

Chanctonbury Landfill Action Group 3 (CLAG3) – Objection Report

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Objection Report Summary

The Chanctonbury Landfill Action Group has prepared a detailed report explaining our objections to planning application WSCC/028/21 from Dudman (Rock Common) Limited and The Wiston Estate. This application is for working and processing sand from Rock Common Quarry; plus importing, treatment and landfill of imported material in the quarry void. This summary outlines our objections.

Significant Additional Traffic Risks

The application refers to between 300 and 500 two-way HGV movements at the site. This volume of additional HGV movements is significant and will negatively impact the local community.

Roads in the surrounding area (especially the A283 and A24) are already congested and this level of additional traffic will increase the level of congestion.

The mental and physical health of local people will be affected by the noise and exhaust pollution from the HGV movements.

The safety of other road users and pedestrians will be put at risk, we believe these HGV movements will result in more accidents on local roads.

Surface and Groundwater Protection Risks

Given the existence of a prior household waste landfill site it is clear that the pumping of groundwater will have to continue for the foreseeable future in order to mitigate the risk of local contamination and support a sustainable water table. The applicant will therefore be responsible for this activity under any of the proposed options.

As noted by the Environment Agency in their objection letter (2021), the application does not come with satisfactory drainage or flood risk mitigation plans.

The proposals as they currently stand could be harmful to the local rivers and streams, which in turn creates risk to the local environment, surrounding properties, flora and fauna.

The removal of the clay protective liner is totally irresponsible and unacceptable, especially as they are proposing to re-open the tunnel.

'WSCC/016/15/WS County matter states that, At no time whatsoever, shall the backfilled conveyor tunnel between the Windmill Landfill site and Rock Common Sand Pit under the Hollow be reopened. Reason : In the interests of the Satisfactory restoration of the site and the protection of groundwater quality'

Ecological Risks

The application provides 3 options for the future of the quarry, none of which adequately look to protect existing or future biodiversity and ecology of the site or the surrounding area.

There will be ecological damage from additional traffic and working on the site; there are concerns that endangered species at the site could be disturbed.

As noted by the Environment Agency in their original objection, there are no climate change mitigation plans for any of the options. The application contains no carbon reduction or offsetting plans for the additional HGV movements, ongoing excavation activity and waste landfill.

Trust in Dudman Limited Operations

Due to the existence of ongoing actions regarding non-compliance with operating constraints at other locations within the West Sussex area we lack confidence in the operator's intent or ability to comply with any operating restrictions that may be detailed in a planning consent.

Availability of inert waste - Time and peak movement implications

The application details no forecast of the likely availability of inert waste to in-fill over the period of the application.

It is our understanding that the majority of the landfill material would come from local house building projects. This being the case, it is highly likely that inert waste availability will increase and decrease over time as house building locally varies.

This creates the potential for an indefinite extension of the operation of the landfill operations until the proposed levels of landfill are reached, this would prolong the negative effects on local people and the environment for an unspecified time.

Conclusion

Work has been going on at this site for 100 years and has provided the owners (Wiston estate) with considerable financial return at the expense of the quality of life of local residents. We believe it is now time to close all activities at the quarry and return the site to nature. We welcome and support the South Downs National Park Authority 'do nothing rewilding option' put forward in their objection letter.

1.0 Introduction

On 14th July 2021 West Sussex County Council received a planning application WSCC/028/21 from Dudman (Rock Common) Limited and The Wiston Estate for the following:

“The continued winning, working and processing of sand from the existing Rock Common Quarry, the importation of inert classified engineering and restoration material, the stockpiling and treating of the imported material, the placement of the imported material within the quarry void and the restoration and landscaping of the quarry”

After reviewing the supporting documents many of the inhabitants of the surrounding parishes of Washington, Wiston, Ashington, Steyning, Storrington and Sullington were moved to form an action group to commit to opposing this application and state our objections in a more coordinated manner. This group have called themselves the Chanctonbury Landfill Action Group 3 (CLAG3) on the basis that this is the third time the local Chanctonbury community have had to oppose landfill applications at this Rock Common quarry site.

The main aim of CLAG3 is to provide a community focused coordinated response to this application and any future applications associated with landfill at this Rock Common site. Its aim is to provide a consensus view of concerns and issues associated with this application and the quarry operations at this site; to ensure these views are well articulated to the whole community, Parish Councils, government bodies, local stakeholder groups and the planning authorities. A key part of the group's objectives is to keep the local community up-to-date with information regarding operations on the site and the application process.

This report summarises the CLAG3 views and firm objection to this current application. It also provides further views following publication of supporting information by the Applicant in December 2022.

2.0 Summary of our objections

We have identified 8 important areas for objection with this application:

1. Significant additional traffic movements risks
2. Surface and groundwater protection risks
3. Environmental & ecological risks
4. Trust in Dudman Limited operations

5. Potential for contaminated waste and mismanagement of the site
6. Availability of inert waste - Time and peak movement implications
7. The open nature of the Application
8. Application process concerns

We note that Washington Parish Council have independently and objectively raised concerns to the Application. They have stated similar objections to ours in their response issued in January 2023. We support these Parish Council concerns and objections. This report, together with the Parish Council representations, highlights a consistency in local views against this Application.

We provide more information on each of our concerns:

2.1 Significant additional traffic movements risks

The application refers to a maximum number of 500 two-way lorry movements per day ([see Appendix 1](#)), and the non-technical summary report, page 14, notes:

“The total number of daily movements associated with the importation of restoration material is assessed to be around 300 daily 2-way movements”

To be clear, with an average of 300 daily two-way movements being referred to here, the proposal is for 150 lorries to enter the site and for the same 150 lorries to leave the site; adding ‘around’ 300 lorry movements per day onto our local roads. At peak times, or at times where additional volumes need to come to site, this could go up to 500 two-way movements per day. At 300 two-way movements, this will correlate to at least 1 lorry entering or leaving the site every 2 minutes of every working day; clearly at peak times this could be significantly more (more than 1 lorry every minute of the working day). This volume of additional lorry movements for the importation of inert landfill waste for restoration is significant and highly impacting on the local community for several reasons:

1. **Increased Road Danger** – With on average 300 additional two-way lorry movements per day expected, this volume of traffic, on already congested roads, is likely to greatly heighten the risk to pedestrians. Pedestrians in Washington have very few safe places to cross the A283 and with this level of additional traffic, with no proposed measures in place to reduce dangers, the risk of severe accident or danger to life will be significant ([see Appendix 2](#)). Additionally the local roads in and around Washington village are not designed for HGV lorries and the risk to pedestrians and other

road users is of great concern too. The lorries coming into site are highly likely to use the A24, which is already highly congested; with the Washington roundabout being at over capacity already and the focal point for numerous accidents on an annual basis. With additional lorry movements coming onto the A24, with no risk reduction measures being proposed, one can certainly expect the risk of accidents to increase. The village has a primary school, village hall and recreation ground that are all used by children. The dangers to young lives will be greatly increased with the level of HGV movements being proposed.

2. **Air Pollution** – It is well documented nationally that HGV lorries, particularly diesel lorries, emit high levels of noxious gases and harmful particulate matter. With the volumes of additional lorries being proposed the public health risk from air pollution, dust and re-suspended dust greatly increases as does the impact on the local flora and fauna. Many of the lorries that will enter the quarry will travel on roads that run through or alongside the South Downs National Park. With the volumes of traffic being proposed the impacts on the National Park, if not mitigated, could be significant. Also, many of the lorry movements could come through villages such as Storrington, which have already been identified as being high pollution hotspots; with significant action required to reduce pollution in this area. As noted, the surrounding villages are a hub for young people, recent studies are showing that air pollution can cause significant health concerns for young people; again with the volumes of lorries being proposed these risks to children's health locally will be greatly increased. Also the proposed re-cycling centre with crushers will be another source of dust and noise.
3. **Noise Pollution** – Large HGV lorries are very noisy and will cause much disturbance to the places they drive through; including the local communities we reside in. This additional noise pollution is bad for flora and fauna and bad for public health (mentally and physically).
4. **Local Road Congestion and Transport Infrastructure Capacity** – With so many additional lorries being proposed to enter and leave the site on a daily basis one has to ask whether our local roads are able to cope? The Highways Agency, in their response to the application, refer to out-dated capacity assessments and do not seem to consider the implications of additional lorry loads on surrounding roads such as the A24 and the Washington Roundabout. They only mention capacity assessments for the A283, which are not up-to-date. It is clear that all roads in and around this Rock Common site have seen significantly more traffic using them in the last 10 years. The A24 and A283 are highly congested throughout the day and severely congested at peak times. There are a considerable number of school buses passing The Hollow/A283 junction at peak times. Accidents will

become commonplace as a result of this congestion, and poor road conditions caused by mud/slurry from the high volume of truck movements will further exacerbate this. If we add an additional 300-500 two-way lorry movements per day the congestion levels will only increase and travel times will only get worse. High levels of congestion and travel times, apart from the additional environmental and public health impacts, are very detrimental to the economy of an area. This will put additional pressure onto roads that simply do not have the capacity to cope. Another major concern with so many HGVs entering and leaving this site is simply the ability for the site to cope with the volumes. It could be possible that HGVs are left blocking these major roads just trying to enter or leave the site; especially given that the current application proposes very little in the way of alleviating road impacts. Finally, it is important to note that this application has been submitted at the same time as the Rampion2 wind farm project. The proposed route for Rampion2 is through Washington Village. This application must be considered in parallel to the Rampion2 plans in terms of road infrastructure. The Rampion2 excavation work will require significant additional lorries and transport links. The combination of the Rampion2 proposals and this application would see more HGVs on our local roads than is feasibly possible, if even acceptable. High levels of combined HGV traffic seems like a disaster waiting to happen.

5. **Road safety, noise, vibration and pollution** from multiple heavy plant using the road crossing in The Hollow have not been assessed. Similarly multiple heavy plant during construction and infill stages have also not been assessed. Nuisances from these large vehicles would be very invasive for homes and businesses located close to the quarry.
6. **The winning and working is unacceptable**, it allows the applicant to carry out further industrial processes, on site crushers and heavy handling equipment which will produce high levels of pollution, dust and noise. All lorries have waste carrying legal requirements, therefore material that is inert should require no further processing. If material is rejected this means the lorry must return to the point of origin, further increasing their carbon footprint and an increased number of unnecessary traffic movements. The Applicant has identified that an extra 10% of vehicles will be rejected, therefore reasons for objection to this application.

Additional supporting evidence provided by the Applicant in December 2022 does not alleviate any of the concerns noted above. The Applicant provides some short-term analysis to back-up their claims that there is capacity for additional HGV movements on the A283 in Washington. The assessment carried out only covers 1 week in October 2021 on the A283. The study does not acknowledge potential increasing traffic

volumes from 2021 to 2022 (and beyond) post covid-19 pandemic. The study does not consider the impacts of significant HGV movements on other local roads, such as the A24 (including Washington roundabout impacts). Additionally this short-term study provides no evidence or suitable forecast that there is capacity over a longer period of time (e.g. during a 1 to 10 year period). We would urge the Local Authority when considering this application to see what local results are on road usage in general to understand if there is a noticeable consistent increase in road use that needs to be understood and applied here. This needs to be properly assessed. If road movements in the last 12-months have increased by more than 15% on average, then capacity issues will be a factor for this application. Also, one would expect road movements in future years to increase as road use continues to grow year on year. Again, this does not factor in their assessments. We also urge the Local Authority to look at the capacity of other roads in the area to understand capacity and safety issues (e.g. the A24 and Washington roundabout capacity).

It would not be unreasonable for WSCC to seek a financial contribution from the applicants for road safety improvements at Washington roundabout, which would be significant and substantial.

Capacity improvements could also be made such as the A283, Storrington Road and the A24, London Road and the A24, Horsham Road arms widened to provide three lane entries. Again a financial contribution could be secured for these measures. These proposals were part of a transport mitigation package proposed by Veolia (DC/401/07) and were welcomed by WSCC at the time. If these safety and capacity improvements were considered in 2009, it is very disappointing that similar proposals have not been put forward in the current application.

The supplementary assessments provided do not adequately address any of the local concerns in terms of peak volumes and road safety. Local residents do not want increased lorry movements and safety around this application remains a key factor. The Applicant gives no views on how HGVs will be managed beyond existing levels (300 in/out movements). The Applicant is clearly ignoring the fact that up to 500 movements at peak times is well beyond existing movements in/out of the site and a significant local risk. It does not consider the number of accidents and fatality data in assessment of road traffic risk on the A283, beyond 750m of the site, or other roads that will be used in the area. This seems like a significant omission given the risks involved with HGVs. We urge WSCC, as a minimum, to look at road traffic and accident data for the whole of the A283 and adjoining roads; from the A24 Washington Roundabout all the way to the A27 at Shoreham (which is where the majority of the HGVs will have to come from). If there is a high accident and fatality rate on the A283 and adjoining roads it would be fair to assess that further risk mitigation measures

should look to be implemented as part of the Application. We would urge the Local Authority to review this sort of data when considering the Application and implement safety measures to protect our communities.

It is highly likely that inert material will have peaks and troughs in availability both in-year and over the full in-fill period. This being the case, peak volumes of HGV movements are highly likely to be seen at this site in future; more extensive research is needed on peak volume capacity of the A283 and surrounding roads. It is our view that the A283, a busy rural road, does not have the capacity and high volumes of traffic would create a great risk to the existing road users and pedestrians. Surrounding roads are also highly congested at peak times and additional HGV movements on these roads need to be better understood. Current analysis is not sufficient to categorically state there is capacity on these other local roads now and into the future. We urge WSCC to assess impacts further from the site prior to any decision being made.

We also note that there are no conditions put forward by the Applicant on the average and peak volumes per week, month or year. This being the case there is a risk that if low levels of infill in different months or years occur, then the peak levels will become the monthly or annual average in order to catch up. Given our road capacity and safety concerns, it is our view that peak volumes of HGV movement should be constrained to one-off daily levels in any given week, with the average level of movements not exceeded within a weekly and monthly period. We urge WSCC to implement this HGV movement constraint in order to add extra levels of protection for the community and existing road users.

Our local MP, Andrew Griffiths, clearly shares this view that our local roads are already unsafe and there is a need to reduce the number of road accidents. He states his view in the January 2023 Sussex Local magazine ([see Appendix 3](#)):

“... I worry about road safety on our dangerous West Sussex roads. Local residents have no choice but to rely upon roads such as the A272, the A285, the A283 and the A27 and A29. Tragically, the latest figures I have obtained show that last year over 450 people have been killed or seriously injured on West Sussex’s roads - a frightening number in which each represents a personal or familial life-changing tragedy...”

Without doubt, additional HGV movements will not make our roads safer; especially without significant safety measures put in place. The supplementary information refers to cutting back hedges to make visibility on the A283 better for turning HGV’s. This simply is not enough to make this road safe in the short or long term. It does not mention any additional measures for any other roads in the area; it only focuses on the

vicinity of the site. There is nothing in the new supplementary information that offers any significant ways to reduce this safety risk. We urge WSCC to consider the wider road safety measures and issues that need to be addressed prior to any decisions being made.

The Applicant also suggests in the supplementary data that there will be no impact on Storrington area from HGVs. It is our view that this cannot be guaranteed as it will depend on where the inert waste comes from, as to whether Storrington will have additional HGV loads or not. No remediation on this issue was provided, so risk of air quality and road traffic issues in this area remain. Unless they categorically state that inert waste will not come from the Storrington direction it cannot be the case that there will be no impact on the Storrington roads and infrastructure.

Had the Applicant acknowledged the need for additional road safety measures, at the very least to protect the local public (e.g. adding in safe road crossings or additional traffic calming measures on the A283). As it stands, nothing has changed in relation to local traffic, public safety, and road infrastructure concerns.

We urge the Local Authority to consider deeply the impacts and the safety measures needed to adequately reduce the risk to life from additional lorry movements on the rural, and already dangerous, A283 and consider the impacts on other local roads where HGVs will be coming to-and-from. This should also consider the impacts and safety of additional lorry movements at the Washington roundabout; where road traffic accidents are an all-too-common occurrence already.

It is our conclusion that there remains insufficient evidence to back-up the claim that there is capacity for high volumes of HGV movements to safely take place over the next 8-10 years. Without sufficient protection, additional HGV volumes will be a danger to existing road users and the local populations. Until these local concerns are properly addressed firm objections will remain.

2.2 Surface and groundwater pollution risks

The application provides 3 options for the future of the Rock Common quarry, none of which adequately look to protect surface and groundwater.

1. Groundwater Risks

It is clear from the options put forward that the Applicant hydrogeological advice is insufficient. Our own hydrogeological expertise tells us that there is a necessity to continue to pump groundwater from the [CLAG 3 Objection Report](#)

Folkestone Beds aquifer to ensure that water levels are not able to reach the level of the Windmill Quarry site where (adjacent to the Rock Common Quarry site) where there is a known leachate plume. Any solution that looks to cease pumping would immediately pose a risk of municipal waste leachate mixing with groundwater; with the potential to enter the local water courses (such as the Honeybridge Stream that flows from the site to the River Adur). All options listed should, as a minimum protection for ground and surface water, include continuous pumping of the aquifer until such time that there is firm proof that the Windmill site no longer has harmful leachate residing within it (the reality is that this may never be the case - especially if there are hydrocarbons or long-life unstable contaminants). The Environment Agency have clearly stated in their recent response to the Application that they remain minded to ensure that these groundwater and surface water protection measures are upheld in future. They clearly still have underlying concerns that need to be addressed going forward.

In December 2022, the Applicant provided additional information. However, the Applicant continues to state that cessation of dewatering pumping would be possible post restoration of their proposal. However, this will not be the case on the basis that cessation of pumping would put the underlying groundwater at risk of leachate contamination from the nearby landfill. We uphold the point that unless there is proof that no leachate contamination is possible, pumping will have to happen in all scenarios in perpetuity. The Environment Agency have confirmed this in their response to additional information.

Further supporting this claim, on page 5 of the Applicant's report, when discussing the lack of need for a clay liner, the Applicant notes that:

*“...The conceptual site model does not simulate any liner so that groundwater has free access into the restoration. This approach was taken to demonstrate that despite there being no liner **groundwater elevations could be controlled through pumping.**”*

This clearly shows that the Applicant realises there is an ongoing requirement to pump in order to keep groundwater levels suppressed and ensure there is no groundwater contamination risk. In addition, Appendix 4 of the report, the environmental assessment provides an amendment to the application that contradicts the Applicants position on groundwater protection of their infill option:

*“Water levels within the ponds to be sustained, (with some seasonal fluctuation anticipated to be beneficial to habitat from opening up of muddy banks) where required, **using pumped water from a proposed well** south west of the lower pond, under an existing agreement to maintain water levels*

within the Honeybridge Stream. This might be pumped to the northern pond from which it could then trickle feed to the middle and southern ponds through linking sunken pipes, due to the tiered level of the lakes.’ (Ibid, p11)”

Any risk to groundwater from leachates at this point would be re-introduced by pumping water from the aquifer back into the newly formed ‘perched’ water table. So, both the in-fill and the no-infill re-wilding options have the same level of groundwater risk and both require pumping of water from groundwater to be sustainable in the short-medium and possibly even long term. Additionally, on page 8 of the response document the Applicant goes even further to suggest:

“...One of the key reasons for changing the restoration is that there is a real risk that this large body of water would become contaminated with leachate flowing from the former, domestic refuse landfill sites which lie immediately to the-east of the quarry. If this were to happen then contamination of the underlying aquifer and surface waters would be a certainty.”

This further contradicts the environmental reports they provide in Appendix 4. All of this tries to paint the picture that the existing restoration plan, or no-infill approach, is simply not possible; when this is simply not the case. Firstly, the groundwater will not be allowed to recover to its natural level as pumping would have to continue in perpetuity or until there is no risk from leachate contamination. Secondly, if anyone did stop pumping groundwater, and leachate contaminated the aquifer or surface water bodies, this would be open to prosecution by the Environment Agency. Therefore, contamination of the underlying aquifer and surface water would never be a certainty under the no in-fill option. In fact, they would be highly unlikely unless someone wanted to break environmental law. This would be the same for all options being proposed. Therefore, putting the contamination risk as higher against the existing restoration plans is simply not accurate or correct.

The pumping of groundwater will have to continue in order to reduce risk of contamination and support a sustainable perched water table. This being the case the current approved restoration is as acceptable from a groundwater protection point of view as any other option.

The no infill natural rewilding option is comparable to any other option put forward by the Applicant in terms of environmental credentials. However, the no-infill rewilding option will have far less disruption to the environment in the short to medium with the same long-term environmental outcomes. Therefore, one can clearly argue that the no-infill rewilding option remains the best from an environmental standpoint. We would

urge the Local Authority to undertake independent assessment of all the options using a Natural and Social capital assessment. Under this sort of criteria it is highly likely the option to not in-fill the site, to let it rewild as quickly as possible; is highly likely to come out on top in terms of both natural value benefit and social value benefit.

Additional evidence in December 2022 suggests the Applicant no longer believes there is a need for a clay liner. However, given the risk to groundwater it would seem sensible to continue to include some form of clay liner in the design. This would ensure the underlying aquifer remains protected from any potential mishandling of in-fill inert waste and/or other unforeseen contamination from this industrial site (e.g. diesel and Hydraulic oil spills from HGVs and operating plant). A clay liner would provide additional groundwater protection, from these and any leachate migration from the adjacent landfill. We urge WSCC to keep the clay liner as an essential additional environmental barrier for the site.

In terms of groundwater flood risk, recent supplementary assessments show this flood risk to be 'High' and yet the Applicant offers no satisfactory way to alleviate this risk. In addition to this the assessment says (section 7.3):

*“...The anticipated final groundwater elevation is around 40mAOD, precipitation in the proposed restoration site will continue to recharge groundwater, that will move off site laterally in the aquifer units **with some additional contribution to existing springs.**”*

There is no mention on how this additional contribution to existing spring will be managed to alleviate any potential flood risk and contamination concerns. This assessment also negates to note that continued dewatering of groundwater will be required below 32m AOD in order to protect the aquifer from landfill leachates. This seems like a significant omission from this flood risk assessment (and a significant omission given what is discussed above). As supported by the Environment Agency, groundwater flooding and protection remains a significant concern for this application and has not been adequately addressed. We urge the Local Authority to ensure that groundwater protection measures are robustly applied by the Applicant and urge them to consider the lower impact option of no further in-fill, with rewilding, with suitable protection measures implemented.

2. Surface Water Risks

Since the recent cessation of sand extraction by the applicants, large and deep surface water silt lakes have been allowed to form (*see Appendix 5*). We would question how and where would the water from these lakes be discharged to make a safe working environment for any infill of the quarry? We are extremely concerned the applicants may attempt to discharge this silted water directly into the Honeybridge Stream with the obvious negative environmental consequences.

As the applicants only have licence for pure groundwater extraction this would be a clear breach of planning conditions. Similar malpractices have been noted in January and October 2021, and shown in Appendix 4.

As noted by the Environment Agency in their objection letter (2021), the application does not come with satisfactory drainage or flood risk mitigation plans. The proposals as they currently stand could be harmful to the local rivers and streams; which in turn puts at risk the local environment, surrounding properties, flora and fauna. There has been an inadequate assessment of the environmental risks to the Honeybridge Stream when dewatering is reduced or even ceased. It fails to assess the water quality, the flow rates and the detrimental effect on the ecology of a significant water dependent habitat. Our community firmly wishes to protect our local environment for future generations to enjoy. We want to see local rivers and streams protected from malpractice or accidental pollution. We firmly believe that not all options have been properly reviewed as part of this application and there are more options that could be reviewed that seek to enhance or protect the local surface and groundwater environment. Again, the Environment Agency will be minded to ensure that surface water protection measures are put in place in future.

In terms of the supplementary data provided in December 2022, the flood risk assessment shows the flood risk to be 'Significant' and yet the Applicant offers no satisfactory way to alleviate this risk. In addition, there is no mention in this assessment of the fact that the restored infill site will have a newly formed perched water table with 3 lakes being filled by rainwater. This in itself would present a new flood risk that should be assessed and suitably managed. Again, no management regime is offered. Surface water flooding remains a significant concern for this application and has not been adequately addressed. We urge the Environment Agency and Local Authority to take a cautious approach to flood risk in order to protect the environment and local communities from surface water flooding. It is our view that the no-infill rewilding option remains the best one in terms of flood and surface water protection.

Further to this it is noted from the refusal document for DC/401/07 (page 33, 10.33):

"The EA state that the natural groundwater rest levels at Rock Common are approximately 50m AOD".

All the applicants design, infill, surface and groundwater calculations are based on a natural groundwater rest levels of approximately 40m AOD.

With a discrepancy of an additional 10m of natural groundwater now identified this must surely raise concerns as to the predicted volumes of groundwater required to be under management, not only during the infill process, but in the long term future of Rock Common. More research and data should be provided as to the true level of natural groundwater rest levels.

To protect the major aquifer WSCC identified in WSCC/016/15 condition 8 that reads at no time whatsoever shall the backfilled conveyor tunnel be re-opened for the main reason of "Protection of ground water quality". Hence ensuring there is no link between the Windmill landfill site and the Rock Common Quarry. Should any attempt to re-open the tunnel. A further and full investigation should be carried regarding its long term viability especially regarding cliff face disturbance caused by the vibration from the proposed conveyor. We expect WSCC to review this contamination risk as part of the Application decision making.

2.3 Ecological risks

The application provides 3 options for the future of the Rock Common quarry, none of which adequately look to protect existing or future biodiversity and ecology of the site or the surrounding area. Apart from the ecological destruction caused by additional traffic and working on the site; there are concerns that endangered species such as Peregrine Falcon and Sand Martins could be disturbed if further work is carried out at the site.

The additional ecological evidence provided in December 2022 does not provide any sufficient evidence that the in-fill option is better for site ecology in the short to long term. The Applicant states in the update:

"Whilst the proposed restoration may well have an impact on some of these species it should not be forgotten that the existing, approved restoration would have a similar, if not worse, impact. This application to restore the quarry should not be considered in isolation. This application is to provide a restoration of the site which is safer, more sustainable and which will provide the opportunity to

replace lost habitat and/or create new habitat so that existing and new species can flourish across the site.”

There is a problem with this key statement. As highlighted by South Downs National Park and West Sussex County Council ([see Appendix 1](#)); the Applicant only provides evidence and environmental sustainability:

“...with ‘fill’ as a pre-requisite as opposed to what scheme might deliver the best overall outcome for the landscape.”

The Applicant has spent a lot of time looking at the ecological impacts of their preferred infill option rather than comparing this equally to the ecological status of the no-infill rewilding option (or other viable options). A fair natural and social capital (and ecological) assessment of all the options would provide better comparison. We would urge the Local Authority to require this fairer independent comparison to be undertaken prior to making a decision to provide a fairer view of the ecological impacts of all the options.

It is our view that if the Applicant had provided an independent, well-evidenced no infill re-wilding plan option; it would have shown this no infill re-wilding option to be more environmentally and ecologically sustainable than the infill option. It is our view that taking a no-infill re-wilding approach, it will get to a more favourable sustainable environmental destination sooner and therefore the ecological benefits would be greater in the short to long term.

It is not, therefore, correct to state that doing limited or no-infill is less environmentally sustainable. It easily can be and would likely be more sustainable sooner (so quite the reverse from what is stated). The Applicant does not properly look into how they could make this no fill re-wilding option, or other viable options, more sustainable and we urge the Local Authority to consider this as a significant omission and concern.

We raise question marks over the validity of the ecological reports provided in December 2022. We note that the ecological surveys are over 3 years old. Local ecological experts have told us that ecological assessments, to remain valid; should be within at least 3 years old. Therefore, this ecology information is deemed to be out of date and could be stating incorrect ecological status about the site. We would urge for further, more recent and independent, ecological assessments to be undertaken before determining this proposal. We also question the validity of the Great Crested Newts surveying undertaken. We believe the survey was subjective and not carried out in accordance with Natural England’s recommendations, and

therefore not representative of the whole site. We have pictorial factual evidence taken in October 2022 ([see Appendix 6](#)), that clearly shows visual evidence of Great Crested Newts being present adjacent to this site. It is highly likely that these local populations of this protected species would look to inhabit ponds and lakes in the site. We would urge the Local Authority to take the eDNA results provided with some caution given the local evidence we have.

Additionally, as noted by the Environment Agency in their original objection, there are little or no climate change mitigation plans for any of the options. With the significant additional lorry movements being proposed, ongoing excavation activity and inert waste restoration plans it is clear that carbon reduction or offsetting has not even been considered. Given that the UK has net zero carbon targets to achieve in the next 10 years, it is surprising that no mitigation plans have been formulated. We would like to see all options come with a full assessment of the climate change impacts and mitigation plans that can be implemented to go alongside them. This is a national issue; as well as a local concern; we would expect a significant application such as this to tackle these issues head-on. Updated information provided in December 2022 did not tackle this issue adequately at all; so it still remains a key concern for this Application.

2.4 Trust in Dudman Limited operations

People from the local community, including members of CLAG3, have raised concerns over many years of malpractice and flouting of environmental planning conditions at the Rock Common site. Over time people from the community have gathered pictorial evidence of potential pollution, surface and groundwater risks in operation on the site. Concerns have been raised with the Environment Agency and the West Sussex County Council in this time too and CLAG3 will continue to pursue more recent breaches with them. Concerns relate to many things such as (list not exhaustive): discharging of polluted water to the Honeybridge stream; poor storage and usage of machine oils on site with the potential for pollution to surface water and the poor storing of machinery on site again with the potential for pollution to surface and groundwater ([see Appendix 4](#)). Dumping of unknown materials into the quarry, consistently using The Hollow road crossing to transfer sand rather than using the approved method of the conveyor system, disturbance of the Peregrine Falcon and Sand Martin nesting sites. As a result of this we have concerns that future activity on site will come with malpractice and poor environmental protection performance; putting the ground and surface water environment at risk. Any risks to the water environment can impact the Honeybridge stream ecology and subsequently the river Adur, which flows through the South Downs National Park. Any pollution of the streams and rivers will have significant impacts that may be irreversible if

not protected properly. As a community we do not want to see our rivers and streams polluted; our community, environment and economy rely on these streams and rivers remaining unpolluted.

CLAG3 would also like to draw attention to potential planning consent breaches with the operation of their site at Minsted Quarry ([see Appendix 7](#)) and Heath End Quarry ([see Appendix 8](#)). These papers show that Dudman Limited have a history of malpractice that means that the local community cannot currently trust them to carry out their environmental and social duties as per any planning rules that might be set. We firmly believe that there is strong evidence to show that planning rules are highly likely to be ignored to the detriment of the local community and the environment.

Dudman Ltd, who have operated the site for the past 10 years, have made no attempt to prepare the quarry for restoration as per DC/04/0142. Any restoration works that were carried out by the previous operators, Tarmac, have been ruined by Dudmans continued over digging of a worked out quarry. It would appear that Dudman are operating Rock Common Quarry to a similar standard as Minsted and Heath End Quarries. This coupled with all the previously mentioned breaches of planning conditions begs the question 'Why would the local community have any reason to trust Dudman to deliver any promised benefits stated in their application?' ([see Appendix 9](#)).

As quarrying continued unabated for an additional 18 months after permissions expired (31/12/20) and has subsequently ceased, does WSCC still have confidence of any further sand reserves in Rock Common? If such sand reserves are in existence, it has not been assessed in the application of the environmental consequences on concurrent mineral extraction and infilling.

It is noted that the Applicant chose not to respond to any of these concerns of trust in their updated information in December 2022. They acknowledge that respondents noted these concerns, but chose not to respond to them. This feels like a significant omission for Local Authority consideration in their planning decision-making.

2.5 Potential for contaminated waste and mismanagement of the site

The Applicant does not provide sufficient materials or site management protection measures in the Application data. These important measures should be outlined prior to any form of planning decision being taken. Without clear understanding on how materials will be managed on site it is difficult for the community to know the environmental, health and safety risks; which could be considerable.

The application does not adequately address concerns that inert waste could be mis-managed and contaminated material could be put into in-fill (at risk to groundwater and the local environment). This risk is not alleviated by Dudman vehicles having GPS tracking (as stated in their application supporting data). The Applicant does not confirm if this is an open or closed site in their application. Therefore, it could be that other non-Dudman vehicles, not GPS tracked and carrying unknown loads; could enter the site with contaminated material. We would expect industry leading controls and independent checks to be put in place to manage any in-fill and provide guarantees back to the Environment Agency and local community that in-fill is totally inert and uncontaminated. This Application does not provide these high levels of protection or guarantees. This is a significant concern and one we urge WSCC to ensure that there are stringent controls put in place on lorry movements, materials, environmental health and safety. We also urge WSCC to ensure that the Applicant provides this information before any planning decision is made or ensure that the local community has a voice on future material management plans.

It is noted that the Applicant chose not provide any significant additional details on these concerns on materials management in their updated information in December 2022. They acknowledge that respondents noted these concerns, but chose not to fully or appropriately respond to them in detail. This feels like a significant omission for Local Authority consideration in their planning decision-making.

2.6 Availability of inert waste - Time and peak movement implications

The Applicant makes no reference of a forecast of the likely availability of inert waste to in-fill over the period of the Application. It is our understanding that the majority of the inert waste material would come from local house building projects. This being the case, it is highly likely that inert waste availability will increase and decrease over time as house building locally peaks and troughs. We know that building of homes in the Horsham / Broadbridge Heath area, for example, have had to temporarily cease whilst Water and Nutrient neutrality issues are resolved. This would represent a slump in inert waste availability. Inert waste infill is also a competitive market; other infill locations will be bidding to get inert material into their site at the same time. We have heard anecdotally that other local sites for inert fill are struggling to get the volumes at the moment to infill. This all puts considerable risk onto the fact that infill may take longer than the time period of the Application. Given this site should already be closed and restored, this poses a significant concern for the local community. We do not want the disruption to continue indefinitely and as result want restoration to complete sooner rather than later, hence the need for the no-infill rewilding option to be implemented.

If there is a reduction in inert waste availability at any given time, either annually or over the life of the in-fill, it increases the need for peak volumes of HGVs to come to site in the peak availability times. Going from 300 two-way movements to 500 two-way movements is significant and needs to be objected to by the Planners.

It is noted that the Applicant chose not to respond to any of these concerns on inert waste volumes and availability in their updated information in December 2022. They acknowledge that respondents noted these concerns, but chose not to respond to them. This feels like a significant omission for Local Authority consideration in their planning decision-making. We would urge the Local Authority to review inert waste availability and consider whether, realistically, the Applicant can in-fill in the Application time being proposed.

2.7 The open nature of this application

The heading and information provided for this application is very open and lacks significant levels of important detail. In our view it is unacceptable that this application is so open, as it allows the applicant to carry-out literally any form of industrial process. We would welcome a more concise, less open application and firmly object to openness of what is being proposed.

2.8 Process concerns

We have raised significant concerns to WSCC throughout this Application process about the way this process has been run. The Application process has been a protracted one over many months and now years. Every time we come close to a deadline it seems new information or supporting evidence has been supplied by the Applicant, with very little time for respondents to review, carry out their own independent assessments or make appropriate responses. It has been a poorly managed process and one that has given more time to the Applicant to provide supplementary information than those looking to respond. It does not feel like a fair and equal process has been undertaken and this could influence the ultimate decision made.

2.9 What are our proposals for the Rock Common quarry site?

Work has been going on at this site, largely to the detriment to the local environment and community, for 100 years (*see Appendix 10*). We believe it is now time to return the site back to nature and close this site once and for all. We welcome and support the South Downs National Park Authority 'do nothing rewilding option' put forward in their objection letter. In conjunction with this we would still expect, as would the Environment Agency, surface and groundwater protection measures to be implemented. One thing that

would need to continue, is the pumping of groundwater to ensure leachate does not migrate from the Windmill site and contaminate the aquifer. With this pumping of groundwater we would expect regular water quality sampling to be undertaken to ensure water courses are not being polluted. Implementing this option, with these additional surface and groundwater protection measures; would ensure the local community is socially and environmentally enhanced and the local flora and fauna will be able to flourish; improving biodiversity for generations to come. It will also provide the Wiston Estate with a ready-made carbon reduction location (this will help with their overall carbon offsetting strategy). It is eminently possible, if this approach was implemented with the support of organisations such as Sussex Wildlife Trust; that Wiston Estates could utilise the site commercially using it's newly found 'Green' rewilding credentials. The Knepp Estate rewilding programme, at Dial Post, has proven that 'Green' rewilding options present commercial opportunities. We certainly see this 'rewilding do nothing' option as the best option for the local community and the environment; with the potential for positive impacts for the local economy too from 'Green' tourism.

It is worth noting that in the additional evidence provided in December 2022, the Applicant raises concerns about the no infill rewilding option being a health and safety hazard stating:

"...The creation of a deep waterbody would be a potential health and safety hazard and would fail to provide the public accessibility envisaged under the application proposals ..."

We would firmly like to counter this information with our own response:

1. There are many examples of deep lakes and water bodies being areas for public access in the UK. Any health and safety concerns can easily be rectified as proven at these other locations (e.g. Leybourne Lakes, Kent; Chilham Lakes, Kent). These amenity spaces provide much needed local interest, public value and tourism opportunities. The Applicant should look at these examples to understand how they overcome health and safety concerns; which they clearly do.
2. Lakes and water bodies can offer other local commercial opportunities if managed well (e.g. fisheries, boating etc).
3. If there are health and safety concerns, as a last resort, then the site could be left to nature, with no public access. The public has not had access to this site for 100 years, so further restrictions, although not ideal, would be less of a concern.

4. Any health and safety concerns associated with the no-fill option approach can easily be rectified and addressed if given more focus by the Applicant. Lots can be done on the no-fill approach to reduce health and safety risk (e.g. signage, safe paths, security features etc). It is our view that the open lakes that are created in future would pose a similar level of health and safety concern that would need to be addressed. Especially if it was agreed to re-shape the current ponds to make them safer. Therefore, both the infill and no infill rewilding options have public safety concerns that would need to be addressed. It is highly likely that safety measures put in place would be the same for both options. So both options should be considered equally in terms of health and safety concern and mitigation.

What this proves is that concerns being raised over the no infill rewilding option are misplaced. This option can be just as successful in terms of amenity value and access if proper controls are put in place. These controls would be similar to those put in place for the other options being considered for the site.

We urge the Local Authority to consider the no-infill, less disruptive, locally supported, more environmentally sustainable, ecologically favourable rewilding option to be considered as viable and the best for the local community, flora and fauna. We want to see this Application rejected in favour of this no-infill, community supported, more immediate rewilding approach.

APPENDICES

Appendix 1: Planning and Environmental Statement, Vol.2, Part 2, Appendix F, page 3

Transport Statement: Rock Common Quarry, The Hollow, Washington, West Sussex, RH20 3DA

Executive Summary

The existing Rock Common Quarry is located to the north of the village of Washington in West Sussex. The site lies to the north of the A283 and to the east of the A24, on either side of a minor public road called The Hollow.

This Transport Statement has been prepared to assess the impact of traffic associated with a proposal to restore the site by importing 2,700,000m³ of engineering inert restoration material over a period of between 8 to 10 years.

Trips associated with the proposal will either be linked with the restoration or be related to the continued exportation of sand.

Trips associated with the continued extraction and processing of sand will be unchanged from the existing planning permissions covering usage of the site. Access to and from that part of the site area (mineral processing area) will continue to be via the A24/The Hollow junction as required by existing permissions.

Restoration material will be brought to the site by a combination of 20-tonne tippers and a variety of smaller delivery vehicles and offload at a new 'restoration material reception area' to be constructed on land forming part of the former Windmill Landfill site. Deliveries will only be made via the A283/The Hollow access and then use a re-opened existing access for the currently closed Windmill Landfill site which is located 125m to the northwest of the A283/The Hollow junction. Some maintenance work will be required to the Windmill Landfill access to make it suitable for deliveries however this is relatively minor and deliverable.

The sale of sand and the importation of restoration material will be separate operations. The existing export of sand will have access only from the A24/The Hollow access. The proposed importation of inert restoration material will only have access from the A283/The Hollow junction. There will be no conflict between the different usage as a result. Different traffic management plans will be in effect for each usage on site.

The total number of daily movements associated with the importation of the inert restoration material is likely to be 300 daily 2-way movements on average, up to 500 maximum. The number of movements from the associated sales of sand will remain unchanged from the currently permitted usage.

Junction modelling has demonstrated that adopting a worst case, stringent assessment approach, the A283/The Hollow junction would operate well within capacity, with appropriate visibility available in both directions.

This Transport Statement concludes that the development proposals are in accordance with local and national policy from a transport perspective and demonstrates no severe impact to key junctions as a result of the development proposals.

Appendix 2: Road safety

Special safety scheme warning sign on A283
(SLOW DOWN - 69 casualties in 6 miles - SPEED KILLS):



Casualty warning sign just east of the Washington roundabout no far from the dangerous S bend at the junction with the South end of Rock Road

Junction A283/The Hollow:

Washington Parish Council Minutes FC 060616 - tba by Full Council – 09.05.2016

<https://www.washingtonparish.org.uk/media/Meetings/archive/Minutes%20FC%20060616%20-%20tba%20by%20Full%20Council.pdf>

Minutes FC 060616 - tba by Full Council.pdf - Adobe Acrobat Pro DC (32-bit)

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18.87. To Review, Consider, Recommend and report on Parish Council issues, including maintenance

18.87.1 To consider and agree that the former Clerk undertake the duties of the Responsible Financial Officer on a temporary basis.

Councillors **AGREED** that the former clerk Ms Gina Condi takes on the duties of RFO for up to two hours per week, and for up to six months at the discretion of the current clerk and RFO. This is to allow the clerk more time to focus on her other duties, to reduce her extra working hours, and to undertake the necessary training for the RFO post.

The current clerk would retain her role as RFO and would work with Ms Condi.

Ms Condi would not be required to attend meetings, with the exception of the annual budget meeting. The clerk noted that Ashington Parish Council had recently made a similar change and appointed an RFO for one hour per week.

18.87.2 To consider a response to the draft West Sussex Minerals Local Plan

Councillors were informed that the West Sussex County Council and the South Downs National Park Authority are working in partnership to prepare a new Joint Minerals Local Plan for West Sussex. This would replace the existing Minerals Local Plan (2003). Washington Parish Council was being consulted as one of the stakeholders of the Plan. A letter was circulated to councillors on the consultation update, including information about the rearranged Chanctonbury County Local Committee which will now take place on Tuesday 7 June.

Documents can be viewed at West Sussex libraries and County, District or Borough Council offices, including the South Downs National Park office in Midhurst. You can also view the consultation documents, the draft Plan and information on how to respond online at www.westsussex.gov.uk/mwdf.

Councillors discussed the proposed site at Ham Farm, off the A283, citing various traffic concerns as the reason they were strongly against the proposed development of the site. They **AGREED** to register the following, in response to the draft consultation:

1. The A283 to Steyning was a proven dangerous road, where serious accidents had been reported, and that it was also another access for multiple vehicles onto the road.
2. Pressure of traffic on the A283 and the Washington Roundabout which is at capacity.
3. The impossibility of stopping HGVs travelling through Storrington without a blanket ban;
4. The impossibility of the standing down of lorries should the traffic count be too high, and the prospect of many lorries being bunched together on such a dangerous road.

5

Chairman's initials.....

Appendix 3: January 2023 Sussex Local magazine - page 56, Sussex Local for Storrington, Ashington, Sullington, Thakeham, Washington

56 Local Voices

SUSSEX LOCAL

Andrew Griffith MP

Member of Parliament for Arundel and South Downs



As we start the New Year, I wanted to update readers on progress on two issues of perennial local concern.

Fibre-capable broadband improvements

Whether you have returned to office or have adapted to spending more time working from home, faster broadband is an issue that affects everyone – especially in hard-to-reach rural areas like ours. As someone who struggled with a connection of less than 1Mb at my home for years, I know myself that access to a decent local download speed is something that has historically been a challenge. I'm therefore pleased that West Sussex has been selected by the Government to receive £128 million worth of broadband improvements, bringing fibre-capable broadband to 68,000 homes and businesses across our rural area – all starting this year. Already 'gigabit broadband coverage' – which is essentially the fastest broadband you can get in your home – is now at 55% which is genuinely a light speed away from what it used to be.

Reducing the number of road accidents

As we continue to endure the dark evenings and the cold and wet January weather, representing a rural community where everyone has to travel to access essential services, I worry about safety on our dangerous West Sussex roads. Local residents have no choice but to rely upon roads such as the A272, the A285, the A283 and the A27 and A29. Tragically, the latest figures I have obtained show that last year over 450 people have been killed or seriously injured on West Sussex's roads – a frightening number in which each represents a personal or familial life-changing tragedy. There is no single magic cure but a combination of, lower speed limits in towns and villages where they are appropriate, greater police presence and the right investment and maintenance on the roads themselves all have an important role to play.

Andrew Griffith MP for Arundel & South Downs

Andrew.Griffith.MP@parliament.uk

www.andrewgriffithmp.com

Appendix 4: Rock Common Quarry images



Deposited unlawful waste (2015)



Airborne dust (2015)



Airborne dust on neighbouring property



Dumping (May 2015)



Google Earth (August 2012)



Google Earth (October 2021)



Leaked hydraulic fluid (May 2015)



Road crossing not using conveyor belt contravening planning condition WS/15/97 #7 (2015)



Silted Stream (October 2021)



Silted water discharged to stream (January 2021)



Silted water discharged to stream (October 2021)



Silted water in stream (October 2021)



Unknown oily fluid in quarry (2015)



Unlawful waste challenge (2015)



Waste crossing into quarry contravening condition WS/15/97 #7 (2017)



Waste shown in quarry (2015)



Waste shown in quarry (2015)

Appendix 5 : Surface water risks



January 2021



January 2023



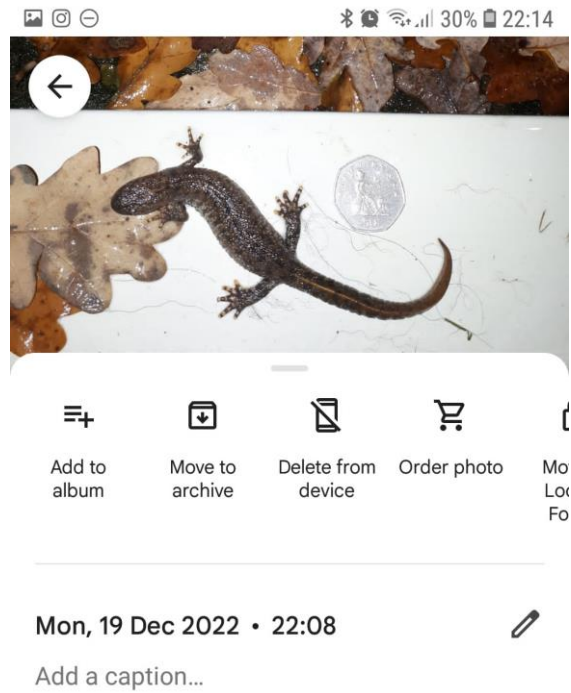
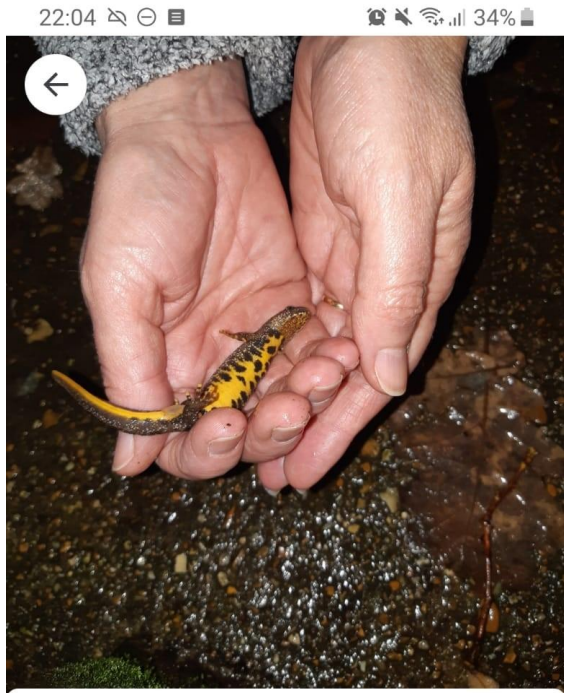
Leachate being processed and pumped back into the landfill site without monitoring or telemetry



Appendix 6 : Great Crested Newts

ID ▲▼	Record Date ▲▼	Record Time ▲▼	Species ▲▼	Lifestage ▲▼	Sex ▲▼	Qty ▲▼	County ▲▼	Town/City ▲▼	Site ▲▼	Location ▲▼	Details
21154	11-03-2018	22:00:00	great crested newt	Adult	unknown	1	West Sussex	Washington		TQ12511388 Map Photos	Submission Details Verification Details
24055	25-08-2018	11:30:00	great crested newt	Adult	unknown	4	West Sussex	Washington		TQ12491387 Map Photos	Submission Details Verification Details
41377	30-10-2020	22:01:00	great crested newt	Adult	unknown	1	West Sussex	Washington		TQ12501385 Map Photos	Submission Details Verification Details
52092	04-06-2022	14:30:00	great crested newt	Adult	unknown	1	West Sussex	Washington		TQ12501385 Map Photos	Submission Details Verification Details
54690	19-12-2022	22:08:00	great crested newt	Adult	unknown	1	West Sussex	Washington		TQ12501385 Map Photos	Submission Details





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≡+ [archive] [delete] [shopping] [share]

Add to album Move to archive Delete from device Order photo Use

Fri, 30 Oct 2020 • 22:00

22:14 [icons] 30% [battery]

←

≡+ [archive] [delete] [shopping] [share]

Add to album Move to archive Delete from device Order photo Location

Mon, 19 Dec 2022 • 22:08 [edit]

Add a caption...

Location [Open in Maps](#)

A map showing the location of the photo. The map includes labels for 'House & Gardens', 'Sullington', 'Washington', 'Wiston', and 'Garden Centre'. A red circle highlights the specific location where the photo was taken, near the intersection of Steyning Rd and A283.



Appendix 7: South Downs National Park Authority : Minsted Quarry

<https://westsussex.planning-register.co.uk/Document/Download?module=PLA&recordNumber=1743&planId=66625&imageId=331&isPlan=False&fileName=South%20Downs%20National%20Park%20Authority.pdf>



CHRIS BARTLETT
WEST SUSSEX COUNTY COUNCIL

OUR REF:
Contact Officer:
TEL. NO.:

SDNP/21/03824/ADJAUT
Heather Lealan
01730 819363

6th September
2021

Dear Mr Bartlett,

NEIGHBOURING AUTHORITY CONSULTATION

Applicant Name: Dudman (Rock Common) Limited and The Wiston Estate Proposal: ADJOINING

AUTHORITY CONSULTATION - WSCC/028/21 - THE CONTINUED

**WINNING, WORKING AND PROCESSING OF SAND FROM THE EXISTING ROCK COMMON QUARRY,
THE IMPORTATION OF INERT CLASSIFIED ENGINEERING AND RESTORATION MATERIAL, THE STOCKPILING AND
TREATING OF THE IMPORTED MATERIAL, THE PLACEMENT OF THE IMPORTED MATERIAL WITHIN THE QUARRY
VOID AND THE RESTORATION AND LANDSCAPING OF THE QUARRY.**

ADDRESS: Rock Common Quarry, The Hollow, Washington, Pulborough, , RH20 3DA,

Thank you for your correspondence received 14 July 2021, consulting us as a neighbouring authority on the above noted development proposals.

ALTHOUGH THE APPLICATION SITE IS LOCATED OUTSIDE OF THE NATIONAL PARK, THE COUNCIL HAS A STATUTORY DUTY TO CONSIDER THE PURPOSES OF THE NATIONAL PARK WHEN MAKING ITS DETERMINATION. THE STATUTORY PURPOSES AND DUTY OF THE NATIONAL PARK ARE:

- **Purpose 1:** TO CONSERVE AND ENHANCE THE NATURAL BEAUTY, WILDLIFE AND CULTURAL HERITAGE OF

THE AREA.

- **PURPOSE 2:** To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- **Duty:** TO SEEK TO FOSTER THE SOCIAL AND ECONOMIC WELLBEING OF THE LOCAL COMMUNITIES WITHIN THE NATIONAL PARK IN PURSUIT OF OUR PURPOSES.

THE NATIONAL PARK'S COMMENTS ON THE DEVELOPMENT ARE AS FOLLOWS:

The application requests the continued working, importation of material (including peat), cement processing and restoration of the site using imported waste.

The site at Rock Common Quarry is considered to contribute to both the landscape and visual setting of the National Park. The current contribution is not as positive as it could be, both in landscape terms and in visual terms. So opportunities exist through this planning application to secure the positive contribution this site can make to the National Park's setting and wider aspirations in relation to Nature Recovery.

The site does not require inert fill to deliver the above ambitions. Whilst inert fill is one of the mechanisms to restore the site, it is not the only approach to take, and it appears to come with risks to water quality in particular.

3 relevant published Landscape Character Areas cover this site:

- Partly within Storrington Woods and Heaths – West Sussex LCA
- Partly within the Central Scarp Footslopes – West Sussex LCA
- The above LCA directly abuts the South Downs ILCA Arun to Adur scarp footslopes. As a result we expect the two to share characteristics.

The site is also within the 'Lower Adur Arun Watershed BOA'. Any landscape design should respond to BOA targets to help deliver broad landscape-scale biodiversity ambitions.

The application is lacking on a few key points of information:

- Restoration scheme has no legend
- What was the pre-worked landform
- Whether a clay liner is needed or not is fundamental to help us understand the potential negative effects and therefore acceptability of the scheme. i.e. potential for leachate to pollute as a result of the use of inert material.
- There are no context plans – so we have no concept of how the restored levels knit into context, thus delivering an integrating approach to restoring landform character.

The Proposed Restoration Scheme

The current proposal, whilst an improvement on the historic permitted scheme, is yet to adequately respond to landscape character or acknowledge the current site's sensitivities.

In particular, there is no exploration of the site's role in providing the setting to the National Park. The working of this site has led to numerous impacts, including the loss of characteristic patterns of hydrology, and fieldscape.

Whilst the current scheme proposes to create new habitats, these habitats bear little relationship to landscape character. The point of which ensures the restored scheme integrates within the *existing* landscape whilst delivering characteristic nature recovery. For example, standing water is proposed instead of restoring the functioning stream system, grassland is proposed, but no restoration of the historic field pattern and hedgerow network. Whilst standing water is typical of worked sites, it is not a strong characteristic of this sandy landscape and certainly not at the scale and cluster of water bodies found in worked sites, including this one.

A restoration acceptable to the National Park

Given the above short-comings, it seems there are two approaches to take at this site, which would be acceptable from a National Park setting point of view.

- Either:
 - Provide a faithful landscape restoration. Informed by evidence, using inert fill to restore the site's landform and maximise the benefits we can accrue from naturally functioning landscapes. This approach requires assurances that leachate from the fill itself, or from the neighbouring landfill can be successfully prevented from polluting the site long-term.
 - Landform would be restored to its characteristic pre-worked levels and knitted into the site's perimeter.
 - Streams and hydrological patterns would be restored.
 - Field patterns, using characteristic hedgerow species, and species-rich acid grassland would be restored.
 - Rock Common would be identified as having a distinctive and different character from the site to the south of the Hollow which is far more agricultural.

- Or:
 - Provide open access to the area north of The Hollow in-keeping with the characteristic commons found along the greensand.
 - Create small-scale and varied selection of characteristic habitats comprising; small woodland copses, wet and dry heath and acid grassland.

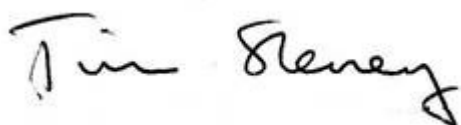
 - Provide a nature-led restoration. Allow the site to recover/restore 'naturally' with limited (but still some) design/management input. This 'rewilding' approach would ensure the site's current benefits are retained and enhanced and significantly reduces the risks posed from imported waste.
 - Quarries which have been abandoned, are often some of the very best site's for biodiversity. As landscapes become ever more managed, opportunities for pioneer communities, and nature-led habitat creation are severely lacking habitats in both the National Park and SE.
 - Natural regeneration delivers much needed amelioration of degraded sites, through for example, creating and protecting soils all without the need for importing waste or further manipulating the landscape.

The current restoration scheme really falls between two stalls, and doesn't yet achieve a distinctive and characteristic response to the landscape. From a setting of the National Park point of view and the ability to achieve positive nature recovery, the preference is for the latter option. Whilst it fails to restore the landform, the other benefits which could be accrued through this approach would far outweigh this, and would accept the quarry as yet another layer in the landscape's time-depth.

Conclusions

Whilst the proposal in visual terms represents an improvement upon the previous outdated scheme, it is not a scheme characteristic of the landscape, it appears to have been designed with 'fill' as a pre-requisite as opposed to what scheme might deliver the best *overall* outcome for the landscape. A low level of intervention is recommended for the restoration of this site, to help this site contribute positively to the National Park's setting, Purposes and wider partnership ambitions around Nature Recovery, Green Infrastructure (People and Nature Network), landscape enhancement and improved access.

Yours sincerely

A handwritten signature in black ink that reads "Tim Slaney". The signature is written in a cursive style with a large initial 'T' and a long, sweeping underline.

TIM SLANEY

Director of Planning
South Downs National Park Authority

CONTACT OFFICER

HEATHER LEALAN
HEATHER.LEALAN@SOUTHDOWNNS.GOV.UK

Appendix 8: South Downs National Park Authority : Heath End Quarry

<https://www.southdowns.gov.uk/wp-content/uploads/2015/02/Enforcement-Notice-Heath-End-Quarry1.pdf>

TOWN & COUNTRY PLANNING ACT 1990

(as amended by the Planning Compensation Act 1991) ENFORCEMENT NOTICE

SOUTH DOWNS NATIONAL PARK AUTHORITY

Issued by: the South Downs National Park Authority To:

Dudman Aggregate Properties Ltd

1. THIS NOTICE is issued by the South Downs National Park Authority (“the SDNPA”), because it appears to them that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the Land described below. The Authority considers that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annexes at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land known as Heath End Quarry, Station Road, Heath End, Petworth, West Sussex, GU28 0JG, Grid Reference SU96469 18725 shown edged red on the attached plan (referred to as ‘the site’).

3. THE BREACH OF PLANNING CONTROL ALLEGED

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.

4. THE REASON FOR ISSUING THE NOTICE

The use of the Land for the winning and working of minerals expired on the 31 December 2013 in accordance with condition 2 of Planning Permission WSCC/104/10/PW/SDNP. An application to extend mineral extraction for a further 5 years was refused by the South Downs National Park Authority on the 17 March 2015 (Reference: SDNP/14/00111/CND).

The Authority considers that the continued winning and working of minerals on the site is unacceptable for the following reasons:-

This breach of planning control conflicts with the National Park purposes and duty to conserve and enhance the natural beauty, wildlife and cultural heritage of the Park, and to promote opportunities for the understanding and enjoyment of its special qualities (as found in section 5 of the National Parks and Access to the Countryside Act 1949).

The site contains a Scheduled Ancient Monument (SAM) – Duncton Common Round Barrow Cemetery,

as scheduled under the Ancient Monuments and Archaeological Areas Act 1979 (as amended). The unauthorised works are occurring within the setting of the SAM.

The method currently used for the unauthorised extraction of minerals, explicitly wet working using a dredger and pumping system, is not in accordance with the approved phasing plan H47/62A (as approved by planning permission DNPW/94/2569 and through planning permissions PW/1385/05 and WSCC/104/10/PW/SDNP) which shows a direction of working and a limit of extraction.

The enforcement notice is necessary to prevent further work that is contrary to the following:

Paragraphs 126, 132, 134 and 144 of the National Planning Policy Framework (2012).

West Sussex Minerals Local Plan July 2003 (saved policies): Policy 10: Statutory historic, architectural, natural or scientific sites, Policy 11: Archaeological remains, Policy 12: Areas of Outstanding Natural Beauty, Policy 19: Residential and other amenity and Policy 20: Reclamation.

Chichester District Council Local Plan 1999 (saved policies). Policy RE4: Areas of Outstanding Natural Beauty – Chichester Harbour and Sussex Downs: Protection of Landscape Character and BE3: Archaeology.

5. WHAT YOU ARE REQUIRED TO DO

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.
4. Remove dredger barge and associated piping from the site.

6. TIME FOR COMPLIANCE

1. One day after the Enforcement Notice taking effect.
2. One day after the Enforcement Notice taking effect.
3. One day after the Enforcement Notice taking effect.
4. By no later than 24th September 2015 which is 10 days from the Enforcement Notice taking effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 14th September 2015 unless an appeal is made against it beforehand.

Date : 14th August 2015

Signed : Tim Slaney, Director of Planning, South Downs National Park Authority
on behalf of: South Downs National Park Authority South Downs Centre, North Street, Midhurst, West
Sussex, GU29 9DH

Appendix 9: Minerals and Waste Planning to The Dudman Group (2014) : Agenda Item 8, Report PC64/18, Appendix 3

https://www.southdowns.gov.uk/wp-content/uploads/2018/10/PC_2018Oct11-Agenda-Item-8-Appendix-3.pdf

Mr. S Dudman
The Dudman Group

4th July 2014

Dear Mr. Dudman,

Re: Minsted Sand Pit, Stedham, Midhurst, West Sussex. Planning Permission SJ/98/1472 and SJ/98/1471.

I refer to the monitoring visit conducted on Friday 20th June 2014 under the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2006, at the above site. An audit of the planning conditions was conducted, followed by a site visit. This site visit was attended by and. Officers were met on site by your representative,

It is noted that a review of the mineral operating conditions (ROMP) is currently before this authority for consideration and that the further submission of information is currently awaited to allow its determination. On the day of the visit, compliance with the terms of the relevant planning permissions is reported as follows:

Planning Permission SJ/98/1472 (Sand Working Area)

Condition 1: Cessation of Extraction at the Site. Compliant Condition 2: Working and

Restoration Plans. **Non-compliant**

Breach 1 (Condition 2):

Wet extraction of sand has been undertaken to a depth of 8 metres below the permitted level of 23 AOD contrary to the terms of the working scheme (para5.9) with side angles to the lake steeper than 30degrees, in one place at 73degrees. This information is supported by your survey plan number 07/MIN/03 dated June 2009. No further wet operations should take place and you should submit, in writing to this office, full details of the proposals to remedy the overworking of the lake to maintain the integrity of the side slope below the water table which should be at a consistent 30 degrees to the horizontal to accord with the limit in condition 3 (iii). These details should be submitted within two months of the receipt of this letter.

Breach 2 (Condition 2):

Working faces to the western and southern boundaries of the site have been excavated at approximately 70 to 80 degrees (SRK Consulting Geotechnical Report April 2007). These are significantly steeper than the approved working arrangements and restoration plans. No further working of sand to these faces should be undertaken and you should submit to this office full details of the proposals to remedy the overworking of the sides of the sandpit to maintain the integrity of the side slope above the water table which should be at a consistent 18 degrees to the horizontal once the platform of sand is formed 1.5 meters above the average ground water level to accord with the limit in condition 3 (i) and (ii). Please submit, within two months of the date of this letter, full details of the proposals to reinstate the steeper faces so that the approved gradients for restoration and landscaping are achieved.

Breach 3 (Condition 2):

Overburden has been stockpiled at the top of the western working face, in places above tree roots/vegetation. This stockpile should be removed to the approved soil storage stockpile area shown on working plan drawing M32m/27. Material has also been excavated from the soil processing area on the northern boundary of the site and been placed around some large scots pine trees on this boundary. There is a need to remove this material to the soil stockpiling area. Care is required with these works to ensure neither the trees, nor shrubs adjacent to them, together with their roots, are damaged. This work should be undertaken within one month of the date of this letter.

Breach 4 (Condition 2):

Overburden has been stockpiled at the top of the southern working area. This stockpile should be removed to the approved soil storage stockpile area shown on drawing M32m/27, where materials can be stockpiled in accordance with the approved plans or used immediately to restore the phase 1 area once it has been graded to 1:3 finish required under condition 3i (see below). This work should be undertaken within one month of the date of this letter.

Breach 5 (condition2):

The site is not being operated in accordance with the phasing arrangements shown on plan M32m/27. Working in phase 2 should have not commenced until phase 1 was completed. Accordingly, arrangements should be put in hand within the next two months to restore phase 2 to the agreed gradients and finish, before completing phase 1 or commencing phase 3.

Breach 6 (condition2):

The site is not being progressively restored as referred to in paragraph 6.1 of the written statement dated 29th April 1998. There are a significant number of stockpiles of surplus sand stored in numerous locations around the site, including adjacent to the site processing area and the settlement lagoons. These materials should be positively used to implement site restoration works and ensure the toe of the working faces are not eroded and become unstable because of wave action from the lake. (see breach 8 below).

Breach 7 (condition2):

The operational silt lagoons are not being maintained or operated in accordance with the method outlined on the working plan M32/27. Within one month of this letter the lagoons should be cleared to a depth where their operational effectiveness is achieved and overflow arrangements reinstalled so that the settlement of dirty water from the sand washing plant is achieved within each of the lagoons.

Condition 3: Gradients for the Working of Sand. **Non-Compliant**

Breach 8 (condition 3i):

Mineral working to the western and southern faces has been generally to 70 to 80 degrees and conflicts with the requirements of condition 3; i.e. the gradients are too steep. Please submit, in writing to this office, full details of proposals to remedy this breach to create the permitted angle of 18 degrees. These details should be submitted within two months of the date of this letter.

Breach 9 (condition 3ii):

The platform at the foot of the side slopes and edge of the water working area must be constructed approximately 1.5 metres above average ground water level to the foot of the western and southern faces to protect the graded side slopes from erosion. It was noted that at the time of inspection that the water level had inundated large parts of the existing platform and that the water level on the marker board registered 33.9m AOD, which is an increase of 100mm from the February reading. Previously the average water level taken from survey information and site inspections has indicated a water level of 33mAOD. Despite the fluctuations in the weather conditions in the past months the level of the lake seems relatively static and the bench should at least be formed to 35.4m AOD mark (1.5m above the nominal average ground water level) or to such higher level should site monitoring confirm an average ground water level higher than 33.9mAOD. Works should be undertaken to ensure that the platform is formed using stockpiled sand from within the site to a width of not less than 3 metres from the permitted edge of wet working. This will ensure that the recommendations in the SRK Consulting Geotechnical Report (April 2007) are addressed. No importation of materials is to be undertaken to achieve the long term protection of the working face. The necessary works should be undertaken within two months of the date of this letter to ensure that the platform is created. Please confirm to this office within six weeks of this letter the average ground water level (above ordnance datum) that is to be used in the calculation of the height of the platform with supporting technical information.

Breach 10 (condition 3iii):

Site survey information on your survey plan number 07/MIN/03 dated June 2009 indicates that the side slopes below the water table within the lake are steeper than the permitted angle of 30 degrees, and in one place reach 73 degrees. No further working of the sand within the lake should take place and within two months of the date of this letter, full details of the proposals to reinstate the side slopes to the lake to the approved angles should be submitted to ensure the stability of the working faces above and below the water level.

Condition 4: Limits of Sand Extraction. This should be in accordance with the approved plan SD/1/57A,

with no working of sand within any part of the cross hatched area shown on that plan. **Non-compliant**

Breach 11 (condition 4)

The excavation of an area to south southwest of the proposed soil storage area took place in April 2012 removing the projection into the lake that previously existed contrary to the terms of this condition. Please submit, within two months of the date of this letter, full details of the proposals to restore this area in accordance with plan M32m/28.

Condition 5: Removal of Buildings, Plant, Machinery, etc. Compliant Condition 6:

Importation of Materials. **Non-Compliant**

Breach 12 (Condition 6):

To the north-west of the concrete plant there is an area of land, straddling the boundary of the two permissions, being used for the storage and mixing of imported soils with sand from the site. Additionally, a linear bund of waste material has been formed adjacent to the northern side of the water management lagoons. There are several other areas around the site where waste materials are being stored including; tyres, conveyor belts and surplus pipes in the copse of trees immediately to the south east of the site office; mixed waste materials including metal, cable and cloth beside the temporary landing stage on the haul road along the southern side of the lake where it currently terminates towards the south east corner; within a copse of trees towards the middle of the northern boundary next to the silt lakes there are metal and aluminium pipes; to the east of the soil processing area against the northern boundary there are various bits of surplus site equipment including the remains of a generator, pipes, plastic bins and fencing; adjacent to the soil storage area there are concrete blocks beside the remains of the Turbochief power- screener. The deposit and stockpiling of imported waste material are contrary to the requirements of this condition and compromises the early achievement of site restoration arrangements. All materials should be removed with imported waste removed from the site and taken to a suitable licensed waste management facility. Any indigenous soils that have arisen from the working of the site need to be stored in the soil storage stockpile area shown on drawing M32m/27. The use of the land to the north-west of the concrete plant for mixing of imported soils with sand from the site in as activity that represents a separate use, which if it is to continue, requires specific planning permission. Its use should cease within one month of this letter until such times that it has been regularised through a planning permission. Please clarify within two months of the date of this letter, the nature of the works being undertaken in relation to approved restoration and landscaping scheme together with the arrangements and timescales for the restoration of these areas and there landscaping

Condition 7: Removal of indigenous soils, clay, overburden - Compliant Condition 8: Extent of

Mineral Extraction. Compliant

Concern 1:

It appears that the top of the western face is very close to the permitted boundary of working and that there is a need for the boundary to be clearly marked on the ground with marker posts to ensure that no part of the workings encroach into the cross hatched area set out on the approved plan SD/1/57A. It was agreed during the previous compliance visit that a plan would be provided to

1:500 scale showing this boundary transposed onto an accurate site survey plan to enable a clear understanding of the extent of working. A plan was attached to our letter of 2nd February 2012 which set out this boundary at the western end of the site.

Condition 9: Hours of Operation. Compliant

Condition 10: Maintenance and Silencing of Vehicles. Concern

Concern 2

The operation of various plant and equipment at the site is fairly noisy and in this quiet setting is readily audible from the public areas beyond the site. The mobile dredger on the lake is particularly noisy and I request confirmation within one month of this letter that it is being maintained in accordance with the manufacturers specification with an effective silencer fitted.

Condition 11: Access Road Surfacing and Maintenance. Compliant

Condition 12: Vehicle Wheel Cleaning. Compliant

Condition 13: Hydro geological Investigation. **Non-compliant**

Breach 13 (Condition 13):

The necessary groundwater levels and flow data, with any seasonal variations, have yet to be submitted to meet the requirements of this condition. It is understood that records have been maintained of the fluctuations in the boreholes, and water table levels in the lake. Please submit all the information required by condition13 within one month, followed by the implementation of the requirements of the condition. Once this information has been received and agreed in writing by this Authority then it is necessary to implement the requirements of this condition within an agreed timescale.

Condition 14: Bunding of Potential Pollutants. **Non-compliant**

Breach 14 (condition14).

At the time of the inspection it was noted that unbunded oil and diesel is being kept on the southern shore of the lake for use on the dredger and the water pump situated on the north eastern shore of the lake, just to the south of the area where soils are to be stockpiled. This practise must cease immediately or proper bunding arrangements urgently put in place to prevent the pollution of the site.

Condition 15: Site Access. Compliant

Condition 16: Removal of G.P.D.O. Rights. **Non-compliant**

Breach 15 (Condition 16):

The screener referenced in letter from West Sussex County Council under the reference NB/Minsted Sand Pit/FM/v12/2011 dated 28th February 2011 is still in position. This screener should be removed from this area within one month of this letter in order to achieve full compliance with the condition.

Condition 17: Scheme of Archaeological Investigation. **Non-compliant**

Breach 16 (Condition 17):

Further to your meeting with this Authority on 11th January 2013 and Steve Dudman's planning agent), archaeological information, including a 'summary results of a contour and metal detector survey undertaken as a component part of stage 1 investigations' was received. This confirms that stage one works up to phase 2 have been undertaken.

However, Phase 3 and phase 4 of stage 1 have still to be carried out, which will determine the need or otherwise to proceed to stage 2. As such, this Authority cannot yet make final the scoping of the 3rd bullet point of Stage 1, "evaluation", or see it carried out. The "Evaluation" will involve partial excavation of small trial trenches around the edges of the barrow, and into it. That "evaluation" of the barrow will in turn inform the scoping of the final phase of its investigation and recording, which would bring all on-site recording of the barrow to completion. The final phase of work will be the off-site analyses of results, reporting, and publication. All of these works will be needed, to provide an acceptable mitigation of the impact of sand extraction on the barrow, i.e. its total removal during either extraction or restoration works and the irretrievable loss of a prehistoric earthwork and burial site.

Please submit, in writing to this office within one month, all outstanding information in order to fully comply with the condition followed by confirmation of the programme to implement the requirements of the condition.

Condition 18: Programme of Restoration. **Non-compliant**

Breach 17 (Condition 18):

Progressive restoration is not taking place in accordance with the approved scheme; also in respect of the phase 2 works the south side of the sandpit should have been restored by now to comply with the two year time limit required under condition

19. Measures need to be taken to fully comply with the details on approved plans M32m/28 and M32m/27 regarding the programme of restoration and phased restoration respectively as constrained by the working area defined in condition 8 and set out on a plan attached to the SDNPA letter 2nd February 2012. The timescales to undertake this work should be confirmed within one month of this letter.

Condition 19. Phased Restoration. **Non-compliant.**

Breach 18 (Condition 19):

Sand working and restoration are not being carried out in accordance with the approved plans. Phase 2 has been completed ahead of the recent works to phase 1. In the absence of any alternative approved scheme of restoration the site must be restored in accordance with the phased restoration set out on the Working Plan M32m/27 and the detailed working scheme set out in the legend of the plan. No further working of the sand within the lake or to the faces should take place and within two months of the date of this letter, full details of the proposals to reinstate the side slopes to the lake to the approved angles should be submitted to ensure the restoration and stability of the working faces.

Condition 20: Seeding and Planting of Trees. **Non-compliant**

Breach 19 (Condition 20):

The required tree planting, shrub planting and seeding proposals for the site have not been submitted. This scheme needs to be submitted in order to comply with the condition followed by the implementation of the requirements of the condition. Please submit the necessary scheme within two months of this letter.

Condition 21: Restoration Details. **Non-compliant**

Breach 20 (Condition 21):

No restoration and site management scheme has been submitted to meet the requirements of this condition. All details required to be submitted by this condition need to be submitted for approval followed by implementation of the requirements of the condition. Please submit to this office within two months of the date of this letter, full details of the proposals for restoration and site management followed by their implementation.

Condition 22: Aftercare Scheme. **Non-compliant**

Breach 21 (Condition 22):

It does not appear that the details required for the aftercare arrangements for worked out phases have been provided. Please submit all required details in order to comply with the condition followed by implementation of the requirements of the condition. Please submit to this office within two months of the date of this letter, full details of the proposals for the aftercare of the site.

Planning Permission SJ/98/1471 (Plant Area)

Condition 1: Working and Restoration Plans. **Non-compliant**

Breach 1 (Condition1):

To the north-west of the concrete plant there is an area of land, straddling the boundary of the two permissions, being used for the mixing of imported soils with sand from the site. Additionally, a linear bund of waste material has been formed adjacent to the northern side of the water management lagoons. This use and the stockpiling of imported waste material are contrary to the requirements of this condition and compromises the early achievement of site restoration arrangements. All materials that have been imported into the site should be removed from the site and taken to a suitable licensed waste management facility. Any indigenous soils that have arisen from the working of the site need to be stored in the soil storage stockpile area shown on drawing M32m/27. The use of the land to the north-west of the concrete plant for mixing of imported soils with sand from the site in as activity that represents a separate use, which if it is to continue, requires specific planning permission. Its use should cease within one month of this letter until such times that it has been regularised through a planning permission. Please clarify within two months of the date of this letter, the nature of the works being undertaken in relation to approved restoration and landscaping scheme together with the arrangements and timescales for the restoration of these areas and there landscaping.

Condition 2: Removal of Plant, Machinery, Hardstandings, etc. Compliant Condition 3: Working of

Minerals. **Non-compliant**

Breach 2 (Condition 3):

No scheme for the working of minerals has been submitted. Please submit, within 21 days of the date of this letter, all the required details in order to comply with the condition followed by implementation of the requirements of the condition.

Condition 4: Working Hours. Compliant

Condition 5: Manufacturers Specification and Silencing for Vehicles. Concern

Concern1

It was noted that operational plant within the site is fairly noisy and audible beyond the site boundaries. Confirmation is sought within one month of this letter that it is being maintained in accordance with the manufacturers specification with an effective manufacturer's silencer fitted.

Condition 6: Site Access Road Surface. Compliant

Condition 7: Wheel Cleaning. Compliant

Condition 8: Bunding of Potential Pollutants. Compliant

Condition 9: Site Access. Compliant

Condition 10: Removal of G.P.D.O. Rights. Compliant

Concern2

The concrete batching plant can only be used for off site sales as an ancillary part of the site use on the

basis that a minimum of 25% of the product is being utilised from sand won from the Minsted site. Otherwise, it is not considered ancillary to the use of the workings, but as a stand alone plant serviced primarily from imported products which would require separate planning permission.

Condition 11: Restoration Plan M32m/28. **Non-compliant**

Breach 3 (Condition 11):

Progressive restoration should be carried out, but this is not the case with currently areas being disturbed with the formation of a soil bund and other storage activities. To the north-west of the concrete plant there is an area of land, straddling the boundary of two permissions, being used for the mixing of imported soils with sand from the site. This use is both contrary to condition 6 of the planning permission SJ/98/1472 and site restoration arrangements under condition 11 of planning permission SJ/98/1471. The activity represents a separate use which again would appear to require specific planning permission if it is to be continued. Its use should cease within one month of this letter until such times that it has been regularised through a planning permission. Please clarify within two months of the date of this letter, the nature of the works being undertaken in relation to approved restoration and landscaping scheme together with the arrangements and timescales for the restoration of these areas and there landscaping.

Condition 12: Planting and Seeding of Trees. **Non-compliant**

Breach 4 (Condition 12):

The landscaping details required by the condition do not appear to have been submitted to date. This scheme needs to be submitted in order to comply with the condition followed by the implementation of the requirements of the condition. Please submit the necessary scheme within two months of this letter.

Condition 13: Working and Restoration Details. **Non-compliant**

Breach 5 (Condition 13):

It does not appear that the scheme has been submitted to date. All details required to be submitted by this condition need to be submitted for approval followed by implementation of the requirements of the condition. Please submit to this office within two months of the date of this letter, full details of the proposals for restoration and site management followed by there implementation.

Condition 14: Restoration. **Non-compliant**

Breach 6 (Condition 14):

It does not appear that the aftercare arrangements have been submitted in accordance with this condition. All details required to be submitted by this condition need to be submitted for approval followed by implementation of the requirements of the condition. Please submit to this office within two months of the date of this letter, full details of the proposals for after care of the site...

...Many of the breaches that have been identified are identical to those set out following the previous site monitoring letter dated 26th March 2014. In your email dated 21st April you refuted all of the findings of

Non-Compliance for the site and referred to previous correspondence. Whilst I accept that there has been extensive correspondence and discussions covering some of these matters, the situation on site remains as stated above. The ROMP application and the accompanying Environmental Statement has been submitted but significant information is awaited to enable this to be determined. Consequently, it is not accepted that the application covers all of the matters in great detail or that there is not a case to answer in regard to these points. Many of the matters are interlinked and the current absence of a dry walkable bench around the base of the quarry faces emphasises the extent of the breaches and the need for matters to be urgently addressed.

In view of the delays in the submission of the further information in connection with the ROMP it is not possible to determine the application without the necessary environmental information. Accordingly, under regulation 49 of the Town and Country (Environmental Impact Assessment) Regulations 2011 the suspension of mineral development at Minsted Sandpit, including the winning and working of minerals, must remain in place until all the required information is received. The terms of this suspension does not in this authority's view prevent most of the matters referred to above being addressed utilising material that is already on the site and pursuing the various schemes and issues raised. To ensure full compliance with this suspension I would ask that the operatives at the site are made fully aware of the terms of the suspension and I confirm that further site monitoring visits will be undertaken by the SDNPA, as necessary, to ensure it is complied with. I look forward to your cooperation with these matters to avoid the need for enforcement action, which is otherwise the only alternative open to this authority.

Yours sincerely, Minerals and Waste Planning Officer, CC: Smith Gore

Appendix 10: DC 401 07 WS Decision Notice – 13.02.2009

[https://westsussex.planning-register.co.uk/Planning/Display/DC/401/07%20\(WS\)](https://westsussex.planning-register.co.uk/Planning/Display/DC/401/07%20(WS))

**west
sussex
; county.
council**

**Application No: DC/ 401/07 (WS)
COUNTY MATTER**

Continuation Sheet

3

Quarrying activities and more recently simultaneous quarrying and landfilling activities in the area have been tolerated by the local community for over 80 years and additional landfilling for a period in excess of 25 years is considered to be unreasonable. Accordingly, due to the cumulative impacts of development in the area on the social and economic well-being of the local community, the development is contrary to guidance in Planning Policy Statements 10 and 23 and Policy G7 of the West Sussex Waste Local Plan Revised Deposit Draft and Policy DC9 of the Horsham District Council's General Development Control Policies.

4

The loss of the Regionally Important Geological Site (RIGS) is contrary to guidance in Planning Policy Statement 9 and Policy G3 of the West Sussex Waste Local Plan Revised Deposit Draft and the following statutory development plan policies: Policies ERA2 and CHI of the West Sussex Structure Plan (Saved Policies) and Policy DCS of the Horsham District Council's General Development Control Policies.

Chanctonbury Landfill Action Group 3 (CLAG3) Committee

Russ Fowler : Chair *Russ Fowler* 18 JANUARY 2023

Caroline Gosford : Secretary *C. Gosford* 18 JAN 2023

Andy Clyne : Communications Lead *Andy Clyne* 18-JAN-2023

Tricia Golds : Planning Lead *Tricia Golds* 18-1-2023

Paul Holton : Technical Lead *Paul Holton*

Genevieve Reed-Allen : Treasurer *Genevieve Reed-Allen*

Robin Golds *R. Golds* 18.01.23

Debbie Gordine *Debbie Gordine* 18.1.23