

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 [REDACTED] and [REDACTED]. Officers were met on site by your representative, [REDACTED].

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 agree gradients and finish, before completing phase 1 or commencing phase3.

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 reinstated 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 33m AOD. 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 33.9m AOD. 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 condition 13 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 (condition 14).

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 (Condition 1):

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

Concern 1

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.

An invoice for the cost of the visit will follow under separate cover. Payment is due within a period of 28 days from the date of the invoice.

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

