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26th November 2012

Dear Julia,

**Re: S.73 Application to Vary Condition 1 and 2 of Planning Permission BDB / 73552 to Extend the End-Date for Completion of the Eastern Extension Development by Twelve Months to 30<sup>th</sup> November 2013.**

This planning application is submitted by Hanson Quarry products Europe Limited (“the applicant”) in accordance with Section 73 of Town and Country Planning Act 1990, and Regulation 3 of the Town and Country Planning (Applications) Regulations 1988 which requires such applications to be in writing with sufficient information to enable the authority to identify the previous grant of planning permission and any conditions in question.

The application is submitted via the Planning Portal and includes a supporting statement in the form of this letter, a certificate B notice under Article 6 and an agricultural holdings certificate. A S.73 block-plan is also appended showing the planning permission boundary edged in red with other land controlled by the applicant edged in blue. A location plan is also attached. A cheque for £170 in respect of the planning application fee has been sent by post marked for the attention of Wendy Agonbar.

**Background to Application**

Planning Consent for the eastern extension at Mortimer Quarry was granted on the 19<sup>th</sup> April 2005 under reference BDB/58692. This was subsequently varied on the 3<sup>rd</sup> August 2009 under planning consent BDB/70626 to allow mineral to be conveyed to the plant-site via dumper trucks crossing Rampton’s Lane, rather than by conveyor through a tunnel beneath it. The consent (as varied) envisaged the extraction of 830,000 tonnes of saleable sand and gravel over a 5.2 year period with all restoration operations being completed by the 30<sup>th</sup> November 2010. This five and a half year development period assumed that the annual production-rate would average 160,000 tonnes of saleable product, per annum.

However, annual production fell short of this figure, which, combined with the fact that extraction in the eastern extension did not commence until the 4<sup>th</sup> January 2007 (because of the time it took to complete a S.278 Agreement and build the conveyor tunnel beneath Rampton’s lane) meant that by November 2010, around two years’ worth of extractable reserves remained.

A 17 month extension was therefore sought and granted under consent BDB/73552 which required all sand and gravel extraction and restoration to be completed by the 30<sup>th</sup> November 2012.

Unfortunately, in November 2011 (with around 6 months of sand and gravel remaining) the processing plant broke down due to a faulty gearbox on the log-washer. Sales continued from stock during November and December, but from the New Year onwards, the quarry effectively ceased to operate. At the same time, contractors were appointed to carry out repairs to the gearbox with a view to the recommencement of operation in March 2012. The contractors were, however, unable to fulfil their contract, which was subsequently terminated in July 2012. Instead, a new gearbox was ordered from the original manufacturers in the United States. As this was not expected to arrive in this country until February 2013, the applicant erected a small mobile processing plant in order to process the remaining sand and gravel in the Eastern Extension. Extraction recommenced on the 19<sup>th</sup> September 2012.

As a result of the above, and the fact that around 50,000 tonnes of sand and gravel still remains to be extracted, the applicant is applying to extend the end date for restoration by 12 months to the 30<sup>th</sup> November 2013.

### **The Proposal**

The applicant proposes to vary Condition 1 of BDB/73552 so that it reads as follows;

**“The use of Rampton’s Lane crossing point by vehicles hereby permitted shall cease on or before 30<sup>th</sup> November 2013. The crossing shall be restored in accordance with the requirements as approved under Condition 7 within a period of three months or such longer period as the Mineral Planning Authority may approve in writing.”**

The applicant also proposes to vary Condition 2 of BDB/73552 so that it reads as follows;

**“The extraction of sand and gravel shall cease and the site be restored in accordance with condition (21) by 30<sup>th</sup> November 2013, unless otherwise agreed in writing by the Mineral Planning Authority”.**

Granting consent for this application will prevent 50,000 tonnes of sand and gravel from being effectively sterilised.

Environmentally, the quarry will continue to operate in accordance with the remaining planning conditions attached to BDB/70626.

Yours Sincerely,

**Dave Norminton  
Lands and Planning Manager**