

Report to	Planning Committee
Date	8 August 2011
By	Head of Planning
Local Authority	West Sussex County Council
Application Number	WSSCC/029/11/BX
Application	Restoration of Boxgrove Quarry using imported materials and operation of an inert recycling facility
Address	Boxgrove Quarry, Halnaker, West Sussex
Purpose of Report	This report relates to a planning application submitted to West Sussex County Council by Inert Recycling (UK) Limited for an inert waste recycling operation and the restoration of Boxgrove Quarry, Halnaker. The South Downs National Park Authority has been consulted as a neighbouring authority therefore the purpose of this report for Members is to consider comments to be submitted to the determining Planning Authority; West Sussex County Council.

Recommendation: The Committee is recommended to:

- 1) Advise West Sussex County Council that the South Downs National Park Authority objects to the development on the grounds of landscape and visual impact and the impact upon amenity as set out in Section 7 of this report.**
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1. Introduction

1.1 The planning application for an inert waste recycling operation and the restoration of Boxgrove Quarry is currently under consideration by West Sussex County Council, who are the Planning Authority for the area in which the site is located. It is proposed that the South Downs National Park Authority, as the Minerals and Waste Planning Authority for the adjoining area comments on the following matters:

- The impact upon the South Downs National Park in terms of National Park purposes and its setting. In particular:
 - Landscape and visual impact; and
 - Amenity.

2. The Proposal and the Site

2.1 Boxgrove Quarry is a former gravel extraction site that lies approximately 230m to the south of the South Downs National Park boundary and forms part of Boxgrove Common. The site is located within 1km from Halnaker which lies to the west and approximately 2km to the north east of Boxgrove. The A27 runs approximately 1km to the south of the site (See **Appendix 1 – Site Location**).

2.2 The site ceased operations in 2004. It can be accessed from the A27 at Crockerhill, via a minor road between Crockerhill and Eartham, along Tinwood Lane. Tinwood Lane is also a public byway that forms part of the local public rights of way network surrounding the site. Several public footpaths are located to the south west of Tinwood Lane and one public footpath runs to the north east across Boxgrove Common towards the A285. A public bridleway runs further east of Boxgrove Quarry linking Tinwood Lane with Eartham Thicket; an area of woodland located within the South Downs National Park.

- 2.3 Broadleaved semi-natural woodland exists around the perimeter of Boxgrove Quarry which is surrounded to the north west, west and south by Boxgrove Common. To the north east of the quarry, lies the former Eartham Gravel Pit and its associated workshop and yard area. An office building at Ounces Barn is located approximately 150m to the north east and is currently used as an equine business. A number of residential properties are also located in the vicinity of the site including Tinwood House, Keeper's Cottage, The Folly and Halnaker Barn Farm.
- 2.4 The proposed development occupies a total area of 23.16ha and comprises three main elements: Boxgrove Quarry (the site to be restored); a proposed site for an inert material recycling facility; and a new principal access road providing access to the A285. It is also proposed to extend an existing private haul road linking the two main sites (see **Appendix 2 – Application Boundary**).
- 2.5 The aim of the proposed development would be to complete restoration of Boxgrove Quarry through the importation of inert material to create a matrix of wildlife habitats comprising broadleaved woodland, wetland areas and pasture. (see **Appendix 3 – Restoration Concept**). An ancillary on site recycling facility would pre-screen incoming loads of inert material to produce restoration soils for Boxgrove Quarry and soils to improve the quality of restoration of the former workshop and yard area. Any crushed concrete and recycled aggregate processed by the recycling facility would not be used for restoration purposes, but would instead be exported from the site for commercial sale.
- 2.6 The quarry has a remaining void space of approximately 425,000m³. It is proposed that full restoration would be completed within five years. This would amount to the importation of approximately 136,000 tonnes per annum of inert material from the ancillary recycling facility. The restoration would take place through three phases working in an anti-clockwise direction around the quarry void (see **Appendix 4 – Phasing Sequence**).
- 2.7 A surface water drainage scheme has also been submitted for the quarry to manage surface water during and post restoration. The scheme would involve the construction of a ditch around the perimeter of the site which would lead to one of two balancing ponds and a seasonal overflow area (see **Appendix 5 – Site Drainage Plan**).
- 2.8 The inert material recycling facility would be located on the former workshop and yard area located east of Boxgrove Quarry. This area has previously been restored with the use of trommel fines¹, however the quality of restoration is considered to be poor and therefore the trommel fines would be stripped back and used as fill material for Boxgrove Quarry. The recycling facility would screen imported inert material and a concrete crusher would be used on a campaign occasional basis (as and when it is required) to retrieve and enable the re-use of suitable material. All remaining non-recyclable material will be used as fill material for the restoration scheme. Recycled soils would be stockpiled before use in the restoration works (see **Appendix 6 – Recycling Yard Layout**).
- 2.9 Bunds to create landscaping around the recycling facility would also be constructed. The bunds would be designed to screen views of the site from Thicket Lane and the bridleway linking Tinwood Lane with Thicket Lane.
- 2.10 A new principal access to Boxgrove Quarry via the A285 is also proposed. A private haul road providing access to Ounces Barn would use the existing access onto the A285 and be extended southwards to link the existing haul road to Halnaker Barn Lane on which the current quarry entrance is located (see **Appendix 2 – Application Boundary**).
- 2.11 The proposed operational hours for both quarry restoration and recycling are: 07:00 to 18:00 (Mondays to Fridays) and 07:00 to 13:00 (Saturdays).

3. Consultations

- 3.1 Three statutory consultation responses have been received by West Sussex County Council

¹ Fine inert (e.g. construction and demolition) waste particles removed from a waste stream using a trommel screen.

to date.

- 3.2 **Natural England** stated that the application site is close to Halnaker Chalk Pit and Eartham Pit Sites of Special Scientific Interest (SSSI), but has no objections subject to the inclusion of conditions relating to dust management and the use of a wheel wash facility.
- 3.3 **County Landscape Architect** has provided a holding objection whereby the site layout for the recycling operation and an indication of trees to be retained and trees to be removed is required. For the quarry restoration, details of hedgerow and field layout are needed together with further clarification of arrangements for users of the surrounding public rights of way during the construction phase.
- 3.4 There is no objection from the **Highways Authority**, subject to conditions to ensure: a suitable access; a restricted location of access; suitable road signs; sufficient turning and parking; and submission of a construction management plan. The conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.
- 3.5 ~~The Highway Authority~~ object on the grounds of:
- ~~• The visibility from the site access along the A285 is borderline when compared with appropriate design guidance, and given the nature of the proposals and the type of vehicle (HGVs), it is likely that the proposals would lead to additional hazards for through traffic using the A285;~~
 - ~~• The access arrangements are such that a vehicle turning left out of the site, which is likely to be the main movement out of the site, would cross both lanes of the A285 to the detriment of highway safety, particularly since the emerging driver would be looking out for approaching traffic from the right (north east);~~
 - ~~• The impact of the proposals on the A285 has been underestimated by the applicant whereby the nature of the A285 and the traffic using it has not been considered in detail;~~
 - ~~• The proposals are likely to lead to amenity impacts relating primarily to pedestrians walking within Halnaker village. This has not been adequately considered by the applicant; and~~
 - ~~• The increase in HGV traffic through the crossroad junction of the A285 with The Street is likely to have a significant safety impact in terms of existing constrained visibility, speed limit and poor deceleration rates of HGVs.~~

4. Representations

- 4.1 To date, 110 representations objecting to the proposal have been received by West Sussex County Council from local residents, visitors, businesses and the South Downs Society.
- 4.2 The following concerns were raised:
- Increase in traffic through Halnaker village and along the A285 in general;
 - The proposed site entrance at Ounces Barn is unsuitable;
 - Concerns over pedestrian, horse rider, cyclist, children and farm animal safety due to increased HGV movements along the A285;
 - Impact of noise and vibration from HGV traffic upon the amenity of Halnaker residents as well as upon buildings which include Grade II listed buildings within the Boxgrove and Halnaker Conservation Area;
 - Concerns over dust and vehicle emissions from HGVs;
 - Concerns over the visual impact upon the nearby South Downs National Park;
 - Negative impact upon users of the public rights of way; Tinwood Lane and Eartham Lane;
 - Noise nuisance arising from the proposed recycling and restoration scheme;
 - Concerns over mud and dust on the road and verges;
 - The amenity impact of Saturday operational hours upon residents; and
 - Concerns over habitat destruction within the quarry.

5. Relevant Planning History

- 5.1 Boxgrove Quarry was originally worked in the late 1960s for the removal of hoggin ballast

(gravel in its natural state). In 1986 and 1990, proposals to vary the original low level restoration scheme to an infill scheme using inert material were granted planning permission. In 1998 a Review of Old Minerals Permission (ROMP) was submitted to West Sussex County Council whereby a restoration scheme and amended conditions were approved. One year later, in 1999 a further planning application was approved for an extension in time for mineral extraction to 31 December 2000 and restoration to be completed by 31 December 2004. A further time extension was granted in 2001 for mineral extraction until December 2002 and restoration to be completed by 31 December 2004.

- 5.2 In 2003 a further planning application was made to extend time for mineral extraction until December 2004 with restoration being completed by December 2006. This was withdrawn and failed to be determined. A second application was submitted for the same proposed development in 2004, to extend the final restoration date to December 2006 but was withdrawn for commercial reasons.
- 5.3 There is currently no extant planning permission for Boxgrove quarry, as the 1999 application lapsed in December 2004, together with the approved restoration scheme.

6. Planning Policy Context

- 6.1 Planning applications must be determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise. The following approved or adopted planning policy documents form the statutory 'development plan':

- South East Plan (2009);
- Chichester District Local Plan (1999) (Saved Policies, 2007);
- West Sussex Minerals Local Plan (2003) (Saved Policies, 2007); and
- Draft West Sussex Waste Local Plan (2004) (unadopted, material consideration only).

- 6.2 The key policies in the 'development plan' are summarised below. In addition, reference is made to relevant national planning guidance that guides the decision-making process, all of which are material to the determination of the application.

The development plan

- 6.3 Although the Government revoked Regional Spatial Strategies (RSS) on 6 July 2010, following a recent legal challenge, this decision has been reversed and the **South East Plan (SEP)** still forms part of the development plan. However, the Government has restated its intention to abolish RSS through the Localism Bill and this is capable of being a material consideration.
- 6.4 Notwithstanding the above uncertainty, the **SEP** identifies: a need for the provision of capacity for increased recycling, composting and recovery within the region, (Policy W3); a need to achieve targets for diversion from landfill (Policy W5); a need to achieve targets for recovering and composting (Policy W6); and a need to provide waste management facilities to meet overall regional targets (Policy W7).
- 6.5 Policy M2 indicates a preference towards the use of secondary aggregate over primary aggregate. Policy M3 considers primary aggregates and states that *"The supply of construction aggregates in the South East should be met from a significant increase in supplies of secondary and recycled materials"*.
- 6.6 Policy C2 states that the purposes of the South Downs National Park designation should be a material consideration in making planning decisions that may significantly affect the National Park and its setting.
- 6.7 ***The Chichester District Local Plan, 1999*** contains a number of saved policies that are considered to be relevant to the proposed development. Of most relevance however is Policy RE4 which considers the 'Protection of landscape and character'. Development outside, but close to a landscape designation would not be permitted if it is considered to be *'unduly prominent in or detract from views into or out of'* the landscape designation. This would

be of particular importance where an impact is felt from roads, public rights of way or other public places or where it *'would otherwise threaten public enjoyment of'* the landscape designation.

6.8 In addition to policy RE4, other relevant policies contained in the Chichester District Local Plan are:

- RE1 – Development in the rural area generally;
- RE7 – Nature conservation – designated sites;
- RE8 – Nature conservation – non-designated sites;
- TR6 – Highway Safety;
- R4 – Public Rights of Way and Other Paths; and
- BE3 – Archaeology.

6.9 Although the ***Draft West Sussex Waste Local Plan, 2004*** has not been formally adopted, the policies contained within it are material considerations. The applicable policies are considered to be:

- Policy G2 – Character;
- Policy G7 – Public amenity; and
- Policy G10 – Restoration.

6.10 The ***West Sussex Minerals Local Plan, 2003*** provides the policy framework for mineral planning applications in West Sussex. Following the Planning and Compulsory Purchase Act 2004, a number of policies due to expire in 2007 were saved and now remain part of the development plan until the formal adoption of the minerals element of the Minerals and Waste Development Framework. Saved Policy 4 considers the location of aggregate recycling operations. Such development would only prove acceptable to the mineral planning authority if the impact upon the environment would not be unacceptable and that it would not cause an unacceptable level of disturbance in terms of dust, noise and traffic.

6.11 Other policies of relevance are:

- Policy 5 – Secondary aggregate recycling at current/former mineral extraction sites;
- Policy 6 – Temporary periods for recycling operations in temporarily permitted sites;
- Policy 7 – Imposition of suitable conditions to control impacts; and
- Policy 21 – Reclamation proposals.

National Park Policy

6.12 The National Park Authority has the following two purposes:

- (1) *to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and*
- (2) *to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public.*

6.13 In its role as a neighbouring planning authority, the South Downs National Park Authority needs to consider whether a proposed development close to the boundary of the National Park would compromise its purposes.

National Planning Policy

6.14 Government policy relating to National Parks set out in ***PPS7: Sustainable Development in Rural Areas and Circular 2010*** is that they have the highest status of protection in relation to landscape and scenic beauty. Conservation of the natural beauty of the landscape and countryside must, therefore, be given great weight in development management decisions.

6.15 The following national planning policy statements should be considered within the context of the proposed development:

- Minerals Policy Statement 1: Planning and Minerals (2006);

- Planning Policy Statement 9: Biodiversity and Geological Conservation (2005);
- Planning Policy Statement 10: Sustainable Waste Management (2005);
- Planning Policy Guidance 13: Transport (2011 as amended);
- Planning Policy Statement 23: Planning and Pollution Control (2004); and
- Planning Policy Guidance 24: Planning and Noise (1994)

6.16 Of most relevance to the consideration of the proposed development location is Annex E of PPS10. Annex E sets out the factors which need to be considered when testing the suitability of sites for waste management. Visual intrusion is a key factor whereby there is a need to consider *'the setting of the proposed location'* as well as *'the need to protect landscapes of national importance'*. Traffic and access is another key factor whereby *'the suitability of the road network and the extent to which access would require reliance on local roads'* is considered. Additional factors that are relevant to this application are: protection of water resources, nature conservation, air emissions (including dust), noise and vibration and potential land use conflict.

7. Planning Assessment

7.1 The following assessment considers the impact that the proposed development would have on the South Downs National Park and its setting.

7.2 There are two main elements to the proposed development; quarry restoration and the operation of an inert recycling facility. There are also benefits to consider as part of the proposed development such as the movement of waste up the waste hierarchy through recycling. The key consideration in this instance is whether it proves detrimental to the objectives of the National Park designation, particularly in light of its setting.

7.3 The key issues are considered to be:

- Landscape and visual impact; and
- Amenity (as it relates to traffic, recreational opportunities and the local community).
- Waste hierarchy

Landscape and visual impact

7.4 Saved Policy RE4 of the Chichester District Local Plan seeks to ensure that designated landscapes are protected and that:

"any development permitted will be required to be in sympathy with the landscape and designed and sited so as to enhance visual quality and minimise noise disturbance".

7.5 Views of the restoration site from the surrounding area are currently limited. The restoration area is screened from views from areas of higher ground to the north (e.g. Halnaker Hill) by established vegetation around Boxgrove quarry perimeter. The proposed recycling area does have some screening from views into the site from the south and north west, however views are possible from bridleway 3575 which crosses the proposed access road. This bridleway provides a link between the National Park and the surrounding public rights of way network.

7.6 Open views are possible however of the recycling area from areas of higher ground to the north and within the National Park. Screening bunds are proposed to reduce the visual impact of the recycling facility, however no details have been provided in terms of bund height or appearance, or indeed the volume of material required to be imported to the site for bund construction. In addition, no details of material stockpile height or specific location/layout of the stockpiles has been clearly indicated on the site layout plan (**Appendix 6**). Despite this, Natural England have raised no objections on Landscape grounds, stating that *'the restoration will be beneficial in the longer term'*.

7.7 The County Landscape Architect has raised a holding objection on the basis of insufficient information relating to both the quarry restoration scheme and the recycling operation (see para.2.3).

- 7.8 Although it is proposed to construct bunds to screen views of the recycling site from view points to the north and within the National Park, it is considered that the information submitted with the application does not adequately address this impact. This together with the off-site impact of HGV movements (discussed below) upon the landscape and setting of the National Park along the A285 leads to the conclusion that the proposed development conflicts with the requirements of saved policy RE4.
- 7.9 Given that the quarry has naturally regenerated over time, has a void of little depth, and is relatively well screened by established trees and vegetation (some of which may be removed as part of the restoration scheme), there is considered to be relatively little merit in restoring the site from a landscape point of view, notwithstanding the comments from NE.
- 7.10 In terms of the wider landscape impact upon views from within the National Park, it is considered that the operation of the inert material recycling facility has greater potential to give rise to a landscape and visual impact than the quarry restoration. This is mainly due to the views possible from the north (within the National Park) and along the bridleway together with the unknown height and appearance of the bunds proposed to screen the site.

Amenity - traffic

- 7.11 Saved policy TR6 of the Chichester District Local Plan considers the impact upon highway safety and states that:
- “Planning permission will be refused for proposals which would adversely affect highway safety including in relation to access arrangements, internal road design, cycle facilities and footpaths. Proposals will also be refused if they result in the generation of traffic, which by its amount or type, would overload the highway network”.*
- 7.12 In addition, Saved policy RE4 of the Chichester District Local Plan also considers the amenity impact associated with traffic and states that:
- “particular attention will be given to the setting and to the off-site impact of any traffic generated and any consequential highway improvements on the character, appearance and amenity of villages or the countryside”.*
- 7.13 Although the site itself is located outside the National Park boundary, the vehicle route used by HGVs accessing the site from the north would be from the A272 at Petworth and then along the A285 to the site. From the south, traffic would use the A27 to the A285 and travel through Halnaker to the site access. Within this context it is considered that HGV traffic would directly impact the National Park and provides a likely indication that the site may serve areas beyond the National Park boundary to the north, as well as the coastal areas to the south.
- 7.14 ~~The Highway Authority however has raised an objection primarily on poor site access design and the impact of slow moving HGVs turning onto the A285; the proportional impact of HGV traffic; and the impact at the crossroad junction of The Street with the A285. Local residents, visitors and users of the public rights of way network surrounding the site have also raised a number of objections relating to the impact upon amenity which includes traffic, nuisance (noise and dust) and public rights of way impact (see paragraph 4.2).~~
- 7.15 As discussed above, the use of the A285 from Petworth to Halnaker would directly affect the National Park and those using the road to access it. ~~The Highway Authority’s objection to the proposed development together with consideration of concerns expressed by the public holds some weight in terms of also assessing the wider impact upon the National Park and its setting. The potential for the impact of HGV traffic upon the peace and tranquillity of the National Park and its setting (including the surrounding public rights of way network) is a key factor in this assessment whereby it is considered that the effect upon local communities would be potentially significant. With this in mind, it is considered that the requirements of policy TR6 (Highway Safety) of the Chichester District Local Plan, 1999 are not adequately considered by the proposal. It is considered that the requirements of Policy RE4 of the Chichester District Local Plan are not adequately considered by the proposal in relation to the off-site impact of traffic generated on the amenity of villages and the countryside of the National Park.~~

7.16

Amenity – public rights of way

7.17 Saved policy R4 of the Chichester District Local Plan seeks to protect the ‘amenity value of public rights of way’ and states that developments that would ‘give rise to the need for inconvenient detours or threaten public safety’ would not be permitted. Tinwood Lane and Eartham Lane are proposed to be used as part of the development. These are public rights of way and provide an important recreational resource for the local community. Bridleway 3575 also crosses the proposed access road for the recycling facility and also provides a key recreational link between the National Park and surrounding area. In this context it is considered that the proposed development would not accord with Policy R4 (public rights of way and other paths) of the Chichester District Local Plan, 1999.

Amenity – noise and dust nuisance

7.18 To date, no comments have been received from the Environmental Health Officer. Without seeing the Environmental Health Officer’s comments, it is difficult to say whether or not the proposed development is technically acceptable in terms of noise, dust and vehicle emissions.

7.19 It is considered that the inert recycling operation is likely to have the greatest impact in terms of nuisance associated with noise and dust. Saved Policy 4 of the West Sussex Minerals Local Plan considers the location of aggregate recycling facilities and states that the mineral planning authority must be satisfied that:

“(a) such operations will not have an unacceptable impact on the environment; and will not cause an unacceptable level of disturbance including the generation of noise, dust and traffic”.

7.20 It should also be considered that the proposal, in terms of amenity (dust, noise and traffic) that the requirements of Policy 4 (Recycling operations in favourable locations) of the West Sussex Minerals Local Plan 2003 may not be met.

8. Conclusion

8.1 The site at Boxgrove quarry has a history of incomplete restoration schemes. The proposed development aims to restore the site, but alongside a recycling operation. The inert recycling operation would have benefits in terms of moving waste higher up the waste hierarchy, however it may have potentially detrimental impacts upon the setting of the National Park where views are possible. In terms of National Park purposes and the consideration of the impact upon the setting of the South Downs National Park, it is considered that the proposed development in its current form is not acceptable.

8.2 The key issues in terms of impact upon the National Park purposes and setting relate primarily to landscape and also amenity, in terms of traffic, public rights of way and nuisance associated with noise, dust and vehicle emissions. On balance, these impacts would be associated with the whole development; restoration and the recycling operation. It is considered however that the recycling operation would have the greatest landscape and visual impact and that there may be little merit in restoring the quarry which has naturally regenerated over time. This, together with the off-site impact of HGV movements upon the landscape and setting of the National Park along the A285 leads to the conclusion that the proposed development does not accord with the requirements of the policies contained in development plan, and does not meet National Park purposes.

9. Recommendations

9.1 It is recommended that the South Downs National Park Authority objects to the proposed development for the following reason:

- The proposed development would have an unacceptable impact upon the purposes of the National Park and its setting in terms of landscape and visual impact and amenity.

- The proposed development would be contrary to Chichester District Council saved local plan policies RE4 and R4, and policy R4 of the West Sussex Minerals Local Plan 2003

10. Crime and Disorder Implications

10.1 There are no implications in relation to this consultation on a planning application.

11. Human Rights Implications

11.1 There are no implications in relation to this consultation on a planning application

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Appendices	Appendix 1: Site location in relation to the South Downs National Park and illustrative site boundary; Appendix 2: Application boundary; Appendix 3: Restoration concept; Appendix 4: Phasing sequence; Appendix 5: Site drainage plan; and Appendix 6: Recycling yard layout.
SDNPA Consultees	SDNPA Solicitor

Background Documents (a standard list of background material relied upon or taken into consideration is to be drafted and used, but for the report it might, for example, include):-

Observations of The South Downs Society

Observations of the Countryside Protection of Rural England
Natural England,

The Highway Authority

The County Landscape Architect

South East Plan (2009)

Chichester District Local Plan (1999) (saved policies 2007)

West Sussex Minerals Local Plan (2003) (saved policies 2007)

MPS1: Planning and Minerals (2006)

PPS9: Biodiversity and Geological Conservation (2005)

PPS10: Sustainable Waste Management (2005) (Annex E)

PPG13: Transport (2011 as amended)

PPS23: Planning and Pollution Control (2004)

PPG24: Planning and Noise (1994)