict impacts

Photomontages will need to be provided to illustrate landscape and visual impacts of the proposal from agreed viewpoints. The baseline should be the site and its context in its existing state to consider cumulative impacts and worst case scenario. The proposal will also need to consider the cumulative effects of the proposal with existing extraction sites. There is a need to consider short term (from day of opening), medium term (5 years) and long term (15 years) impacts.

The significance framework and significance criteria to be used for specific impacts

Guidance is to be found within the Guidelines for Landscape and Visual impact Assessment 2nd Edition from the Landscape Institute and Institute of Environmental Management and Assessment.

The types of mitigation that will be under consideration

The proposal should include the mitigation being considered for all adverse landscape and visual effects throughout the project life cycle including working scheme, restoration and aftercare and monitoring of mitigation measures.

Historic Environment

The site does not lie within the Michelmersh Conservation Area but does border on to its boundary. Views of the field from within the conservation area are limited due to the existence of mature hedgerows and providing the field is restored back to grassland, as is mentioned within the submitted planning statement, then there will be little long term impact upon the character of the conservation area. It is not considered that there will be an impact upon the setting of the neighbouring listed building, Old House, due to the existing level of natural screening and the distance between the field and listed building.

Environment Agency Southern - The proposed "School Field" area is located within Source Protection Zone 2 for Timsbury Public Water Supply borehole and Adit System. This area is therefore very sensitive to any activities that could potentially pollute groundwater.

The Agency states it is aware that Timsbury Water Supply Works (WSW) has a historic groundwater quality turbidity issue. While this episodic groundwater turbidity at the WSW may, in part, be a consequence of the local geological/hydrogeological setting, or the well and adit system construction, the nearby clay extraction (and removal of low permeability cover) may also be viewed as a potential contributing factor. Therefore, continued further expansion of the clay workings adjacent to the WSW adit system is seen as posing a risk to the quality of the groundwater abstracted at Timsbury WSW. We therefore request that a full Hydrogeological Risk Assessment (HRA) is undertaken as part of the Scoping Opinion Assessment. This should include not only the extraction area but also the areas for stockpiling.

The proposals do not detail whether any dewatering/drainage of any 'perched' or isolated sand-gravel aquifers within the Tertiary deposits may be necessary as part of clay extraction operation. As the extraction is approximately 10m deep, further information and assessment of this activity would be required within the Environmental Statement. If abstraction is required, we may request that as part of the HRA, an assessment of the potential impacts of dewatering on the water supply is undertaken.

The proposal highlights two options for restoration of the "School Field" Area. As with extraction, deposition of waste material has the potential to cause pollution, especially if the majority of the low permeability clay is removed and there is a direct impact to chalk groundwater. If waste infilling is proposed, we would expect a separate Hydrogeological Risk Assessment for this proposal in line with our Groundwater Protection: Policy and

Practice (GP3) Position Statements and LFD1 Guidance. In addition to this, under the Environmental Permitting (England and Wales) Regulations 2010, it is likely that the deposition of waste is to require an Environment Permit. This is a separate system to that of the planning system and we recommend that the application for the permit is applied for in parallel with that of the planning permission.

We also recommend that within the Environmental Statement, detailed pollution prevention and mitigation measures are detailed on how the activities, including storage of fuels etc will be managed so that pollution of the chalk aquifer is prevented.

Please note that the Environment Agency has provided detailed representations to Hampshire County Council on Policy 21 of the Minerals and Waste Plan which covers Michelmersh, specifically in relation to the area of the site which overlays the Source Protection Zone 1.

English Heritage comments awaited

Highway Authority –the Highway Authority will require a Transport Statement to be prepared in support of a Planning Application to assess the impact of the development on the surrounding highway network. The Assessment should be carried out in accordance with the DFT Guidance on Transport Assessment.

The assessment should include information on the number and size of vehicles generated by the current Michelmersh Brickworks and details of any increase in vehicle movements that would result from the proposed extension of the clay workings. The impact of any increase in the number or size of vehicles or the impact of the continued use of the surrounding highway network should then be considered.

Information should be provided within the Transport Statement on the width, horizontal and vertical alignment, speed limit and number of vehicle movements (including the number of large vehicles) for Hill View Road and the A3057 to enable the impact of the development on the surrounding road network to be assessed.

The Transport Statement should also present an assessment of the personal injury accident data for the roads surrounding the site, identifying any trends that are likely to be exacerbated by the proposals.

Rights of Way Manager -requires that the impact of noise, dust and drainage on the users of the public Right of Way and any impacts on the surface of the Right of way be addressed in any forthcoming application.

Ecology (HCC) :-

- Designated sites

The site is close to Mottisfont Bats Special Area of Conservation (SAC). This SAC is designated under the EU Habitats Directive (transposed into

UK law by the Conservation of Habitats and Species Regulations 2010, and is a 'sensitive area' under the terms of the EIA Regulations for its population of barbastelle bats. Although the application site is outside the SAC, these bats are wide-ranging and use a variety of habitats within 7.5km of the SAC. Developments that affect key commuting and foraging habitats used by the bats associated with the SAC may have the potential to have a likely significant effect on the integrity of the SAC. It is noted that although the majority of the site is grassland and thus may be of lower value (depending on its characteristics and suitability to provide prey species for barbastelle bats), the site appears to be surrounded by trees and scrub / hedges, which may be of more value to barbastelle bats.

The ES should therefore include an assessment of the habitats present and affected by the development with particular emphasis on barbastelle bats and the nearby SAC. Bat activity survey work (possibly supported by longer-term automated logging of bat activity) is likely to be necessary in this respect.

Protected species – bats

In addition to the nearby SAC, the surrounding area is known to support a number of bat roosts. It is therefore advised that bat activity surveys are carried out in a general sense in order to assess impacts of the development on foraging and commuting behaviour of other bat species that may be present in the area.

Protected species – great crested newts

The area is known to support a population of great crested newts. These animals are legally protected under UK and EU law. There are a number of water bodies in the area (both permanent and temporary), and the development is likely to affect an area of terrestrial habitat that would potentially be used by newts associated with any nearby breeding ponds. Any ecological assessment should include survey work to determine the level and nature of any impacts, and if necessary any measures to avoid, mitigate or compensate for such impacts.

Other

Aside from these specific concerns, the ES should include a more general ecological appraisal – typically via an extended phase 1 survey – followed up by any other species-specific surveys that the appraisal identifies as necessary.

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Landscape Planning and Heritage (Archaeology)(HCC) - Whilst there are no archaeological sites currently recorded in that field, archaeological survey ahead of previous extensions to the site have encountered previously unrecorded archaeological remains. In particular a Roman site which has been partially excavated as encountered by Berkshire Archaeological Services. It seems unlikely that any archaeological issues arising would prove to be over riding. . However the impact of the development on archaeological remains is a material consideration and it seems likely that early stage archaeological survey will encountered as yet

unrecorded archaeological remains. I was therefore pleased to note that the applicant intends to engage the services of Berkshire Archaeological Services to review this archaeological potential. I would suggest that in the fullness of time any future application should have a Heritage Statement attached which considers the impact on archaeological remains and potential archaeological remains and sets out a suitable mitigation strategy for consideration.

Commentary

This Scoping Opinion is compiled in response to the request for a combined Screening and Scoping Opinion received for the site, the County Council Screening Opinion for which concluded that an EIA was required to be submitted for any forthcoming application relating to this proposal. The applicant has given consideration to the key environmental topic areas that need to be addressed in any future planning application. Notably, Landscape and Visual Impact; Conservation Area and Listed Buildings, Noise, Ecology, Dust, Agriculture and Soils, Traffic and Highways, Surface and groundwater, ground stability, Archaeology.

a) Compliance

DETR Circular 02/99 (paragraph 90) states that a request for a formal scoping opinion from a developer to a local authority:

“must include the same information as would be required to accompany a request for a screening opinion (paragraph 55)” Notably, *“a plan indicating the proposed location of the development, a brief description of the nature and purpose of the proposal and its possible environmental effects, giving a broad indication of their likely scale.”* (paragraph 55)

Comment - the applicant has submitted an appropriate plan, an outline description of the proposal and has highlighted topic assessments that would be submitted together and a brief outline of associated possible environmental effects, giving a broad indication of their likely scale. The contents of the Scoping Request comply with National Guidance.

Paragraph 90 of the EIA Regulations states that:

“a developer may also wish to submit a draft outline of the ES, giving an indication of what he considers to be the main issues, to provide focus for the local planning authority’s considerations.”

Comment - the applicant has fulfilled this requirement

b) Content of Future Environmental Statement

The ‘EIA Regulations’ require that the Environmental Statement must include **at least** the following;

1. A description of the development comprising information on the site, design and size of the development.
2. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
3. The data required to identify and assess the main effects, which the development is likely to have on the environment.
4. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the choice, taking into account the environmental effects.
5. Non-technical Summary of the information provided under paragraphs 1-4 above.

Comment- the applicant has highlighted in the scoping report that it considers an ES is not required for the proposed development. However as the County Council has concluded an ES is required it will need to be prepared in accordance with Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011.

c) Conclusion

The County Council considers, having taken into account the responses received to date by consultees, that the combined scoping Report submitted does comply with the Regulations and associated Guidance and that the County Council does have enough information before it by way of the submitted scoping report to enable a Scoping Opinion for an Environmental Statement on the proposed development to be concluded. The County Council as Mineral Planning Authority agrees the scoping report, that the following topic areas will be subject of assessment : Landscape and Visual Impact; Conservation Area and Listed Buildings, Noise, Ecology, Dust, Agriculture and Soils, Traffic and Highways , Surface and groundwater, ground stability, Archaeology. In particular as well as the issues raised by consultees as outlined in this Opinion, and attached for information, any ES should also include the following :

Hydrology and hydrogeology- ES to address protection of the water quality and recharge of the groundwater source ; flood risk to adjacent footpath; impacts of run off also to hedgerow trees bordering the site; drawdown affecting stability /foundation subsidence on directly adjacent properties to east of the School Field; flood risk/run off southwards into clay storage and operational area; any pollution control issues arising from operations and /or importation of inert material- to complete

Geotechnical issues- ES to address stability of adjacent properties from depth and proximity of extraction , and associated drawdown of ground water to adjacent properties and any impacts on adjacent footpath particularly that section of the statutory Right of Way on higher ground to the north.

Ecology/Nature Conservation – The ES should include an assessment of the habitats present and affected by the development with particular emphasis on barbastelle bats and the nearby SAC. Bat activity survey

work (possibly supported by longer-term automated logging of bat activity) is likely to be necessary in this respect. In addition to the nearby SAC, the surrounding area is known to support a number of bat roosts. It is therefore advised that bat activity surveys are carried out in a general sense in order to assess impacts of the development on foraging and commuting behaviour of other bat species that may be present in the area. Any ecological assessment should include survey work to determine the level and nature of any impacts on great crested newts and any other protected species, and if necessary any measures to avoid, mitigate or compensate for such impacts. Restoration proposed should include enhancement of the biodiversity of the site with additional native hedgerow planting /woodland/meadow species for example

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Amenity – ES to address impacts and protection of the amenity of nearby residential properties both to School House Field and those bordering the western extension area; also amenity impacts to users of the adjacent public footpath.

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Visual/landscape impact- ES to address setting of Michelmersh Conservation Area and deer park; impact of the development on the intrinsic character of countryside from close and distant public viewpoints- including that part of the development in the western extension area to be used for additional storage of clay- as well as the School Field.

Restoration- two options have been put forward one for low level restoration of the School Filed and one to restore the levels back to their original level using imported inert material – the County Council considers that subject to Environment Agency views; and subject to the results of a Transport Assessment – it would wish to see the School Field restored to original ground levels. The reason for this is primarily one of the intrinsic character of the countryside being adversely impacted upon over time through the cumulative impact of adjacent mineral workings – to the rear of the brickworks the existing operational yard, and the western extension area both of which are permitted to be restored at low level. The County Council as Mineral Planning Authority also considers the relationship of the site of the School Field to the setting of the adjacent conservation area and adjacent properties to be also very relevant in its preferred choice of restoration.

After use of any restored land also need to be addressed e.g. is the School Filed when restored to be species rich meadow; to be grazing land; agricultural land such as vineyards or amenity land. The County Council as Planning authority would also like options to be explored in the ES as to any possible extensions/new links to be formed for new public footpaths/bridleways.

Tranquillity of the area also to be considered in any ES.

Traffic issues and impacts- ES to address Highway Authority comments requiring Transport Assessment for option of importation of waste to be

undertaken – and- the environmental impact of the traffic associated with the importation .

Public safety –ES to address protection of users of adjacent public footpath to School Field at lower level especially near access point in SW corner of School Field site where HGV's will be at higher level but in close proximity to the users of the public footpath.

Cultural Heritage Statement - ES to address impact not just on setting of Listed Buildings/Conservation Area by School Field but also the impact on listed buildings due south of the western extension area because of the proposed extension of time for restoration of the western extension area. ES needs to address archaeological remains and potential archaeological remains and set out a suitable mitigation strategy for consideration.

Cumulative Impacts- of mineral working and impacts on landscape character and on amenity of local residents and users of adjacent public rights of way to be addressed in any ES.

In conclusion, subject to the comments contained in this opinion and those of consultees which are also attached being addressed in any ES, and subject to the proposed structure of the Environmental Statement and the proposed methodology for assessment being in full accordance with the Regulations- the County Council as Mineral Planning Authority agrees the Scoping submission.

Recommendation

This report and consultee responses attached constitutes the formal scoping opinion of the County Council as Mineral Planning Authority for proposed Development of extension of the clay workings at Michelmersh Brickworks, including extraction of clay and sand reserves at the site know as School House Field at School House Field, Michelmersh

Case Officer

Julia Davey

Date...15.5.12.....

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