

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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 Limited

- 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 :

A solid black rectangular box used to redact the signature of the Director of Planning.

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

Annex 1

"YOUR RIGHT OF APPEAL"

You can appeal against this notice, but If you decide that you want to appeal you must ensure that you send your appeal (s) soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before the date specified in Paragraph 7 of the Enforcement Notice.

Annex 2

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notices and you will have to pay a fee. As planning permission was refused for the development alleged in the breach, no fee is required in relation to a Ground (a) appeal of this notice.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Annex 3

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period [s] specified in paragraph 6 of the notice. Failure to comply an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Planning Authority.

Annex 4

More detailed guidance on how to appeal against this notice, including information on possible fees payable, can be obtained from the Planning Inspectorate and the contact details are:

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning the Planning Inspectorate on 0303 444 5000 or by emailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk