

14th May 2014

Mr Sam Dumbrell
County Planning
County Hall
Chichester
West Sussex
PO19 1RH

Our Ref: 416.01258.00004
Your Ref: WSCC/104/13/SR Email dated 17th April 2014

Dear Mr Dumbrell,

RE: WASHINGTON SAND PIT, HAMPERS LANE, SULLINGTON, WEST SUSSEX, RH20 4AF – FURTHER INFORMATION REQUIRED UNDER REGULATION 22 OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011

This letter sets out our formal response to letter sent from you under email cover on 17th April 2014 in respect to planning application WSCC/104/13/SR. You have formally requested further information to be provided before you can determine the aforesaid application which we are expecting to be determined at committee in June 2014.

I note that you have received our response to Horsham District Council's Environmental Health Department (sent to you under email cover dated 18th March 2013 and attached again at Appendix A to this letter), and their recent response dated 27th March 2013 is factored in below.

I also note that your landscape officer has now provided his formal response in letter dated 21st March 2014 and has no objections, subject to the provision of suitable conditions.

This letter reiterates the points you require clarification on then our responses are provided below.

For ease of reference this letter is accompanied by the following attachments which are appended as necessary:

- Appendix A: Updated Restoration Master Plan WPL15 A and Indicative Phasing Plan WPL16 (detailed through condition);

Restoration

The information provided in this section has taken into account the consultation response of WSCC's Landscape Architect, the representation from the Sandgate Conservation Society and the Sandgate Country Park Study.

R1. The proposed gravel beach with broken islands boundary with the adjoining CEMEX (Sandgate Park) site as depicted on Drawing No. WP L/15 (DRAFT) lies outside of the red line boundary and is not believed to be under the control of the applicant. How would this

integral temporary feature, pending final restoration on the CEMEX site be implemented and achieved? Details on this are not evident within the Environmental Statement (ES). Please supply them.

This feature is not integral to the scheme and has been removed.

R2. The locations from where mineral is to be extracted (first two years) and where extracted mineral and imported waste would be stored (prior to export or infill) throughout the 5 phases of restoration over the five year temporary period being sought (2 years mineral extraction and restoration works using imported inert waste/materials and 3 years restoration works only) has not been clearly depicted within the ES or in the ES's Technical Appendices (ESTA), specifically sections 3 and 11 in the ES and sections 1 and 10 of the ESTA.

The applicant must demonstrate that this has been considered and logistically can be carried out as proposed. It shall include how the importation, processing (screening only) and infilling activities will be undertaken and contain consideration of all implications on the existing ground in terms of stabilisation and vegetation. This shall also include how the areas for vehicular parking, site infrastructure and welfare facilities and the storage/use of plant, equipment and machinery will factor into the mineral extraction operations and phased restoration works throughout the five year period; and R3. Infill phasing should establish when the restoration phases can be implemented to, where possible, enable parts of the site to be restored and put into aftercare prior to the final restoration phases being commenced and completed.

Given the short term nature of the permission sought and the size of the site we do not consider a complicated phased restoration scheme to be practical. However a very basic phasing diagram has been provided ref WP L16 which shows the general areas of operation and order of filling. The applicant will provide further detailing of the nature of the phasing through an appropriately worded condition as recommended within WSCC landscape architect comments.

R4. Objectives of site restoration should focus on heathland restoration/creation and facilitating the establishment of the park as per Land Use Consultant's Sandgate Country Park Study (2010). Currently the proposals are mainly for acid and meadow grassland. Consideration must be given to CEMEX's approved Restoration Master Plan (Drawing no. P3 / 182/ 8 (dated Oct 2010). A copy has been included with this letter. This restoration has factored into it connectivity into and through the application site to provide access following restoration of these two quarries. Connectivity between the eastern boundary of the CEMEX site's restoration and the application site's western boundary must be considered beyond what has been proposed and shown on the submitted Restoration Scheme drawing (WP L/15 (DRAFT) (dated 10/2013).

The submitted restoration plan already allows for the establishment of acid grassland and the area of this has been extended and revised to include heathland as well, see revised restoration plan WP L15 A.

R5. The submitted Restoration Scheme drawing (WP L/15 (DRAFT) (dated 10/2013) despite containing proposed footpath routes, does not include links to the existing local rights of way network, including Hampers Lane and Barns Farm Lane. The applicant must also commit to creating rights of way for future links to the adjoining Sandgate Park (CEMEX) site, on the north and south side of the lake in accordance with CEMEX's approved Restoration Master Plan (Drawing no. P3 / 182/ 8 (dated Oct 2010). This restoration has factored into it connectivity through that site to provide access following restoration of these two quarries. Alignment of proposed rights of way must be shown on any submitted plan/s.

Footpath links have been provided in the Washington Pit restoration scheme which corresponds with links in the CEMEX restoration plan. Final path positions can be defined as a condition once restoration has been completed for both sites to ensure a suitable linking is achieved.

Links to Hampers Land and Barns Farm Lane have been added in as well. It is noted that the landscape response considers that this detail can be submitted via condition.

Noise

R6. A response is required to Horsham District Council's Environmental Health Department's comments on noise impacts and the need for mitigation (dated 10/02/14 and 27/03/14). It must be indicated whether this would have any impact on the conclusions made for potential impacts on sensitive receptors; and R7. Horsham District Council's Environmental Health Department still has concerns that developmental noise would adversely impact Chanctonbury Lodge, one of the noise sensitive locations considered within the ES (section 8) and the ESTA (section 8). Please refer to the latest response from Horsham District Council's Environmental Health Department on this matter (dated 27/03/14), which was responding to your response (dated 18/03/14). Please advise how the applicant would attempt to mitigate this impact to make it acceptable and indicate whether this would have any impact on the conclusions made for potential impacts on sensitive receptors. Please detail any proposed condition/s and any other mitigation within this response.

Firstly it is SLR's opinion that Horsham District Council's Environmental Health Department has made an error in their response; the noise sensitive location where the predicted noise levels are very slightly above the criterion is at Location 2 (Cadrona) and not at Chanctonbury Lodge (Location 3 in the assessment). At Chanctonbury lodge the predicted noise levels are -1.7 below the criterion with the mitigation measured in place; and

Secondly having looked at the noise models for the site, the loudest item of plant is the CAT D6T dozer which has an operational noise level of 115dB. If the site operator were to use an alternative dozer such as a CAT D6K2, which has an operational noise level of 109dB, then the predicted noise levels during worst-case extraction operations at Location 2 would be 53.0 dB i.e. meeting the criterion with the barriers in-situ.

SLR is therefore confident that noise limits proposed are capable of being achieved and that this can be appropriately conditioned.

R8. The locations shown on drawings WS 8/APP/DRAWING1, WS 8/APP/DRAWING2 and WS 8/APP/DRAWING3 within section 8 of the ESTA of the proposed acoustic barrier throughout the five year development period must be cross-referenced to comply with the requirements of the 2nd and 3rd bullet points within the Restoration section above.

We have illustrated this on the Phasing Drawing now provided ref WPL 16. As the feature is only temporary to screen noise escaping the Site it has not been included on the restoration Masterplan as it is not a permanent feature.

Highways/Access –

R9. Table 3-1, Figure 6-5 and Figure 6-6 in the ES state that there will be 36 average net daily trips by HGVs during mineral extraction and restoration works (first two years) and 25 average net daily trips by HGVs during restoration works only (the final three years). How is the total figure of 36 HGVs arrived at when the HGV trips provided are 12 and 22 respectively? Additionally, the purple box containing the figure 54000m³ marked for 'Annual

Export' in Figures 6-5 and 6-6 should read 'Annual Import', I believe. Please amend here and where relevant in the other planning application documentation.

Confirmation of traffic numbers:

- We can confirm the correct number is 34 average net daily trips (68 movements) – oversight; and
- We can confirm Annual Export should read Annual Import

R10. Furthermore, Tables 6-2 and 6-3 in the ES although dealing with two-way trip HGV trip generation, provide significantly higher levels of HGV movements during both mineral extraction and restoration and restoration only when compared to Table 3-1, Figure 6-5 and Figure 6-6. This difference has caused confusion for many interested parties, and needs a clear explanation, preferably using the exact daily HGV numbers being sought throughout the two stages of the proposed five year development period.

The purpose of Tables 6-2 and 6-3 are to give an indication of likely maximum hourly flows and paragraph 6.39 of the ES clearly states that they give a higher daily total than Figures 6-5 and 6-6 above and as such should only be used for likely maximum hourly demand as stated.

If the exact numbers from Figures 6-5 and 6-6 are used then the hourly flows will reduce indicating that the proposed development will have even less of an impact on existing traffic flows. The submitted ES therefore presents a very much worst case scenario for the purposes of assessment and it is noted that the Highways Authority have not objected to the scheme even on the basis of these worst case figures. It is not therefore considered necessary to amend the figures.

R11. Clarification is required as to how the applicant's HGVs would enter and exit the site safely with respect to fellow users of Hampers Lane (a public right of way), specifically the area between the application site's access and the A283 (adjoining Hampers Lane's junction with the A283). Notwithstanding the improvement works to be carried out on and around the A283/Hampers Lane junction (as required under DC/10//1457), the comments of the WSCC Public Rights of Way officer (dated 21/01/14) should be noted, particularly with respect to the need for maintaining the legal status and condition of the public right of way (2627) throughout the development period.

The site access is an established quarry access which has been used for many years and has an existing permission for sand extraction. Vehicles will continue to enter and leave the site as they have always done and continue to do at the moment and a tracking plan has been provided to show that they can do this safely. We are not aware of any issues with the status and condition of the right of way either during the period when Hanson were operating the site or since the applicant has taken it over and there is separate legislation which could be used if this were to prove to be a problem in the future, not that we expect that to be the case.

Air Quality

R12. A response is required to Horsham District Council's Environmental Health Department's comments on air quality impacts and the need for mitigation (dated 10/02/14 and 27/03/14). It must be indicated whether this would have any impact on the conclusions made for potential impacts on sensitive receptors.

The air quality assessment for the continuation of material extraction and the revised restoration scheme both identified that stockpiles of soil and associated movements have

the potential to cause a dust nuisance in the absence of mitigation measures. The assessment for the continuation of extraction presented a summary of the mitigation measures currently in practise at the Site that would continue throughout the proposed activities. These are in accordance with the dust control recommendations within the MIRO guidance and include the following:

- use of water sprays during dry / windy weather to moisten any material handled during soil removal / replacement activities;
- to limit the construction of any stockpiles during periods of dry / windy weather conditions;
- to locate haulage routes away from stockpiles where possible to limit mechanical disturbance;
- long term soil bunds are to be graded and seeded to minimise the potential of windblown dust emissions; and
- temporary cessation of activities in the event that unacceptable levels of dust beyond the site boundary.

Recommendations for the control of dust emissions from this source were also provided within the air quality assessment for the revised restoration plan, with measures including the following:

- Temporary storage mounds of soil to be a maximum of 2m in height;
- Soil stripping and replacement to be undertaken in strips to minimise the area of disturbed / exposed soils;
- Seeding / planting of restored areas as soon as practicable;
- Limit the construction of stockpiles during dry / windy weather conditions;
- Locate the stockpiles away from internal haulage routes;
- Locate stockpiles away from the site boundary and sensitive receptors where practicable;
- Aggregation of stockpiles where possible;
- Seeding of all long term stockpiles of soil or overburden;
- Water source on site at all times to moisten surfaces of stockpiles during dry / windy weather conditions; and
- Minimise drop heights during unloading activities.

On the basis of these mitigation measures being effectively implemented, the conclusion for the air impact upon local receptors surrounding the site from dust emissions from the proposed continuation of extraction and the revised restoration scheme remains.

We would also recommend the production of a Dust Management Plan submitted and approved prior to the commencement of activity on site which would include all of the dust control strategies presented within the air quality assessments. The dust control measures for the Site can be discussed within Horsham District Council during the production of this plan to ensure they are satisfied with the content and schedule of the measures included. This could be regularised through an appropriately worded Planning Condition.

R13. Please confirm or otherwise whether the applicant would be willing to enter into a legal agreement to secure such HGV routing to and from the A24 to the east of the application site only. Please also indicate whether all third party suppliers would be subject to a contract with the applicant and/or subject to any required routing arrangements.

We can confirm the applicant would be willing to enter into a routing agreement (including any third party suppliers).

Recommended Information to be supplied (not requested under Regulation 22).

The following additional comments you have provided have been investigated as requested.

Additional Comment 1

The West Sussex Waste Local Plan (WLP) was formally adopted by the County Council on 11th April 2014. The applicant should provide a full and robust appraisal of how the development is seen to accord with its intentions and policies, where necessary, drawing evidence from the ES.

West Sussex Waste Local Plan (April 2014) review.

The West Sussex Waste Local Plan (April 2014) is now the formal development plan (this was adopted during the consultation period for this application).

The following policies in the adopted plan are considered relevant to the development proposals so have been reviewed accordingly:

Policy W8: Recovery of Operations involving the depositing of inert waste to land (Page 53)

The supporting text to this policy confirms that using inert materials for quarry restoration schemes is considered to fall within the recovery definition so policy W8 is considered to be the most relevant policy for this application.

This policy provides guidance for when proposals for the depositing of inert waste to land will be permitted provided that:

- The proposal results in clear benefits for the site and, where possible, the wider area;
- The material to be used is only residual waste following recycling and/or recovery or it is a waste that cannot be recycled or treated;
- There is a genuine need to use the waste material as a substitute for a non-waste material that would otherwise have to be used;
- The material to be reused is suitable for its intended use;
- The amount of waste material to be used is no more than is necessary to deliver the benefits identified under (a);
- There would be no unacceptable impact on natural resources and other environmental constraints;
- The policy accords with Policy W13 (protected Landscapes);
- Any important mineral reserves would not be sterilised; and
- Restoration of the site to a high quality standard would take place in accordance with policy W20.

In respect of the proposed development the consultation responses received confirm that the revised scheme is broadly welcomed as an improvement to the existing scheme and will therefore benefit the area. The applicant operates a waste recycling business so only residual waste will be used as they have an economic incentive to recycle as much waste as possible. Alternative non waste materials would have to be used to achieve the proposed restoration otherwise important sand reserves would have to be sterilised. The material will be residual inert waste not capable of recycling and the minimum necessary has been proposed to achieve the final landform. The consultation responses confirm that there would be no unacceptable impacts on natural resources and the environment. The response of the national park Authority confirms there would be adverse impacts on protected landscapes. Mineral reserves would be removed prior to restoration and the proposed restoration is

considered to be of a high standard and in accordance with the aims of the proposed country park.

Policy W13: Protected Landscapes (page 73)

As the Site falls outside of the SDNP part B is the relevant part of the policy:

B. "Proposals for waste development located outside protected landscapes will be permitted provided that they do not undermine the objectives of the designation."

The response from the National Park Authority clearly establishes that the scheme does not conflict with this policy and that it is considered an improvement upon the existing scheme

Policy W16: Air, Soil and Water (page 78)

This policy states that proposals for waste development will be permitted provided that:

- (a) There are no unacceptable impacts on the intrinsic quality of, and where appropriate the quality of, air soil and water resources (including ground, surface, transitional and coastal waters);
- (b) There are no unacceptable impacts on the management and protection of such resources, including any adverse impacts on Air Quality Management Areas and Source Protection Zones;
- (c) The quality of rivers and other watercourses is protected and, where possible, enhanced (including within built up areas); and
- (d) They are not located in areas subject to land instability, unless problems can be satisfactorily resolved.

No unacceptable impacts in any of these matters have been identified and the consultation responses indicate that they can be appropriately dealt with by condition.

Policy W17: Flooding (page 80)

- (a) Proposals for waste development will be permitted provided that:
 - (i) Mitigation measures are provided to an appropriate standard so that there would not be increased risk of flooding on the site or elsewhere;
 - (ii) They are compatible with Shoreline Management Plans and/or Catchment Flood Management Plans and the integrity of functional floodplains is maintained;
 - (iii) Appropriate measures are used to manage surface water runoff including, where appropriate, the use of sustainable drainage systems (SUDS); and
 - (iv) They would not have an unacceptable impact on the integrity of sea, tidal, or fluvial flood defences, or impede access for future maintenance and improvements of such defences.
- (b) Proposals for waste development in 'areas at risk of flooding' will not be permitted unless they pass the Sequential Test and, where applicable, the Exception Test set out in National Policy.

The Environment Agency response confirms that these matters can be adequately controlled by condition

Policy W18: Transport (page 82)

Proposals for waste development will be permitted provided that:

- (a) Where practicable and viable, the proposal makes use of rail or water for the transportation of materials to and from the site;
- (b) Transport links are adequate to serve the development or can be improved to an appropriate standard without an unacceptable impact on amenity, character, or the environment; and
- (c) Where the need for road transport can be demonstrated:
 - (i) Materials are capable of being transported using the Lorry Route Network with minimal use of local roads, unless special justification can be shown;
 - (ii) Vehicle movements associated with the development will not have an unacceptable impact on the capacity of the highway network;
 - (iii) There is a safe and adequate means of access to the highway network and vehicle movements associated with the development will not have an adverse impact on the safety of all road users;
 - (iv) Satisfactory provision is made for vehicle turning and parking, manoeuvring, loading, and where appropriate, wheel cleaning facilities; and
 - (v) Vehicle movements are minimised by the optimal use of the vehicle fleet.

The site is a long established quarry with an existing consent for mineral extraction. There have been no objections from the Highways Authority and there is considered to be adequate capacity on the highway network subject to an appropriate routing agreement.

Policy W19: Public Health and Amenity

Proposals for waste development will be permitted provided that:

- (a) lighting, noise, dust, odours and other emissions, including those arising from traffic, are controlled to the extent that there will not be an unacceptable impact on public health and amenity;
- (b) the routes and amenities of public rights of ways are safeguarded, or where temporary or permanent re-routing can be justified, replacement routes of comparable or enhanced amenity value are provided; and
- (c) where necessary, a site liaison group is established by the operator to address issues arising from the operation of a major waste management site or facility.

Lighting, noise, dust can all be adequately controlled by condition and the type of materials involved will not generate odours. The proposed restoration scheme will enhance the rights of way network and will have no greater temporary impact on the existing network than what has been previously consented and considered acceptable at the site. The applicant would be willing to establish a site liaison committee if one is considered necessary for this short term permission.

Policy W20: Restoration and Aftercare (page 85)

Proposals involving temporary waste development will be permitted provided that they are accompanied by comprehensive schemes that:

- (a) Make provision for high quality and practicable restoration, management, and aftercare;

- (b) Are appropriate for their locations, maximising benefits taking into account local landscape character, the historic environment, biodiversity, and wider environmental objectives.
- (c) Where appropriate, maximise public amenity benefits including reinstatement of, and where possible, improvement of public rights of way;
- (d) Provide for the removal of all buildings, machinery and plant when they are no longer required in connection with the principal use; and
- (e) Ensure that that land is restored at the earliest opportunity including, where appropriate, phased, or progressive restoration.

The consultation responses received confirm that the proposed restoration scheme is broadly seen as an improvement upon the existing scheme and will enable the site to be restored much more in keeping with the aims of the proposed country park designation. It will therefore deliver a high quality restoration scheme in accordance with this policy by maximising the biodiversity and landscape benefits of the scheme, improving the rights of way network, providing for the removal of buildings, plant and machinery and ensuring the land is restored in a five year period meaning that phased restoration is not necessary.

Policy W21: Cumulative Impact (page 87)

Proposals for waste development, including the intensification of use, will be permitted provided that an unreasonable level of disturbance to the environment and/or local communities will not result from waste management and other sites operating simultaneously and/or successfully. Phasing agreements may be sought to coordinate working, thereby reducing the cumulative impact.

The site already has permission for sand extraction and the additional temporary impacts of the additional inert infill are not considered to be unacceptable and will deliver longer term benefits for the area in the form of a much improved restoration scheme for the site.

Summary

It should also be reiterated that SLR have carried out a review of the West Sussex Annual Monitoring Report 2011/12 which identified the aggregate landbank of sites with valid planning permission for mineral extraction (at the end of 2011) is 5.6 years, compared with the minimum 7 years recommended in the NPPF.

The proposed development would therefore meet an identified need and avoid the sterilisation of permitted reserves.

Additional Comment 2

The applicant is encouraged to review consultation responses and third party representations, particularly those of the Environment Agency (dated 11/02/14), WSCC's Drainage Advisor 'Opus' (dated 02/01/14), Horsham District Council's Environmental Health Department (dated 10/02/14 and 27/03/14), WSCC's Landscape Architect (dated 21/03/14) and the Sandgate Conservation Society (dated 19/02/14), received in respect of the planning application (available on the WSCC website) and provide responses to the key issues raised, including where any overlap with that required under Regulation 22 above.

Below is a brief commentary to each of the aforementioned consultation comments above as necessary.

Environment Agency

No Objection. We accept (subject to detailing) the conditions the Environment Agency have requested.

We would challenge however that an HRA should not be required during the extended minerals extraction phase as nothing is essentially changing from the baseline conditions.

Instead, the HRA could be conditioned such that it will need to be prepared and approved prior to the commencement of development (i.e. the inert fill importation), or at the very least the cessation of abstraction as that may affect local abstractions.

WSCC's Drainage Advisor

Comments – as above

Environmental Health and Horsham District Council

No Objection/further information required - as provided

Landscape Architect

No Objection/ further comments are made on this see R1-R5 earlier in this letter.

Sandgate Conservation Society

No Objection/ further comments are made on this see R1-R5 earlier in this letter.

Natural England

No Objection we also note Natural England's support of the scheme.

South Downs National Park

No Objection and we also note SDNP's support for the scheme.

Additional Comment 3

Section 3.26 in the Planning Supporting Statement, states that 70740 tonnes of fill material would be imported per annum over the five year period. It should read 93600 tonnes. Please amend.

We can confirm that "Assuming that the importation of fill commences in 2014 and continues until 2018/019, around 93,600 tonnes of material could be expected per year of operation".

CONCLUSIONS

The information already provided within the comprehensive submission and the points of clarification and further information detailed within letter/appendices should now enable you to take this application to committee in June as agreed.

I would also welcome the opportunity to go over a draft set of planning conditions ASAP.

Yours sincerely

SLR Consulting Limited



John Palmer
Associate
Planning and Estate Management

cc Mr Chris Foss (Director) Britaniacrest Recycling Ltd
Enc Appendices as identified

Appendix A: Updated Restoration Master Plan WPL15 A and Indicative Phasing Plan WPL16 (detailed through condition);