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From: Minsted Residents Group <mc@minsted.co.uk>
Sent: 15 August 2019 16:32
To: South Downs - Planning
Subject: SDNP/13/06169/ROMP
Attachments: ROMP 2019 SIPC & MRG Submission 15-8-2019.pdf

Please find attached the response to the above application from Stedham with Iping Parish Council in association with Minsted Residents Group.

MC

STEDHAM WITH IPING PARISH COUNCIL in association with the
MINSTED RESIDENTS GROUP

Date: 15 August 2019
Response to: MINSTED SANDPIT PERIODIC REVIEW
Owner: ALL SOULS COLLEGE, OXFORD
Operator: THE DUDMAN GROUP
Reference: SDNP/13/06169/ROMP

1. We are writing in response to the various proposals submitted on behalf of the operator when this ROMP was first notified by WSCC on 20 December 2012 for submission¹ by 24 December 2013. Since then the South Downs National Park Authority has assumed the mineral planning responsibilities.
2. Stedham with Iping Parish Council, in association with the Minsted Residents Group, responded on 15 May 2014 and again on 18 October 2016 but through lack of information on both occasions the ROMP could not be determined. Nearly seven years on from 2012, new and further information has been provided by the operator, but we understand that there is still significant information outstanding which prevents the ROMP from being determined.
3. Many of our comments from 2014 and 2016 remain valid today and in some part, they are repeated to avoid being lost. We believe the Chichester District Council (CDC) 1998 comments quoted below ideally illustrate the starting point for this ROMP while also showing why, first of all, the reasons for the inexcusable overworking at Minsted Sandpit have to be urgently addressed.
4. The community and the Parish Council were misled into believing this site would be, and would continue to be, properly operated and controlled. But after 15 years the sandpit is in a very poor state with a long list of unenforced breaches, some still outstanding since 2005. The only redeeming factor is that the apparent¹ suspension since 2014 has restored Minsted's peace and tranquillity, but unfortunately not the physical damage the operator has left behind.
5. The following extracts from the 1998 CDC Committee Report summarise what we believed were the objectives of the planning consents now under review and, on that basis Stedham with Iping Parish Council raised no objections to applications SJ/98/1471 and SJ/98/1472. The Council certainly did not take into consideration that the site would be left worked out beyond its permissions through practices that ignored the conditions and damaged this part of the National Park beyond restoration.

From: Chichester District Council, Development Control Section, Committee Report Form Dated 1/9/98

Para 3.6 "In respect of the restoration and aftercare for the site, which are common to both this application and the following application, the objective is to achieve a lake with a varied shoreline, together with areas of shallows. The margins of the site will be recontoured to produce a softer profile. Additional planting/seeding and natural regeneration of specific areas will aid the site's

assimilation into the landscape. Such restoration is to take place progressively as extraction from each phase is completed.”

Para 3.8 “The proposed conditions seek to ensure the continued efficient extraction of the deposit whilst causing minimal practical disturbance to adjoining properties and the environment, and include proposed conditions relating to time limits, working operations, archaeological safeguarding, hours of use and noise limitation and restoration and aftercare” .

6. All Souls College, Oxford have been the owners of the Minsted Estate since 1942 and are the creators of the sandpit. For the 5 years to 2004 ('Period 1'), and during the 10 years from 2004 until 2014 ('Period 2') there have been two operators. From 2014 to 2019 the site has been in suspension under the same owner and operator ('Period 3').

The Parish Council, Minsted residents and visitors to the adjacent reserve have had very different experiences with these two operators.

Period 1 under ARC/Hanson was characterised by quiet workings through electrical operations, little intrusion on the environment and no complaints from the wider community. This operator decided that the site was economically unviable in 2004 and had restored 75% of it when All Souls College, Oxford ordered Hanson to stop work and quit in June 2004.

Period 2 saw the Dudman Group being appointed in September 2004 who began by undoing all Hanson's restoration work. In complete contrast and at the outset their operations generated complaints that have continued unabated and remain to this day. Hundreds of emails and scores of letters have been exchanged from 2004 onwards between residents and the Mineral Planning Authority as well as meetings. These are set out more fully in sections below and include noise from the site's diesel operations, abuse of the environment, ecological disdain, overworking, breaches of conditions – now numbered at 24 - and misuse of the concrete batching facility.

Period 3 saw the suspension of site operations by SDNPA which brought a welcome relief to the neighbourhood with no noise from operations or the activities of the concrete batching, and no traffic.

7. The Written Statement (para 1.7) attached to the permissions under review, SJ/98/ 1471 & 1472 says:

“The proposals contained within this joint application are designed to ensure the efficient working of the remaining sand reserves whilst keeping disturbance to the locality and environment to a minimum” .

These intentions were not achieved during Period 2 and only by default in Period 3.

The fact that the same permissions which had proved effective in Period 1 but had become so ineffectual in Period 2 must be a central issue for this ROMP to address. It is of little use to tinker with the wording of the existing consents when rules are being ignored by an operator whenever it suits, safe in the knowledge there will be no retribution. New wording will not change anything except provide different excuses for bad behaviour.

It is not words that this ROMP should address but the attitudes, efficacy, and adherence to standards. If the existing permissions had been followed

conscientiously there would be no need for this ROMP as the site, that was considered fully worked out in 2004 would have been fully restored and closed. The Hanson evidence in commencing restoration in 2004 confirms this and All Souls College, Oxford should have supported Hanson's actions.

The overworking that has been permitted by both WSCC, and subsequently SDNPA, has led to the current situation where the main purpose of the ROMP is largely, if not completely, to rectify the multiple breaches of planning control and achieve the reinstatement of the overworked areas and faces, together with the completion of the progressive restoration.

8. Absence of necessary information

At the Planning Committee meeting in October 2018 it was indicated that the remaining information was to be received within a few months. Whilst a generous 9 month period for submission and reconsideration by the Planning Committee was set, some 10 months later we note from the consultation responses and emails that substantial and key information is still required, ranging from ecological surveys; effects on the SSSI; impacts from further working; particulate recovery of the lake; groundwater monitoring; the determination of the maximum water level of the lake; the design and methodology of mitigation arrangements; phased and progressive restoration details to a properly scaled 1:500 OS based plan, including details of trees, shrubs or other vegetation to be planted; the proposed after-use of the site; aftercare arrangements showing how the heathland restoration is to be managed; clear working arrangements above and below the lake water level, including the nature of plant and machinery to be operated; the method and timing of reinstatement works related to the overworking; proposals to address the importation of non-compliant material; further information to confirm the operation of the concrete batching plant² and now a geotechnical assessment. This is in addition to the detailed topographical survey and related calculations of the volume of sand remaining, taking full account of the necessary scale of full reinstatement works which must be undertaken. Furthermore, because of the time that has passed since the earlier ecological surveys were undertaken, these may now be considered to be invalid for the purposes of the EIA and need to be revisited and submitted.

The applicant's submissions have not provided, to date, any conclusive and detailed evidence that the quality or quantity of sand reserves exist beyond the need to achieve the required full reinstatement of overworked areas.

In terms of the amount of viable reserves within the sandpit the operator has previously indicated that there are 480,000 tonnes (September 2018). In October 2018 this was reduced to 70,000 tonnes and was based on plan DA/MQ/RA0618-01 and unreferenced cross sections which showed only reserves above the level of the lake with no unworked reserves in the eastern part of the site. Subsequently, a new plan, showing again just the south west corner of the site, with a plan no. DA/MINSP/14-04 was produced which is identical in all respects, with the same base survey information and other information as on plan DA/MQ/RA0618-01, with the same position of the cross sections. However, despite there being no working of sand in recent years the quantity of reserves had increased to a net 90,000 tonnes. This apparently excludes the necessary material to reform the above water banks to the approved profile, which is stated as involving circa 30,000 tonnes. At the same time significant quantity of reserves have apparently been identified below the water level of the lake to be used to

reinstate the below water gradients of over-digging. Based on this information there would seem to be somewhere in excess of 120,000 tonnes of sand now available. There is no explanation of this discrepancy and in the absence of detailed evidence and supporting calculations it throws further doubt on the accuracy and validity of all the applicants' assessments of viable sand reserves.

There are no proven mineral reserves and together with the absence of the necessary information within the EIA, topographical plans and other essential information, mean that in all practical terms the ROMP cannot be determined.

The continued prevarication of the applicant, shown by the resistance to provide the necessary information over almost 7 years is clear evidence that there is no intention to resume working, thus conveniently avoiding costly restoration requirements. Mineral Planning Authorities are advised under government guidance that if no minerals development has taken place to any substantial extent for at least two years they can assume minerals development has ceased. On all the evidence a this is a '**stalled ROMP**' where it is reasonable for any authority to conclude that resumption of working is unlikely. Whilst the SDNPA point to the preparation of some plans of evidence of an intention to resume working, these plans are neither dated or accurately related to the site boundaries and are in any case the subject of a further information request to the applicant, thereby undermining the SDNPA that they are an indication of an intention to recommence working.

9. Clarity of determination period

The local community are still somewhat confused by the SDNPA position in respect of this ROMP application. We note that the site notice on the gate of the application site refers to comments being required by 24th June and yet from your emails in mid- July to our Planning Consultant it was indicated that a further public notice is being published, although this does not appear on the site gate and we have been unable to trace this in local papers and no copy appears on the SDNPA public access system. We are aware that the authority will need to reconsult the public to meet statutory requirements if and when any further information in respect of the ROMP is received. We were led to believe at the October 2018 Planning Committee meeting that the authority wanted to allow one further period of nine months for all the outstanding information so there would be a single further round of public consultation. This applicant has shown before an unwillingness to submit the required information with requests for detailed topographical information ignored as far back as 2007 and the withdrawal of applications SJ/06/488 and SJ/06/1905, yet despite this the SDNPA are seemingly prepared to allow indefinite opportunities and open-ended timescales, without concern for the uncertainty caused in the local community or the harm to the environment.

We have been informed that the determination period in which the ROMP can be determined has been extended to 14th October 2019. We have been viewing the public access system almost daily and some three weeks after the confirmation that the extension of time letter would be added to the SDNPA public access system it still hasn't appeared and therefore from the public perspective no extension beyond 17th September 2019 is in existence and the application must, we presume, be considered on that basis and determined at the Planning

Committee meeting on the 12th September 2019. The apparent continued reluctance of the SDNPA to place this information in the public realm only heightens concerns that the local community is being disadvantaged by this process.

We still question whether the ROMP is the correct vehicle to achieve the necessary redress at Minsted sandpit and request that any report to the Planning Committee also considers enforcement action and the use of Prohibition Order powers. We consider the latter power to be the only workable option open to the SDNPA given the time within which conventional enforcement notice powers were available has passed and the continued failure of the applicant to submit the full information necessary to allow the ROMP to be determined.

The applicant has submitted a draft consolidated set of conditions dated September 2018. Whilst a consolidated set of conditions is supported for this single planning unit the proposed conditions are completely inadequate and do not meet the required objectives of the ROMP review process to update the consents to provide modern environmental standard of working. Furthermore, almost none of the information from the environmental information submitted to date has been used to inform the conditions or embrace the necessary mitigation arrangements that have been identified. In any assessment we consider that the conditions as drafted are completely unacceptable and do not address the planning policy tests set out in either government guidance or the relevant development plan policy considerations. We have set out below some more detailed comments, but these can only be preliminary at this stage because of the substantial gaps in the submitted information.

10. The Consents and Breaches

We summarise below the 24 breaches that the Site Monitoring Report, Minsted Sandpit highlights and also refer to the first Breach Condition Notices issued by WSCC stipulating a *four-week* compliance requirement. We also show additional locally observed breaches.

Historic.

The first breaches were identified in 2005 and still remain uncured in 2019:

- 1/01471 Development not being worked in accordance with Working Plan and Section 5.
- 2/01472 Extent of working area not in accordance with plan.
- 3/01472 (a) Side slopes > 1:3 gradient; (b) level platform of sand < 3m wide; (c) side slopes below water > 30° Restore workings to those permitted.
- 4/01472 Sand being worked outside identified area without approval by MPA.
- 8/01472 Extent of extraction not in accordance with permission and no approval sought.

Current.

SJ/98/1472 (The Sand Working Area) – 21 breaches as at 11 February 2016 were reported:

- i. (2) **Working and Restoration Plans** **7 breach**
- ii. (3) **Working of sand** **3 breach**
- iii. (4) **Limits of Sand Extraction** **1 breach**

iv. (6)	Importation of materials	1 breach
v. (8)	Area of Mineral Extraction	1 breach
vi. (13)	Hydro geological investigation	1 breach
vii. (16)	Removal of G.P.D.O. Rights	1 breach
viii. (17)	Scheme of archaeological investigation	1 breach
ix. (18)	Programme of Restoration	1 breach
x. (19)	Completion of restoration	1 breach
xi. (20)	Seeding and Planting of Trees	1 breach
xii. (21)	Restoration Details	1 breach
xiii. (22)	Aftercare Scheme	1 breach
xiv.	Other "Concerns" noted	2

SJ/98/1471 (The Plant Area) – 3 breaches as at 11 February 2016 were reported:

xv. (1)	Working and Restoration Plans	1 breach
xvi. (13)	Working and Restoration Details	1 breach
xvii. (14)	Site Restoration	1 Breach
xviii.	Other "Concerns" noted	6

11. Locally Observed breaches not included above

- (a) Disregarding the conditions for working methods by not wet-working the sand and using dumper trucks to haul dry sand round the site allowed the south and west sand faces to be aggressively excavated beyond their limits and creating loud noise levels.
- (b) Storing on-site large quantities of imported dark aggregates for re-sale.
- (c) Dumping and burying of a range of imported materials including hard core and waste in the IDO area.
- (d) Creating haul roads on the south and west boundaries, where none existed before, without permission
- (e) Building high bunds on the south boundary without permission where the Working Plan requires a hedgerow.
- (f) Bypassing the silt ponds allowing non-filtered water to enter the lake, thus creating a permanent yellow colour of the water and blinding the bottom of the lake creating a flood risk.
- (g) Scraping out of sand-martin nests on the southern boundary and destroying a linnet colony on the same boundary.

We recommend that the operator and the owner of Minsted Sandpit are required forthwith to comply fully with the Working and Restoration Plans and to address all the breaches identified in accordance with the 'priority 1' test of the SDNPA enforcement guidance. The consents are clear; their purpose is clear and there can be no alternative conditions considered in this ROMP which allow these obligations to be avoided.

Also, conditions should be imposed to ensure the operator and landowner have to clean up the site now, remove all foreign material and waste deposited over and underground and then keep it that way.

12. Landscape and Visual Appraisal

Terrestria/Lizard Landscape Design and Ecology, May 2019 (document in three parts working title Additional Information)

The Landscape and Visual Appraisal (LVA) prepared by Lizard Landscape Design and Ecology, on behalf of the Dudman Group in response to the ROMP, tries to present a positive impression of the existing Minsted Sandpit by considering restoration opportunities in the context of the surrounding Landscape.

The Executive Summary states that one aim is to inform restoration proposals, but there is no attempt to relate these to the restoration proposals within the terms of the original permissions. Furthermore, the scope and nature of the changes being suggested are unclear. In the introduction to this document "Additional Information (3)" of May 2019, containing the first chapters of the Lizard report, reference is made in the introduction and contents to: "how historic "over working" is to be rectified". This is spurious as it implies the faults lie with over working by the previous operator, Hanson, when the evidence categorically shows that the current operator, upon taking over the site, reversed the restoration being carried out by Hanson in 2004 when they ceased operation. The clear intention is to diminish the culpability of the existing operator for the current situation at Minsted sandpit and wrongly place the fault with the previous operator.

The Stedham with Iping Neighbourhood Development Plan is referred to initially at 2.37-2.42. Parish Heritage Assets are noted, including 10, 11 and 12 Andrews Lane within 70 metres of the site boundary. The Grade II listed Woodmans Cottage is also relevant in this context as are the four new dwellings converted in 2017/18 from derelict farm buildings in the hamlet of Minsted, also designated in planning terms as Heritage Assets. These plus the four similar conversions in Minsted from 2008/09 result in a significant increase in the number of residents who would be affected by any adverse and/or cumulative development at the Minsted Sandpit site.

The surrounding arable fields, and wooded areas noted in the LVA also provide a much-valued tranquil setting for these residents. No mention is made of these additional residents, in effect doubling the population of the hamlet of Minsted since 2008. Photograph E on page 35 of Additional Information (B) shows the field and woods that are directly visible from the Hamlet of Minsted and form an essential part of the tranquil setting enjoyed by residents and the public along Minsted Road and the public right of way along Andrews Lane and the Sandpit's southern boundary towards Fitzhall. Photograph F shows part of the hamlet of Minsted with the more recently converted farm buildings clearly visible.

Extensive references to and quotations from planning policies and statutory duties, including from the South Downs National Park Authority, Integrated Landscape Character Assessment, etc., are made, recognising that conservation and preserving the landscape is a priority in the area around the Minsted sandpit.

Visual amenity is a key factor from outside the site and is described using photographs. While the dormant site is now quiet and under suspension, and some of the vegetation masks views of what remains of derelict machinery and processing infrastructure, restoration must take account of the surrounding SSSI, agricultural setting and wooded areas. These are part of the visual amenity, tranquil environment and landscape enjoyed by residents and the public and protected under the purposes for which the South Downs National Park exists. The sheer cliffs on the western part of the site result from over working by the current operator and are not due to “historic over working” as may be implied from the introduction to “Additional Information (3)”.

These vertical cliffs should be 1:3 slopes suitable for re-establishing planting as part of the original restoration plan in the 1998 permission. Within the ‘Additional Information (C)’, dated May 2019, the applicant’s agent’s submitted cross-sections, first submitted with a short covering email on 10th October 2018, but now reappearing in drawing DA/MQ/RA1118-03 extending beneath the water line of the lake. Even looking at these plans at the highest possible magnification they are impossible to read because they are produced at such a small scale. The cross-section reference and all figures are unintelligible and therefore it is impossible to verify their accuracy. Furthermore, it would appear all the accepted deficiencies of the previous cross sections remain, with no reference points, such as the site boundary, to enable them to be related to the site and the 1968 plan which shows the extent of permitted working. It appears that the water level being used is 32.5m AOD, substantially below the actual or theoretical level being suggested in the hydrogeological report. These substantial discrepancies must be resolved if the overworking is to be addressed with the necessary 19 degree and 30-degree gradients to the restored gradients. This is the subject of one of the many extant breaches of planning control notices issued by the MPA on the current operator.

Such a view as exists now with these artificial cliffs, is inconsistent with the surrounding landscape of heathland, woods and fields.

Paragraph 6.6 paints a rather optimistic picture by suggesting that a more contemporary cultural resource is afforded by the large lake. However, in its polluted, yellow state resulting from the practices of the current operator, it was clear and contained fish before 2004, it cannot now be used for any recreational purpose nor can it sustain an ecosystem that might allow fish to be reintroduced, or provide a habit for amphibians, invertebrates, birds and bats. The lake, if it were not polluted and yellow, might indeed offer some visual amenity, a haven for wildlife and a basis for restoring an ecosystem.

Full restoration of the site now depends on reversing the pollution damage done to the lake, which must be a condition of any restoration plan. The pollution has occurred since 2004 from unfiltered sand washing, and leakage into the lake of residues from imported materials being processed on site that are believed to be outside of the permitted consent. Full analysis of the water quality must be carried out independently to determine the extent of the problem and to propose a permanent remedy.

It is clear that the problem will not be resolved naturally given the 5 years of inactivity at the site and must therefore be considered a permanent barrier to re-

establishing any form of ecosystem until dealt with properly as part of a restoration plan.

Paragraph 5.27 refers to the lake as an enclosed feature not apparent from the surrounding landscape. On the contrary it is very apparent to those who look inwards from the site boundaries or from any elevated position or viewpoint. Aerial photographs and a video on YouTube show the extent of the lake and its startling colour. Paragraph 5.30 refers to this ochre colouration of the lake, but not the pollution that causes it. Nor are there many disturbed waterfowl as suggested, because the lake cannot sustain wildlife. The report avoids any reference to the polluted state of the water, side stepping the issue completely, but commends the ochre colour as a desirable and attractive feature. In trying to create a positive impression from what is one of the biggest problems at Minsted sandpit, namely the polluted lake, there are several references to the lake such as its “.....landscape and tranquillity”, “.....inherent fascination and experiential qualities”, “the reflective quality of the lake”. This is all complete nonsense.

There are also unresolved questions about the safety of such a large volume of water contained above the level of surrounding land to the east and south where residents could be endangered, and homes flooded. In particular residents at Quags Corner are at risk, where the name derives from its low-lying boggy nature with streams, situated at a lower level than the water in the lake. It also presents a problem at the higher level to the north were Stedham Common SSSI is at continuous risk of lowered water levels and drying out as water drains into the lake. The lake is blinded by silt, and there is nothing to control water level, resulting in a real danger that overflow or a breach at some point could lead to a catastrophic flooding event.

Although very long and apparently detailed this Landscape and Visual Impact Assessment does not inspire confidence and fails to provide answers without which the ROMP cannot be determined. The necessary mitigation proposals that are drawn from this report need to be embraced within the site working plan, the site restoration plan or then site aftercare and management plans. Given the site has reached the end of its life it is vitally important that these are included in detailed schemes that form part of any new consent. The landscape assessment fails to set an after-use for the site or propose detailed landscape proposals for the site restoration. No attention is paid to the importance of preserving the dark sky and the avoidance of artificial illumination within the site.

13. Noise and Acoustics

We recommend that the ROMP imposes noise restrictions such that they do not exceed those of a similar, electrically powered site as existed during Period 1 and in the preceding 25 years including for the quiet working of vehicles within the site especially for reversing signals.

- i. The full report in Appendix 2 (Clarke Saunders – Acoustics) measures noise from a dredger in another sandpit (Heath End) at a distance of 10 metres. This has no practical value. The acoustics of Heath End sandpit and the nature of its environment are entirely different from those of Minsted and are not representative. However, it does confirm the very low level of

background noise at Minsted which is consistent with the 2006 report we refer to below.

- ii. In any event, the noise issues were never centred on the diesel dredger. The bulk of the noise from Minsted Sandpit which so disturbed the countryside for up to a mile around emanated from the concrete batching plant and the lorry operations and movements. These have not been assessed in the report.
- iii. On 22 January 2006 noise measurements were taken by Chichester District Council, as statutory consultee for a planning application submitted by Dudman Aggregates, to ascertain the background noise level in the vicinity of Minsted Sandpit. Their conclusions were:
 1. *The maximum noise generated by any plant or equipment used on site should not exceed 45dB when measured as a $L_{Aeq(1\text{ hour})}$. This noise limit to be measured at any point along the western side of Minsted Road. The plant operators should undertake regular monitoring to ensure that this condition is being met. The results of that monitoring should be copied to the planning authority every 12 months.*
 2. *All plant and equipment operated on site shall not at any time result in the noise level measured any point along the western side of Minsted Road exceeding the International Standards Organisation (ISO) Noise Rating 45 when plotted on an ISO Noise Rating Curve Chart.*

We believe that if any future operations are to be permitted within the sandpit, they must at all times meet these recommendations and ensure that the identified tranquillity of this part of the South Downs National Park is protected.

14. Concrete batching operations

We recommend the following conditions and controls are placed on the concrete batching operations particularly in view of the fact that Minsted sand is poor quality and, for instance, requires up to three times the volume of other materials to be added to make concrete:

- ***Limits on quantities and types of imported materials, so that the use can be determined as ancillary to the sandpit operations and not a primary use of the site,***
- ***Open record keeping so that the MPA can verify the status of the use,***
- ***Limits on storage of imported materials***
- ***Limits on storage of on-site manufactured products***
- ***Prohibition of on-site sales of non-Minsted aggregates***
- ***Controls on manufactured products to ensure conformance with Class A***
- ***Limits on lorry movements***
- ***Noise controls***
- ***No activities or commercial access once sand excavation in sufficient commercial quantity from the host site has ceased.***

Also, conditions should be imposed to ensure the operator and landowner have to clean up the site now, remove all foreign material and waste deposited over and underground and then keep it that way.

15. Cultural Heritage – Tumulus

Archaeological background

“On the western side of the existing Minsted sand pit, the area of unworked mineral deposit within the existing planning permission SJ/98/1472 includes a round barrow earthwork of presumed prehistoric date (Late Neolithic-Middle Bronze Age, c. 2500-1400 BC). This barrow is the easternmost of a linear alignment of five round barrows, of which the other four barrows in the group were designated Scheduled Ancient Monuments in October 1992 and October 1996.

The barrow was first described in November 1949, by the recording Ordnance Survey officer, as: "SU82SE"C": (SU 8516 2127): Bowl barrow, diameter 18m., height 1m., no ditch [then visible], mutilated [ie. dug into in the past, and the hole or gash still visible], once covered with fir trees." The barrow lies wholly within the proposed Phase 3 mineral extraction working area, the boundaries of which are shown on ARC Southern Drawing M32m/27.

Prehistoric barrow mounds of this kind sometimes overlay human burials or cremations, sometimes not; they are best thought of as “ceremonial mounds”, with a variety of functions, including uses as funeral monuments, but perhaps also (certainly in the historic period) as landmarks or boundary markers.

Sussex barrow mounds on sandy heathland sites, such as Minsted, have sometimes been found to comprise heaps of stacked turves, covered with sand; sometimes with one or two surrounding concentric ditches. Thus, where there were also ditches, now filled in and not visible above ground, the visible earthwork may represent only a small part of the original and surviving ceremonial monument.

The round barrow is considered by WSCC to be important both as a constituent part of the barrow group and as an ancient earthwork in its own right.

In addition, the area of archaeological interest around the barrow is also considered potentially important, especially the area within Phase 3 which lies between and immediately adjacent to the barrow earthwork and the nearest barrow in the group. It is not unknown for ancillary archaeological features to be found in the areas between and around barrows. These may include features associated with funerary activity, cremation or procession landmarks, e.g. satellite human cremation or inhumation burials, "mini-barrows" (small mounds sometimes as small as 1m in diameter), buried pyre features or alignments of post-pits". (WSCC)

The mapping should be clarified to identify the full extent of the tumulus interest.

Terrestria's Working Plan DG/MINSP/14-03, shows a small circular area annotated '*Archaeological evaluation of the tumulus to be carried out prior to excavation*'.

- (a) The size of the circle representing the tumulus should be approximately doubled.
- (b) The immediate surrounding area of interest should be delineated showing an area agreed by the MPA, potentially circular of 25m - 30m diameter.
- (c) The Working Plan should state '*Archaeological full recording of the tumulus to be carried out prior to excavation*' to reflect accurately that this will be a requirement for excavation - condition 17 of SJ/98/1472 - and not simply *Archaeological_evaluation_*.

This tumulus is not a Scheduled Ancient Monument (SAM), unlike the remaining four barrows in its group of 5 to be found in the adjoining Fitzhall grounds, and thus does not have the same protection.

Our long-standing preference, and indeed we would assume the public's preference too, is for the tumulus to be *preserved in situ* where it survives, rather than to be *preserved by record* where it is allowed to be physically destroyed following full recording. The earlier maps of Minsted show many barrows already having been consumed by sand extraction.

16. Hydrology

It seems that the new hydrology report (H2Ogeo) broadly supports the findings of the earlier report ('Your Environment') report submitted by the Applicant in 2014. There is an absence of clarity on the maximum level of the lake. The site monitoring reports undertaken by the SDNPA have recorded the height of the water level within the lake as 34.01m AOD. In the applicant's submission Minsted hydrological review dated 19th August 2016 (paragraph 4.5) there is reference to monitoring of the site since 2008. However, the information in appendix 5 does not include data over this period for the level of the lake but it is noted in the report that it is being suggested that the level of the lake may rise by up to 2.2 metres, with the single item of data provided confirming a lake level of 33.8mAOD. This would suggest a maximum predicted level of the lake of 36.21m AOD based on the only verified survey of the lake level undertaken by the SDNPA.

It is important that this water level is clearly understood because it determines the base of the slope stability benches and angle of slope to the sides of the pit. Additionally, it is crucial to understand the potential for run off and flooding from the site.

In summary, without mitigation the water in the lake will continue to rise and will look to escape at the lower east/southeast end to eventually drain into the Woolmer stream endangering Woodman's Cottage, the houses at Quag's Corner and Woolmer's Bridge Farm. The quantum amounts to millions of litres of water.

- (i) Rather than no longer being a risk, this is indicated to be likely to occur at some stage in the foreseeable future without on-going mitigation.
- (ii) This man-made hazard did not exist before the sandpit was excavated which has been made more serious by Dudman's method of operation whereby the lake has been blinded with silts and slimes.

- (iii) The Applicant offers no solutions for mitigation other than 'monitoring'. This is an insufficient response where property and people are concerned.

There should be a new study that updates the situation which concentrates on measures to be taken to protect the immediate surroundings from flooding and we also wish to see evidence of liability for any events is being underwritten by the responsible parties, namely the operator and the landowner for as long as the lake remains.

17. Ecology, biodiversity and water quality

We have seen and studied the response that was submitted to the SDNPA by SWT on 26 July 2019, and we agree with everything they have to say - in particular that the new ROMP fails to address numerous environmental concerns submitted in 2014. Their updated comments on biodiversity are based upon expert advice which we regard as unimpeachable, and we can only endorse these comments.

We would, however, like to add some further comments on water quality of the lake. The heavy concentration of particulates in suspension has failed to settle after five years without disturbance, and it is difficult to imagine that the previous balance of biodiversity will ever be restored, but we approached the local Rivers and Lakes representative of the Environmental Agency for his opinion on the matter. He replied that "it is obvious from its current condition with a lack of light penetrating the water column and no aquatic vegetation that there is very little likelihood of a fish population being present."

The following facts should be put on record in this respect:

1. In the past the lake was clear and contained sufficient fish to interest members of the local fishing club.
2. While sand was being extracted by the previous operator, Hanson's, all water used for sand processing was filtered and stood in settlement areas before returning it to the lake.
3. At that time, the water quality was regularly tested by a laboratory in Portsmouth.
4. After the present operator took over, the water quality steadily deteriorated. We have not come across any test results in any ROMP application from them.

We consider that the ROMP cannot be considered adequate unless its restoration proposals are amended to explain how the operator intends to address this problem and, eventually restore the lake to its original healthy condition.

18. Overworking and Reserves

The level of reserves is not capable of evaluation with the information so far made available. Without knowing what winnable reserves remain, the ROMP cannot be decided as it is fundamental data for assessing the working life left of the sandpit, if any.

Since 2005 we have been making complaints about the substantial overworking of the site since Dudman's arrival. This has occurred on the south, west and north

boundaries and has involved all the restoration there being excavated and then further behind the permitted limits.

Our assessment of this unapproved sand taken out is between 80,000 and 100,000 tonnes. We believe therefore that this amount should be deducted from any reserves now left over as it is palpably unfair to allow more sand to be excavated than originally permitted and for money to pass accordingly.

Furthermore, we believe all those benefitting from this dishonest overworking should be fined at least the monetary payments they have received for sand taken from unapproved areas.

The existing planning permission includes numerous controls and arrangements for the working of the pit reflecting the technical and physical difficulties of working the site. It is important the full extent of these constraints are retained. In particular the limits to working the site set out in 1968 plan number SD/1/57A. to avoid ambiguity the physical limits to working should be marked at the boundary at 25m intervals with marker posts. The depth of working should remain at 23mAOD (para 5.9 of 1998 written statement). We understand that this is the limit of practical working with modern plant and because at this level there is an impenetrable band of sandstone. Consistent with the current controls working of sand beneath the processing plant area should remain prohibited.

19. Proposed Conditions

We refer to the document "Proposed Conditions (Consolidated) Draft September 2018".

At the outset we are of the opinion that these proposed conditions, which are provided in draft, are not of a standard that is suitable for the determination of the ROMP. There is no explanation of how they maintain or improve the environmental operation of the site or how the environmental information and mitigation arrangements have been included within them. Furthermore, there is no justification for the omission of key control such as the boundary of working. Conditions are essential for the site's working and restoration and should at least by this time have left the draft stage and have been submitted in a form that demonstrates and explains why they are superior to the current conditions, thus allowing them to be properly evaluated.

(a) The draft makes no reference to the Written Statement and how it should be amended to fit in with the replacement conditions, and vice versa.

(b) The replacement in their entirety of the two existing permissions with a new single combined set of reduced conditions needs to have full regard to the controls imbedded within each, such as the prohibition of mineral excavation within the processing yard and the need to avoid processing extending to any other part of the site.

(c) It is preferable to identify exactly which of the current conditions are not considered satisfactory and to propose modifications to these accordingly, rather than start again.

(d) **Condition 1** suggests that the winning and working of sand includes the IDO area which would effectively then be treated the same as the Initial Review site, i.e. the working site approved by SJ/98/1472.

SJ/98/1471, however, states “No working of minerals shall take place within the IDO area as identified on Plan 1C, received on 23rd May 1998 by the Mineral Planning Authority, unless and until a scheme of working, restoration and aftercare has been submitted to and approved by the Mineral Planning Authority”. A 1:500 scale plan based on the Ordnance Survey should be part of the consent clearly delineating the existing limits to working.

(e) **Condition 2.** DG/MINSP/14-03 is the working plan proposed to replace M32m/27 and switches round two of the phases. Phase 1 (old) on the western boundary remains the same as Phase 1 (new). Phase 2 (old) on the southern boundary becomes Phase 3 (new). Phase 3 (old) in the southwest corner becomes Phase 2 (new).

There is no reason to replace the current working plan M32m/27. All the phases are already worked out and are in breach of the conditions as to restoration. This should be carried out immediately nullifying the need for a new Working Plan.

Condition 2 also makes reference to DG/MINSP/14-04 “Restoration Proposals” (September 2018) which are as described in Chapter 3 of the Environmental Statement dated March 2014. This description is set out below.

“3.6 Restoration

As previously referred to above this application is a review of the existing planning permissions, statutorily required to update the conditions attached to these consents. It should be noted, therefore, that this application does not propose to vary or amend the restoration of the site as currently permitted either by the 1998 IDO Permission or the 1998 Permission.

Restoration will be as shown on Plan M32m/28 and undertaken in accordance with the details approved under the 1998 IDO Permission and the 1998 Permission, as “carried over” and incorporated as part of this review”.

These proposed changes to conditions give rise to anomalies. For instance, M32m/28 states:

“NOTES

The restoration of the site shall be carried out progressively as extraction within each working phase is completed (see Proposal Working Phases on plan ref M32m/27)”.

This clearly conflicts with the proposed changes as it refers to what would be a defunct M32m/27 and a phased restoration which the applicant proposes to re-sequence, and which, in any case should have been completed already.

The restoration plan is inadequate and insufficiently detailed to achieve acceptable and enforceable levels of landscaping which meet the unspecified after-use of the site.

(f) **Condition 3.** This condition must clearly define that the depth of working is 23m AOD as set out in the written statement to the current working plan.

- (g) **Condition 3(i)** should make clear that “the pit side slope between the existing ground levels.” means the levels existing in 1998 and not 2019.
- (h) **Condition 8** requires strict noise limits to be set for all machinery and plant operated within the site to include both the Initial Review area and the IDO area.
- (i) **Condition 14** needs to be more rigorously defined as set out in our section 11, Archaeology with clear timescales, linked to the reinstatement of the working faces.
- (j) **Condition 15** restoration plan is inadequate. Referencing needs to relate to fully detailed plan and supporting details once these are submitted, linked to specific conditions specifying after-use and after-care arrangements and the period over which they are to be undertaken.
- (k) **Condition 16** requires the words ‘where practicable’ to be removed; the phases to be detailed; and all overdue restoration to be completed immediately.
- (l) **Condition 17** must ensure that all those parts of the site where overworking has taken place be restored to the approved gradients and all worked parts of the site be restored before any winning of available minerals for export from the site takes place.
- (m) **Condition 18.** Recognising the shortfall in site restoration these details should be prepared now and implemented immediately.
- (n) **A new Condition** needs to be included requiring the lake water to kept free from pollution, contamination and dumping, and regularly sampled and analysed and for remedial measures in this respect to be taken immediately.

20. Operator Fitness

We recommend that an operator working Minsted Sandpit must be a member of a relevant trade body, e.g. the Mineral Products Association to help ensure that best practice be followed in Minsted Sandpit’s operations and to adopt the basic core values that are recognised throughout the industry.

Notes:-

¹= Neither Chichester District Council nor the SDNPA have been able to produce any documentary proof of the existence of the Suspension Order.

²= The Concrete Batching plant was erected contrary to condition 10 of the consent SI/98/1471 and does not have the necessary planning permission. There is no evidence that its use is ancillary to the activities at Minsted Sandpit with the majority of material being imported.