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# Appeal Decision

Inquiry opened on 31 July 2012

Site visit made on 9 August 2012

**by Clive Sproule BSc MSc MRTPI MIEnvSc CEnv**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 November 2012**

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**Appeal Ref: APP/W0340/A/12/2173977**

**Old Kiln Quarry, Oxford Road, Hermitage, Thatcham, West Berkshire  
RG18 9XX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Grundon Sand and Gravel Limited against the decision of West Berkshire District Council.
  - The application Ref 11/00233/MINMAJ, dated 24 January 2011, was refused by notice dated 27 February 2012.
  - The development proposed is the continued extraction and processing of sand from Old Kiln Quarry incorporating a proposed extension, the retention of the existing site access, site offices, weighbridge and welfare facilities, the temporary diversion of footpath CHIE/37/2 and the temporary diversion of BOAT Chieveley 49, the retention of former advanced landscaping areas, associated works and the overall restoration of the site to agriculture with new tree and hedge planting.
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## Decision

1. The appeal is dismissed.

## Procedural matters

2. The inquiry sat for 6 days including 31 July, 1, 2 and 8 August, and 13 and 14 September 2012. The inquiry was adjourned between 8 August and 13 September 2012 to enable new evidence [inquiry documents 35, 36 and 37] to be considered, which sought to respond to matters that had arisen during the inquiry. Written representations on the new evidence were sought by 6 September 2012 and were the subject of exchanges at the resumed inquiry.
3. The description of the development included on the planning application form makes reference to the "...permanent diversion of BOAT Chieveley 49...". However, the application was determined on the basis that the diversion would be temporary. This is reflected in the description of development used above and is the wording on the Council's decision notice.
4. Attached to the appellant's Statement of Case are two plans, drawing numbers GR3476/001 Rev A and GR3476/003 Rev A, which modify the red line boundary of the appeal site where it indicates the site access through the adjacent motorway service area (MSA). These plans modify the red line boundary by omitting part of it, and replacing that part with a blue line on the plan that includes a "blue" line.
5. These amendments simply reduce the area of land enclosed within the red line boundary. Access to and from the development would still be through the

MSA. Drawing numbers GR3476/001 Rev A and GR3476/003 Rev A would not change the nature of the development proposed, but would provide greater accuracy and clarity regarding the routes through the MSA to access and exit the appeal site. The inquiry provided the opportunity for representations to be made in relation to these amendments, and given the nature of the changes made, parties would not be disadvantaged by their use in this case.

### Extension

6. The appeal scheme would extend the area previously granted planning permission (refs: 138995 & 153458) for mineral working at Old Kiln Quarry by opening up a new area of approximately 20ha for sand extraction to the south. It would also address extraction and restoration activity in the existing northern area.
7. The appellant has highlighted that if the appeal scheme were not to be considered as an extension, the provisions within Department for Transport Circular 01/2008 – *Policy on service areas and other roadside facilities on motorways and all-purpose trunk roads in England* may prevent the use of the existing site access. It is agreed by the main parties that if the appeal scheme were not considered to be an extension, an alternative access may need to be sought outside the MSA.<sup>1</sup> In this regard, the Highways Agency objected to a recent Energy from Waste proposal that would use the existing site access from the MSA, but made no objection to the temporary use of the access for the appeal scheme.
8. The new extraction area would be separated from the existing mineral workings at Old Kiln Quarry by the haul road which runs from the site access to the site compound and weighbridge. As noted in the description of development, the operator of the proposed new working area would use the existing site access, site offices, welfare facilities and weighbridge.
9. Although the appeal scheme would open up a distinct new area of mineral extraction, the scheme includes the existing working area and quarry facilities and directly abuts them. In addition, the Council determined the application on the basis of the (modified) description of development used above, and in these respects the appeal scheme would extend Old Kiln Quarry.

### Drawing number ALI-OKF-011 Rev C Fig 9b

10. Evidence to the inquiry provided further information, through drawing number ALI-OKF-011 Rev C Fig 9b, regarding a proposed relocation of the site compound and weighbridge area.<sup>2</sup> There would be benefits in the proposed re-siting of the weighbridge and site compound, both by enabling the early restoration of a greater area of the existing site, and by taking quarry traffic away from the route of the proposed temporary diversion of public footpath CHIE/37/2. These matters are not disputed by the main parties.
11. While ES paragraph 14.2.5 indicates that the context of the application was to *retain* the site compound and associated infrastructure in their existing positions, *retention* could also be interpreted as within the same location where that is taken to be the site as a whole.

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<sup>1</sup> Inquiry document (ID) 46 section G)

<sup>2</sup> ID 48

12. The amendments resulting from drawing number ALI-OKF-011 Rev C Fig 9b would all be within the red line boundary of the appeal site. However, the proposed site boundary is not that of the previous planning permission and as such, in moving the site compound into the extension area it would be moving into a new location. Therefore, the site compound, weighbridge and welfare facilities would not be *retained* within the context of the application that was made and the associated description of the development proposed. In this respect, the written description of development would need to be changed to accommodate the amendments within drawing number ALI-OKF-011 Rev C Fig 9b. Within the context of the application's description of development, and by changing significant elements of the scheme, the change would be substantial.
13. Reference was made to *R (on the application of L Davies) v Secretary of State for Communities and Local Government [2008] EWHC 2223 (Admin)* in this regard.<sup>3</sup> This highlighted that a public inquiry enables: evidence to be given orally that may clarify, and possibly alter, the environmental information before the inquiry; and, the public to comment on it. Landscape witnesses for both of the main parties to the inquiry commented on the proposed relocation. Furthermore, the site visit enabled parties who contributed to the inquiry to consider the implications of the existing and proposed sites for these facilities. Accordingly, the inquiry enabled the environmental information to be updated and clarified in relation to the proposed amendment and in this respect consideration of it would meet The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
14. However, it has not been shown that the amendment readily sits within the context of the development applied for. Rather than clarifying what is sought by the development proposed, modifying the description of development in this case would be to address the amendment described by drawing number ALI-OKF-011 Rev C Fig 9b. Moving substantial elements of the scheme, the location of which is included within the publicised description of development, are matters that statutory consultees and interested parties would reasonably expect to have the opportunity to comment on.
15. The appellant indicates that, while beneficial to the concerns of third party objectors who attended the inquiry, drawing number ALI-OKF-011 Rev C Fig 9b is not essential to the scheme. For the reasons above, consideration of the proposed relocation of the site compound, weighbridge and welfare facilities would potentially disadvantage those who made representations in regard to this case and accordingly, drawing number ALI-OKF-011 Rev C Fig 9b shall not be taken into account.

## **Main Issues**

16. These reflect the Council's reason for refusal and the exchanges during the inquiry and are whether the development proposed would: (a) provide for a steady and adequate supply of aggregates; and, (b) conserve and enhance the natural beauty of the North Wessex Downs Area of Outstanding Natural Beauty ("the AONB").

## **Reasons**

### Planning policy

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<sup>3</sup> ID 55

17. The Replacement Minerals Local Plan for Berkshire (RMLP) provides mineral planning policies for the area that includes West Berkshire District Council and a number of other local planning authorities. Originally adopted in 1995, it incorporates alterations from December 1997 and May 2001.
18. RMLP Policy 6 states that sand and gravel extraction will be judged in accordance with Policies 7 to 24 of the document. Also, that planning permission will only be granted where it is found that an acceptable balance would be struck between the need for the mineral and all other relevant planning considerations, and the application proposals would satisfy the detailed requirements of the RMLP.
19. RMLP Policy 15 indicates that planning proposals for the extraction of building sand will be considered having strict regard to the provisions of Policies 6 and 7, the issues in Policy 10 and the presumptions in Policies 11 to 13. Policy 15 states that (notwithstanding Policy 11(i) which indicates that there is the strongest presumption against allowing the extraction of sharp sand and gravel from the AONB) the local planning authorities will be prepared to grant planning permissions for the extraction of up to 150,000 tonnes per annum (tpa) from within the AONB. This is providing that all other requirements of these policies are met and the AONB would not be adversely affected by the operations proposed.
20. Issues in RMLP Policy 10 include: whether there is a need for mineral working to maintain levels of production and landbank figures; whether the need could be more acceptably met elsewhere; and, whether proposals overcome or accommodate all constraints associated with the considerations within Policy 7.
21. RMLP Policy 7 states that the merits of planning proposals for sand and gravel extraction shall be assessed within the context of RMLP Policy 6 and having regard to, amongst other things, the need to protect areas of attractive landscape and individual landscape features, and protect and enhance the recreation value of the public rights of way network.
22. Presumptions against the extraction on minerals within Policies 11 to 13 are in relation to effects on a variety of matters, such as, areas designated for their nature conservation value and scheduled ancient monuments.
23. No specific policies regarding minerals extraction were included within the West Berkshire District Local Plan 1991-2006 (LP). The Council's decision notice refers to a number of saved LP policies including: LP Policy OVS.2 which sought all development proposals to accord with other LP policies; LP Policy ENV.1 aimed to conserve and enhance the special features and diversity of landscape character areas in the locality; and, Policy ENV.18 which was only permissive of development outside settlements where it would, amongst other things, benefit the rural economy.
24. Following the submission of the appeal and prior to the inquiry, the Council confirmed that it adopted the West Berkshire Core Strategy (CS) on 16 July 2012. The CS does not contain any specific policies in relation to mineral development and has replaced the LP policies referred to on the decision notice.
25. CS Area Delivery Plan Policy 5 (ADPP5) addresses development in the AONB noting that development has to conserve and enhance local distinctiveness, respond positively to the local context and respect identified landscape features

- and components of natural beauty. CS ADPP5 seeks to support the economy of the AONB and refers to various specific economic sectors, but in doing so makes no specific reference to mineral working.
26. The Council's reason for refusal also referred to Minerals Policy Statement 1 – *Planning and Minerals* and Planning Policy Statement 7 – *Sustainable Development in Rural Areas* (PPS7). These have since been replaced by the National Planning Policy Framework (the "Framework").
  27. Paragraph 144 of the Framework is within a section entitled *Facilitating the sustainable use of minerals*. It states that, amongst other things, when planning proposals for mineral extraction are determined: great weight should be given to the benefits of mineral extraction, including to the economy; and, as far as practical such decisions should provide for the maintenance of non-energy minerals land-banks from outside designated locations, such as AONBs.
  28. Paragraph 115 of the Framework also indicates that great weight should be given to conserving landscape and scenic beauty in AONBs (and in National parks and the Broads), which have the highest status of protection in these regards. Paragraph 116 follows and is clear that planning permission should be refused for major development in designated areas unless exceptional circumstances exist and the development would be in the public interest.
  29. The Council notes that The South East Plan (SEP) contains no policies regarding mineral working in the AONB, but that SEP paragraph 10.65 indicates that it would only be in exceptional circumstances that processing or extraction would be allowed in an AONB, which should be conserved and enhanced. The appellant refers to paragraph 10.62 of the document which highlights that demands are likely to require consideration of extraction in more sensitive areas, and that in accordance with paragraph 10.74 minerals should be provided to meet regional and national needs. SEP Policies C3 and M3 have been referred to in these regards.
  30. Attention has been drawn to the age of the RMLP and the evidence base that led to the adoption of its policies, and that the document is now read in the context of the very recent policy within the CS and Framework. However, the RMLP remains adopted development plan policy with specific minerals policies for this area.

### ***Aggregate provision and need***

31. Although it is the Government's policy to revoke existing regional strategies that include SEP, policies within SEP remain part of the development plan for this area. Policy M3 deals with the supply of primary aggregates, which includes building sand. SEP Policy M3 states that mineral planning authorities should plan to maintain a landbank of at least 7 years for land won sand and gravel.
32. Paragraph 145 of the Framework states that mineral planning authorities should plan for a steady and adequate supply of aggregates by, amongst other things, preparing a Local Aggregate Assessment (LAA) either individually or jointly with other mineral planning authorities. The LAA should be based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options.

33. The South East Aggregates Monitoring Report 2010 (AMR2010) indicates the consented reserves of building sand in the South East to be approximately 15.6 years supply within the context of the Framework. However, AMR2010 Table 4 shows the combined sand and gravel landbank in Berkshire to be 7.4 years, and the main parties agree that this has now probably fallen to below 7 years due to continued extraction without new reserves being permitted. Accordingly, the agreed position is that SEP Policy M3 is probably not being met. Furthermore, neighbouring counties of Oxfordshire, West Sussex and Hampshire are noted to have sand and gravel landbanks of 4, 5 and 6.8 years respectively.<sup>4</sup>
34. Notwithstanding the possible future directions in which the District Council may seek to take its minerals planning policies, SEP paragraph 10.74 recognises that “...*Although self-sufficiency of supply is in theory desirable, in practice it is unachievable at either regional or local level in the South East for minerals such as aggregates or gypsum...*”. SEP paragraph 10.66 notes that deposits of sharp sand and gravel, and to a lesser extent soft sand, have enabled markets in the region to be supplied over short distances.
35. Supporting text to saved RMLP policies recognises, in RMLP paragraphs 5.42 to 5.45, that a continuation of previous rates of extraction of building sand from the AONB could be acceptable. The appropriateness of development proposals would be considered with reference to other development plan policies, including the RMLP policies referred to above. Paragraph 5.45 confirms that extraction of 150,000tpa, provided for by RMLP Policy 15, is an upper limit that “*is in no way a ‘target’ figure*”. The RMLP confirms that there is no implied landbank requirement from the AONB alone, which is consistent with the aims of paragraph 144 of the Framework.
36. The appellant draws attention to the recognition within RMLP Policy 15 and its supporting text that building sand is needed for construction uses that would not be met by reserves of sharp sand and gravel. Also highlighted is that the overall thrust of current development plan policy for minerals is economically based to promote development, while having due regard for landscapes. As noted above, the recently published Framework accords great weight to both the benefits of mineral extraction and the conservation of the landscape and scenic beauty of AONBs.
37. The Statement of Common Ground (SoCG) and the subsequent *Updated Note of Further Agreed Matters*,<sup>5</sup> indicate that the main parties to this appeal agree that the basis of policy for the steady and adequate supply of (aggregate) minerals is now set out in paragraphs 142 to 145 of the Framework.
38. Oxfordshire and Hampshire were noted to have LAAs in place that consider meeting their own needs.<sup>6</sup> West Berkshire District Council has yet to bring forward a LAA for its area. The appellant has referred to sales from Old Kiln Quarry over the 14 years between 1998 and 2011, and has provided other statistical information to support its case.<sup>7</sup> However, it remains the District Council’s view that in the absence of a LAA, the appellant has failed to provide convincing evidence to demonstrate need, and simply seeks to justify the scale of extraction sought.

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<sup>4</sup> ID 46 paragraphs I) 6 & 7

<sup>5</sup> ID 46 which was developed from ID 35

<sup>6</sup> For example, at paragraphs 11.2.41 and 11.2.55 of Mr Fidgett’s PoE

<sup>7</sup> Material such as pages 45 to 50 of Mr Fidgett’s Proof of Evidence (PoE) and ID 35

39. The appellant's alternative site assessment suggests a principal market area for mineral from the appeal site between Oxford, Slough, Andover and Marlborough.<sup>8</sup> Even so, it was not established what geographical area the appeal site would serve, and correspondingly what the demand for building sand would be within it. Evidence indicates that typically building sand would be expected to (sustainably) travel up to 20-30 miles from a site by road, although sales data indicates that significant quantities of sand from the appeal site have travelled much further.
40. Housing delivery for the CS was raised as relevant local information in the consideration of the likely need for building sand. The main parties subsequently failed to agree on the likely annual requirement for building sand in West Berkshire, or a suitable ratio of future housing to existing population to act as a basis for estimates. Following consideration of housing and other construction demands, the ratio of 1:9 used for SEP and more recent research, the main parties agreed a range between 11,813 and 78,750tpa.<sup>9</sup> This range is based on ratios of 1:0.5 and 1:9, and does not include sand that may be used by the nearby Marley tile works, which is a distinct market with specific requirements that is supplied from a variety of sources.
41. For the whole of Berkshire, and using a ratio of 1:0.5, ID 46 estimates that 1.27mt of building sand would be required in the period to 2026. This equates to 90,000tpa.<sup>10</sup>
42. Housing commitments in the settlement areas of Windsor, Maidenhead and Bracknell would be within a 30 mile radius of the appeal site, with Slough further.<sup>11</sup> These locations could be supplied from the appeal site, but equally it is possible that they could be supplied from other locations within a 20-30 mile radius of them. RMLP paragraph 5.39 recognises the scale of the soft sand reserves that have been available from other counties in the South East and AMR2010 indicates that substantial landbanks remain in other parts of the region.<sup>12</sup> Also, the Council has highlighted a number of quarries that are outside the AONB and that may be able to supply building sand to West Berkshire with travel distances below 20-30 miles.<sup>13</sup>
43. There is clearly a very considerable degree of difference between the main parties regarding the quantity of building sand needed to support planned growth, and the potential local sources of supply. It is the Council's case that to provide more mineral from the appeal site than would be necessary would be contrary to the objective of Framework paragraph 144 that seeks landbanks of non-energy minerals to be maintained, as far as practical, outside designated areas such as the AONB.
44. It is estimated that of the 760,000t reserve applied for, there would be 700,000t remaining to be worked that would equate to 9.5 years supply taking into consideration process losses and the occasional presence of clay and silt. This is indicative of the varying nature of geological deposits. While a degree of variability is to be expected, it has not been shown that it would be so great

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<sup>8</sup> Paragraph 3.6 of the addendum to ES section 14

<sup>9</sup> ID 46 – page 3, paragraph B) 5

<sup>10</sup> ID 46 – page 4, paragraph C) 5

<sup>11</sup> ID 46 – page 4, paragraph C) 4

<sup>12</sup> Table 4 of Appendix 16 to Mr Meldrum's PoE

<sup>13</sup> Appendix 10 of ID 39

- in the southern area of the site that the proposed extraction would fail to produce marketable building sand.
45. It was suggested that sand from the appeal site could be used for plastering. However, it has not been demonstrated that this was a use of material from the existing site, nor does evidence show (through a sufficient number of analysed samples) that mineral in the southern area would be likely to provide workable deposits of plastering sand.
46. Recently the District Council granted planning permission for further extraction within the AONB at the neighbouring Copyhold Quarry, and noted that this followed the demonstration of exceptional circumstances. Sand from the Copyhold site that would previously have gone to a tile factory is currently available to the building sand market.<sup>14</sup> This could be 25,000tpa from a reserve of approximately 137,000t, but this sand is worked within the context of other operations. The appellant notes these to have paused production in an area where an adequate landbank for sand and gravel is probably not being provided.
47. Appellant sales data for Old Kiln Quarry includes figures for 2009 to 2011 that were particularly low.<sup>15</sup> While current economic circumstances are challenging, variations in sales data could occur for a variety of reasons and would be expected within the 10 year timeframe that is the subject of paragraph 145 of the Framework.
48. The Council has supplied figures for various scenarios that show the 70,000tpa sought by the appeal scheme would be in excess of the building sand required by local markets. The Council's need assessment for 10 years of sales is made with reference to the population and area of Berkshire. These produce demand/need assessments that are very low in comparison to the 10 year recorded sales from Old Kiln Quarry, even taking into consideration the sales of material to locations at distance from the AONB where the building sand was worked. Approximately 58% of the actual deliveries/sales of mineral from Old Kiln Quarry were to locations in the county of Berkshire.
49. Given the development objectives of the CS, the appellant considers that it would be illogical to put the supply of building sand in this area on hold until there is a new minerals plan for the West Berkshire District Council area. The degree to which the District Council would cooperate with other mineral planning authorities in bringing forward replacement mineral planning policies has yet to be determined.<sup>16</sup>
50. Paragraphs 17 and 18 of *The Planning System - General Principles* indicate that, in some circumstances, it would be justifiable to refuse planning permission on grounds of prematurity where a development plan document (DPD) is being prepared or is under review. In this case, there is not yet an emerging DPD that would be prejudiced by the scale, or the cumulative effects of the appeal scheme in relation to other supplies of building sand in the area.
51. Attention was drawn to a letter from the appellant company in 2001.<sup>17</sup> It confirmed that other soft sand reserves in Berkshire, at Knowl Hill which lies

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<sup>14</sup> Letter at Appendix 14a of Mr Meldrum's Supplementary PoE

<sup>15</sup> Table on page 47 of Mr Fidgett's PoE

<sup>16</sup> ID 46 paragraph C) 2

<sup>17</sup> ID 40

- outside the AONB, were being worked and made available to the market. Indeed, research carried out in connection with SEP suggests there are considerable reserves (possibly over 300,000,000t) of soft sand in West Berkshire that are unconstrained by environmental designations.<sup>18</sup>
52. The appellant has questioned the suitability of deposits outside the AONB, not least in the light of test results for Knowl Hill Quarry and the recognition of such variability in the RMLP. Work that sought to identify sites for extraction outside the AONB has been referenced and set against industry knowledge.<sup>19</sup> Analyses of borehole data have been supplied, along with a single quarry test result for a sample taken outside the AONB.<sup>20</sup>
53. It demonstrates there to be considerable variability within mineral deposits and significant areas with a depth of overburden that questions the viability of deposits that may include building sand. However, this is in an area where the appellant company has previously stated that workable deposits of building sand have been found.
54. Geological variability and the consequences of it has also been evident during the working of the northern area of the appeal site, the phasing of which was altered to address the presence of sharp sand.<sup>21</sup> Therefore, the variability of geological deposits in the wider locality and the resultant challenges to mineral operators are clear.
55. Evidence presented to the inquiry referred to a number of matters that would reduce confidence in the results of the appellant's alternative site assessment.<sup>22</sup> As noted above, the Council has indicated possible other sources of building sand within 20-30 miles of the appeal site, and such sites are also the subject of RMLP paragraph 5.38.
56. RMLP paragraph 4.6 indicates that while the location and likely quality of sharp sand and gravel deposits in Berkshire has always been well understood, that is not the case for reserves of soft sand. It recognises that soft sand deposits are much more variable and therefore, reliable information regarding the distribution of commercial reserves was not available.
57. The appellant has addressed the general availability of sand and the geology of the surrounding area, the quality of the building sand deposit on the appeal site, and constraints in other parts of the wider region.<sup>23</sup> However, it has not been shown with sufficient probability that building sand would be unavailable from nearby locations that would be outside the AONB, and close to areas of demand.
58. As noted above, the "local" sales to Berkshire from Old Kiln Quarry have only been in the region of 58% of the mineral extracted. Some of the distant locations are noted to have involved "back haul" journeys in vehicles that have made deliveries to the area.<sup>24</sup> The proximity of the site to major roads would make such journeys likely, but the probable number of two-way movements

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<sup>18</sup> Paragraph 7.22 and Appendix 14 of Mr Meldrum's PoE

<sup>19</sup> Page 57 of Mr Fidgett's PoE, RMLP paragraph 4.6 and the addendum to ES section 14, including paragraph 3.24

<sup>20</sup> Appendices 6, 7 and 8 of Mr Fidgett's PoE and IDs 49 & 50

<sup>21</sup> Paragraph 4.6 of Mr Meldrum's PoE

<sup>22</sup> For example matters referred to in paragraph 7.48 of Mr Meldrum's PoE

<sup>23</sup> For example paragraph 2.10.4 of Mr Fidgett's Response Proof of Evidence

<sup>24</sup> Paragraph 11.1.19 of Mr Fidgett's PoE

has not been confirmed, along with other potential sources of supply to these distant locations outside the AONB.

59. Demand for building sand in the South East has fallen by 45% in the last 10 years, which coincides with the adoption of building techniques that reduce the use of the material.<sup>25</sup> A demand nonetheless remains and currently consented reserves in Berkshire could conceivably be exhausted prior to the intended adoption of the District Council's new minerals policies in mid-2015.
60. The RMLP was adopted prior to AONBs being placed, through the Countryside and Rights of Way Act 2000, on the same footing as National Parks. The Council considers that the figure in RMLP Policy 15 should be reduced as an apportionment to 87,000tpa, noting the 150,000tpa is a maximum rather than a target figure. Even so, the policies of the RMLP remain adopted development plan policies for this area.

#### Conclusion on aggregate provision and need

61. Paragraph 145 of the Framework reflects extant development plan policy in SEP Policy M3, by seeking the provision of at least a 7 year landbank of planning permissions for sand and gravel. In this case, it is agreed that there is probably less than 7 years sand and gravel provision remaining in Berkshire and the appeal scheme complies with this part of the development plan.
62. Framework paragraph 145 is also clear that whether there is a steady and adequate supply of aggregate should be through an assessment based on 10 years of sales data, local information and an assessment of all supply options. Sales data provided includes years of very considerable economic growth, and the assessment of it has taken into account other relevant local information, including possible other sources of supply (and issues that are relevant to RMLP Policy 10 through RMLP Policy 15).
63. While the appellant considers that it would be unfair for other areas to meet the needs of Berkshire, other areas (and indeed Berkshire) may have reserves of sand and gravel, including building sand, that are not constrained in the way that reserves are in much of West Berkshire. In this respect, the local information in this case indicates that reserves outside the AONB could have supplied much of the 42% of sales outside Berkshire during the period for which data has been provided.

#### **AONB**

64. It is the Council's case that even if it were to seek to meet Berkshire's needs through reserves within the AONB, the current appeal scheme would be a form of major development that would provide building sand at levels in excess of that required, and as such, the scheme would fail to demonstrate exceptional circumstances that may justify the granting of planning permission within the context of paragraph 116 of the Framework. This view results from the proportion of previous sales from Old Kiln Quarry that were used within Berkshire.

#### Character of the area

65. The landscape around the appeal site includes a shallow rolling valley that has steeper slope elements evident within it. It is within the *Thames Basin Heaths*

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<sup>25</sup> Paragraph 7.20 of Mr Meldrum's PoE

National Character Area, with the nearby *Berkshire & Marlborough Downs* character area to the north of the M4, which is immediately to the north of the appeal site. Various landscape character studies have been referred to, including the North Wessex Downs AONB: Land Use Consultants Integrated Landscape Character Assessment 2002. This indicates the appeal site to be Character Area 8A - *Hermitage Wooded Commons* within Landscape Type 8 - *Lowland Mosaic*. This has a *diverse and complex* rural landscape that reflects its geology. A strong woodland character is evident, with dispersed settlements and arable farmland. Roads and development are seen to dilute the rural character in certain locations. These characteristic elements are apparent in the area around the appeal site.

66. District Council landscape evidence also gave consideration to Local Landscape Character Areas, defining areas of Lowland Farmland, Wooded Ridge, Road Infrastructure, Mineral Extraction, Recreation/Farmland, Residential and Institutional, which are associated with the range of land uses in the locality. Of these, residences within settlements are at some distance from the appeal site and do not form part of the immediate setting.

#### Representations made

67. In responding to consultation at the application stage, Natural England (NE) objected to the scheme in regard to its potential impact on the AONB. It was noted that the development would be within the *Hermitage Wooded Commons* landscape character area, and that conserving and enhancing the quiet secluded character of the area is a management objective for it. Attention was also drawn to the requirement within section 85 of the Countryside and Rights of Way Act 2000 for regard to be had to the purpose of conserving and enhancing the natural beauty of the AONB.
68. NE subsequently welcomed the submission of an amended ES *Landscape & Visual* chapter, and suggested that the AONB Management Plan could provide ways in which local character and distinctiveness could be preserved. NE agreed with the conclusions drawn, which included that in landscape terms the likely impact of the proposed development would be of limited extent and temporary duration.
69. No objection was received from the Council's landscape consultant, Kirkham Landscape Planning Ltd. The consultation responses comment on the southern area being more visually exposed, but that additional woodland would be planted, along with hedgerows, hedgerow trees, and ecological enhancement. The replacement of historic hedge alignments and additional trees were noted to "*help to disguise the new contours which might look incongruous if the site were returned to one field*".<sup>26</sup>
70. Kirkham Landscape Planning Ltd recognised that the short term impacts of the extraction would not be compatible with the conservation and enhancement of the AONB, but could be partly mitigated by advanced planting, the proposed phasing and the visibility of the operational area. Recommendations were made for improvements to the scheme, which were subsequently addressed. It was concluded that if better screening was provided of existing highway related infrastructure and the contours did not appear incongruous, "on balance" the site would be suitable for extraction.

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<sup>26</sup> Page 2 of Kirkham Landscape Planning Ltd comments dated 4 October 2011

71. The District Council's reason for refusal states that the quarrying activity would have adverse impacts throughout the operational phase of the development that would adversely impact on the AONB.
72. The North Wessex Downs AONB unit initially objected to the proposal, but was prepared to withdraw its objection following discussions on various matters in relation to need, alternative supplies of building sand, landscape and ecological impact, and the scope of possible planning conditions. Following the Council's refusal of planning permission, the AONB unit made a representation in regard to the appeal and subsequently appeared at the inquiry. Mr Lord confirmed the Unit's position to be that, as no exceptional circumstances had been demonstrated in relation to the proposed development, the harm that would be caused to the AONB had not been justified.
73. Ms Marsh presented the District Council's landscape evidence at the inquiry. In doing so, she questioned the suitability of the contours proposed for the restored landform in the southern area. While this was not the focus of the Council's reason for refusal, these are matters of professional judgement and reflect concerns expressed by the Council's landscape consultant at the application stage.
74. The appellant suggests that in relation to the Chieveley Oare & Curridge Parish Plan, a low percentage of responses referred to quarry sites as a matter of concern. However, the question asked was in regard to regular disturbance, with private fireworks, helicopters and antisocial behaviour also matters of concern.<sup>27</sup> In relation to the appeal scheme and this inquiry, many local people did make representations regarding its possible effects, both temporary and permanent, on landscape and other matters.

#### Existing visibility

75. The visual envelope of the appeal site is noted to be mostly within 1.5km of it.<sup>28</sup> Within this there are areas of "high disturbance" that have affected the natural beauty of the AONB. The degree to which these features are evident in views is dependent on the location and the aspect being taken, but overall they would be more apparent during the seasonal absence of deciduous vegetation.
76. Highway infrastructure, that includes the MSA and the buildings associated with it, has modified the landscape. In views across the southern area of the appeal site the pyramidal roof of the MSA building is often visible above existing planting, but the form and the colour of the materials used in the structure's construction reduce its level of intrusion in these aspects. In future years the continued growth of this existing vegetation would be expected to increase the level of screening it provides in views from the direction of the appeal site.
77. As landscape features, the scale of the highway infrastructure is considerably more significant in some views than others, but the rural character of the locality is predominant and this is reflected in its designation as an AONB.
78. A number of residential properties are located to the west of the A34 that would have views toward the proposed operations at an elevation and distance that would cause these locations to be highly sensitive to the visual effects of the scheme.

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<sup>27</sup> ID 12 – question 29 on page 34 of The Parish Plan – February 2011

<sup>28</sup> Paragraph 4.6.1 of Ms Marsh's PoE

### The effects of the proposed activity

79. Evidence highlighted the areas of disagreement between the main parties regarding the significance of visual impacts associated with the appeal scheme.<sup>29</sup>
80. Mineral workings have been present in this locality for a number of years and in this respect the workings have a degree of 'familiarity' to those who experience them. Even so, that does not significantly diminish the effects for people who seek to enjoy the natural beauty of the AONB.
81. The proposed extraction in the southern area of the appeal site would be more apparent than the existing workings due to its position on the side of a valley. Aspects taken during the site visit enabled the visibility of the site to be confirmed from a number of locations in the surrounding area, including positions highlighted by the users of the local rights of way.
82. The Council notes the total period of negative effects from the appeal scheme, including those on landscape, would be at least 23 years followed by slight positive landscape benefits.<sup>30</sup> The ES estimates significant positive improvements due to the maturing of advanced planting from year 17 onwards from the implementation of full restoration.
83. The ES Landscape and Visual Assessment found that in the absence of mitigation, residential properties to the west of the southern area would experience a moderate negative effect. Substantial negative impacts would be experienced by users of the diverted Chieveley Footpath 37 and Chieveley Byway 49, both of which would provide close views of the mineral extraction.
84. Mitigation of the operational impacts would be assisted by factors such as the proposed phasing, working the mineral in certain directions, and advanced planting, including that associated with the early restoration of the northern area. While each proposed phase of working is a distinct area, there would be movement of materials between them, which would have implications for the total area of disturbance at any one time.
85. Bunding and advance planting could be modified to further accommodate the needs and interests of walkers and horse riders, which would reduce the impacts on near views of the site from public rights of way. However, planting would typically use smaller specimens to achieve higher rates of establishment and this can be expected to delay the effectiveness of such screening.
86. There would be substantial adverse effects on the visual amenity of users of rights of way through the close proximity of the operational activity and the screening bunds. Where screening bunds would restrict views of the mineral extraction, they would also be expected to reduce the experience of the wider AONB, even if that includes elements of highway infrastructure and associated development.
87. Users of rights of way in the vicinity of the proposed workings would experience these impacts in a transient way on a network of routes that lead to other locations and the aspects these provide. Nevertheless, for many of the users who made representations to the inquiry, the quality of the landscape is

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<sup>29</sup> Including section 5 of Mr Furse's Rebuttal PoE

<sup>30</sup> Paragraph 7.55 of Mr Meldrum PoE

an important element, if not a central reason for their use of these public rights of way, which are often within easy reach of where they live.

88. While phasing, advance planting and the distance to residential properties to the west of the appeal site would provide some mitigation, areas of extraction would nonetheless be apparent where presently there are agricultural fields and woodland beyond. These elements of the landscape provide natural beauty, even when they are seen in continuity with highways infrastructure. Proposed mitigation would not be sufficiently effective to prevent occupiers of these properties experiencing moderately adverse effects from the appeal scheme over a considerable period of time.
89. Cumulative effects have also been referred to. Paragraph 144 of the Framework indicates their relevance to the determination of applications for mineral working, and the ES Addendum considers the in-combination effects of the appeal scheme with other potential developments. In this case convincing evidence has not been produced to support concerns regarding the significance of possible cumulative effects.

#### Restoration objectives

90. The remnant landform created following extraction in the southern area of the appeal site would reflect parts of the restoration currently being carried out in the northern area. This is producing a modified landform with a fairly level central area and slopes enclosing it on three sides. In places these slopes have steeper gradients than proposed for the southern area, but given their form and context, the northern restoration would reflect elements of the landscape around it.
91. However, in contrast to the topography being created in the northern area, the appeal scheme includes a spur of land that would remain in the southern area between phases 1 & 3 and 2 that would obviously depart from the characteristically undulating landscape around it. This would occur even though the appellant considers the Council's assessment of local landscape character to be misleading regarding the landform in the local area. At present it contains a line of mature trees that make a significant contribution to this landscape. Retaining these trees, along with the lone tree in the centre north of the southern area, would help to conserve the vegetated character of the locality.
92. To demonstrate this, attention was drawn to a similar nearby line of trees in the area of Longcroft Wood.<sup>31</sup> In contrast to the contours and landform depicted on ES Section 11 Fig1 Rev A to the west of these trees, when viewed during the site visit the trees have and would retain their position within an agricultural field that has contours which reflect the characteristic natural topography in the locality. They did not have the appearance of a topographic spur in the landscape, nor were any other examples readily apparent within it.
93. Until the establishment of effective screening from advanced planting, this obviously modified restoration landform would be present near to the MSA and changed topography of the A34 and M4 routes and intersection. The appellant notes this infrastructure reduces the sensitivity of the landscape to the change proposed and draws attention to the assessment of the sensitivity of the nearby Newbury Showground site. In that instance the Council's landscape

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<sup>31</sup> As referred to in paragraph 2.1.2 of Mr Furse's Rebuttal PoE

consultant found the new livestock building proposed would have a major landscape and visual impact on the AONB (although Council Members are noted to have found it acceptable). Indeed, the Council Officer's Report concluded that the location of the showground site in relation to the A34 / M4 intersection made *no difference in policy terms...but clearly it makes a degree of difference in physical terms.*<sup>32</sup>

94. The modified landforms associated with this road infrastructure have a clear and continuing associated function, whereas when views of the proposed remnant spur would be obtainable, it would appear as a landscape anomaly to some viewers and an indication of past (field size and shaped) mineral extraction to others. As noted above, the potential for this is recognised within the Council's landscape consultant's response in October 2011.
95. Advanced planting is proposed that would eventually provide additional screening of views from the direction of the A34 toward the dry valley that would remain after the phase 2 workings. In this respect, it could be seen to extend the Council's local landscape *Wooded Ridge Character Area*, but the evidence provided does not clearly demonstrate how effective this would be in views from the west taken during site visits. Planting, which would be mostly deciduous, would take time to establish and could be lost at some point in the future, whereas the restored landform would have significantly greater permanency.
96. When seen, the landform would be an incongruous restoration feature that would fail to reflect the landscape character that has evolved to include areas of cleared woodland, and larger fields with straighter boundaries on lower and flatter terrain. These field patterns and their relationship with associated woodlands were observed on site and are described in relation to the *Hermitage Wooded Commons* character area.<sup>33</sup>
97. When the policies within the RMLP were brought forward, it was recognised that building sand may need to be worked within the AONB and planning permissions at Old Kiln Quarry and Copyhold reflect this. Each application and appeal falls to be determined on its individual merits within the context of relevant planning policy and other considerations, and RMLP paragraph 5.44 is clear that *"...It remains very firmly the authorities' view that there should be the strongest presumption against any applications which would adversely affect the special character and appearance of the AONB..."*.
98. Up to three phases of the southern area could be operational at the same time as soils are moved between areas prior to and after extraction, which would contribute to the adverse effects.<sup>34</sup> While the scheme has been designed to include mitigation, adverse effects would nonetheless be experienced during and after the development proposed. For these reasons, the proposed development would fail to conserve and enhance the AONB.

### Major development

99. With reference to paragraph 116 of the Framework, the appellant does not accept that the appeal proposal is major development, and suggests that the Framework is not prescriptive of an absolute level at which development is

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<sup>32</sup> Paragraphs 6.3.1 to 6.3.4 of ID 16

<sup>33</sup> Paragraph 15.30 within Appendix A to Mr Furse's Rebuttal PoE

<sup>34</sup> Paragraph 93 of ID 39

considered to be "major" development. Reference is made to the consideration of "major development" within PPS7, but PPS7 is no longer government policy.

100. I therefore turn to extant planning legislation. Statutory Instrument 2010 No.2184 - *The Town and Country Planning (Development Management Procedure)(England) Order 2010* defines "major development" as amongst other things "...(a) the winning and working of minerals or the use of land for mineral-working deposits..." and "...(e) development carried out on a site having an area of 1 hectare or more...". The appeal scheme falls within both of these categories, and it has not been adequately explained why this definition should not apply in this case.
101. Additionally, the Council highlights the stances taken by the appellant in relation to planning policy and the applicability of Environmental Impact Assessment Regulations to the scheme. The nature of the appeal scheme would change the landform of an area that is valued for its natural beauty, and it would be of substantial size, extracting in the region of 760,000t of mineral from an area of land well in excess of 1ha. Accordingly, by its scale and the operations that would take place, the appeal scheme is considered to be a form of major development.

#### Assessments in regard to paragraph 116 of the Framework

102. Paragraph 116 of the Framework states that three assessments should inform the consideration of whether exceptional circumstances exist that would justify granting planning permission for a major development proposal that has been shown to be in the public interest. The public interest in this case would be the requirement for building sand to support the current and planned development to facilitate growth in Berkshire.
103. The first of these assessments is the need for the development, taking into account any national considerations and the possible impact of the proposal on the local economy. The agreed landbank position indicates that there is a need for the development proposed, and if this appeal were to be refused, current reserves of building sand could be exhausted prior to the Council's adoption of new minerals planning policies. However, the evidence in this case suggests that in such circumstances alternative sources of supply would reasonably be expected to support the local economy in West Berkshire, and in other areas that would otherwise receive sand from the appeal site.
104. While the employment and spending provided by the quarry would be important to people in direct receipt of them, it has not been shown that these factors would be of particular importance to the local economy as a whole. Therefore, if this appeal were to be refused, it would not be likely to have an unacceptable effect on the local economy.
105. Turning to the second assessment, in contrast to establishing a site elsewhere outside the designated area, the appeal scheme would benefit from the reduced costs associated with the on-site availability of the existing access and haul road, site compound, weighbridge and welfare facilities. Mineral transport costs could also increase if building sand is sourced from locations that are not located close to the need that they would be meeting.
106. However, following consideration of the points raised in the appellant company's evidence, there remains a significant degree of doubt regarding the inability of sites outside the AONB to produce building sand. The appeal site is

located next to major highways, which would assist the distribution of mineral from the proposed development. Even so, alternative sources of building sand could be favourably located in relation to development activity in the wider locality, enabling mineral to be supplied at no greater cost than would result from the appeal scheme.

107. The third assessment is in relation to any detrimental effect on the environment, landscape and recreational opportunities, and the extent to which the effects could be moderated.

#### Effects on the environment

108. Consultation at the application stage included Natural England, who noted that the appeal site lies close to habitats which form part of the Kennet and Lambourn Floodplain Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Section 9 of the ES notes that the appeal site would be worked dry and there would be no changes in ground water levels. Nor would the development result in effects such as habitat fragmentation, or increased predation. Following consideration of the evidence, it is concluded that either alone or in combination with other plans or projects, the appeal scheme would not be likely to have a significant effect on the SAC. Nor would it be likely to damage the special interest features of the SSSI.
109. Recent survey information provided within the ES indicates that Great Crested Newts (GCN) have been recorded in ponds in woodland around and near to the appeal site. Amongst the other species recorded were bats feeding around the perimeter of the extension area. Both bats and GCN are species protected through the Wildlife and Countryside Act 1981 (as amended) and Statutory Instrument 2010 No.490 - *The Conservation of Habitats and Species Regulations 2010*.
110. No bat roosts would be lost through the development. The appeal scheme would result in change to the habitat on the appeal site and operational effects such as the emission of noise and dust. Although invertebrate production may be reduced by activities within the extension area, the surrounding woodland would remain and additional habitat would result from restoration works in the northern part of the application site. Given the relative qualities of these habitats, the development would not have an adverse effect on bats.
111. The availability of good woodland habitat around the appeal site would also ensure that the effect on GCN should be low. Nevertheless, mitigation and compensation measures are proposed. Natural England welcomed the submission of ecological surveys with the application and recommended consultation with the Council's Ecologist, along with GCN mitigation conditions if planning permission were to be granted. Proposed mitigation measures include detailed trapping and capture surveys with translocation of captured GCN into areas unlikely to be affected by the operations.
112. It is not the purpose of this decision to consider the likelihood of an authority granting a licence in relation to a protected species. Regarding the requirements of Statutory Instrument 2010 No.490 - *The Conservation of Habitats and Species Regulations 2010*, including Regulation 9 (5), as noted above the public interest in this case would be the requirement for building sand to support the current and planned development to facilitate growth in Berkshire and it could be overriding. Proposed conditions would address

restoration, habitat creation and newt mitigation measures, which would enable development to proceed without harming GCN at a favourable conservation status in its natural range.

113. This reflects the conclusions of the Council's Principal Ecologist on this matter. By creating additional ponds and habitat the appeal scheme would eventually benefit species that would use them. However, it has not been shown that there would be no satisfactory alternative to the proposed development.
114. Other possible effects on the environment have been considered by the ES and could be adequately addressed through planning conditions. When consulted on the proposed development the Council's Environmental Control Officer did not object to it, subject to the imposition of conditions in relation to noise and dust.
115. Local residents have heard noise from reversing alarms that would appear to have originated from the existing workings in the northern area of the appeal site. Given the relative remoteness of the proposed operations from dwellings in the locality, along with the presence of highway related noise, a condition regarding the type of reversing alarms used on the site would be expected to significantly reduce the potential for reversing alarms to be heard at distance from the quarry.
116. Paragraph 112 of the Framework indicates that account should be taken of the economic and other benefits of best and most versatile agricultural land. In this instance, the agricultural land that forms the appeal site would be reinstated following the temporary minerals extraction, whereupon the economic and other benefits of the land could once again be realised.

#### Effect on recreational opportunities

117. Existing recreational opportunities in the vicinity of the appeal site are focussed on the rights of way. The SoCG notes that subject to the imposition of conditions and the provision of long term enhancements, the Council has no objection to the proposed diversions. A condition has been suggested that would address the provision of a scheme for the treatment of rights of way and temporary routes within the appeal site.
118. The proposed routes would provide recreational and other opportunities for users of the public rights of way network. These would not be the original routes and the landscape would be further modified around them. The visual effects of this are addressed above.
119. Users of the rights of way network in the vicinity of the proposed operations would be expected to experience a certain degree of noise and dust. However, these effects would be likely to be transient experiences that would not be sufficient to be unacceptably harmful to the enjoyment and use of the network.
120. Other recreational opportunities in the locality, such as the Newbury Showgrounds to the north of the M4, are at sufficient distance from the development proposed to significantly reduce potential impacts upon them.

#### Conclusion regarding the AONB

121. In this case the mitigation proposed would not be sufficient to prevent the appeal scheme from failing to conserve and enhance the AONB.

122. In regard to paragraph 116 of the Framework and the three assessments in respect to the demonstration of exceptional circumstances, by failing to show that it would be improbable that building sand could be sourced from outside the AONB and in close proximity to the need identified, the appeal scheme fails to demonstrate exceptional circumstances. Although a public interest has been identified in relation to providing minerals to support the planned growth in the locality, the AONB has the highest status of protection in relation to landscape and scenic beauty, which is also in the public interest.
123. RMLP Policy 15 refers to the provisions of RMLP Policy 6 which is only permissive of development where, amongst other things, it has been shown that an acceptable balance would be struck between the identified need for the mineral and the other relevant planning considerations. For the reasons above the appeal scheme conflicts with RMLP Policies 6, 7 and 15. By failing to conserve and enhance local distinctiveness, landscape features and components of natural beauty within the AONB, the appeal scheme also conflicts with CS ADPP5.

#### *Other matters*

#### Environmental Statement

124. The SoGC confirms the main parties' view that the Environmental Statement submitted at the application stage meets the requirements of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The ES has been the subject of consultation, publicity and exchanges during the inquiry. Judging by the number of responses received from public bodies and members of the public, the consultation and publicity process in respect of the ES has been satisfactory. The ES and relevant exchanges during the inquiry provided comprehensive and detailed coverage of the likely main impacts of the development proposed, and the mitigation measures that may be required. Accordingly, the ES is found to be adequate and meets the requirements of the relevant Regulations.

#### Viability

125. The costs of establishing a quarry elsewhere are addressed within the ES, and the appellant company has questioned the viability of a reduced scheme on this site.<sup>35</sup> Although broad figures have been supplied regarding site establishment, convincing evidence has not been produced to suggest that a reduced scheme in this location would not be viable.

#### Sustainable development

126. Paragraph 142 of the Framework highlights that minerals are essential to support economic growth and our quality of life and they are a finite resource that can only be worked where they are found. In this case, the mineral could be extracted utilizing an existing access, site compound, weighbridge and welfare facilities.
127. The inquiry heard that the appeal site would be close to local markets. Mineral sold from the existing northern area also served markets much further afield and these transport movements would not necessarily have been as sustainable as those to local sites.

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<sup>35</sup> Addendum to ES Section 14 – *Interaction and Alternatives*

128. The Framework is unambiguous that the planning system should support sustainable economic growth and that this should attract significant weight in planning decisions. However, paragraph 14 of the Framework states that in decision-taking the presumption in favour of sustainable development applies unless specific policies in the Framework indicate that development should be restricted. Paragraphs 115 and 116 of the Framework indicate circumstances where development should be restricted and they are relevant to this case.

### Conclusions

129. The maintenance of a steady and adequate supply of building sand is a matter that reflects the aims of the Framework and the national considerations expressed within policy that include those within paragraph 144. However, there is a clear balance to be struck in addressing development plan policies and other considerations.

130. A number of potential benefits from the appeal scheme, such as new habitat creation and additional lengths of rights of way, provide weight in favour of the proposal. Additionally, the mineral worked would contribute to the local economy through employment and in facilitating growth, and these benefits, in accordance with paragraph 144 of the Framework, attract great weight in favour of the appeal scheme. However, the Framework indicates that great weight should also be given to conserving the landscape and beauty of the AONB. This is recognised in adopted development plan policy.

131. While the appellant was clear that a site should not be rationed in its output by only seeking to meet a local need, the effects that would result from the type and scale of the development proposed, along with the potential ability of sites outside the AONB to meet the identified need, are considerations in determining whether exceptional circumstances apply in this case.

132. While a need for the mineral has been identified, the appeal scheme is found to conflict with the relevant development plan policy for extraction of building sand. Exceptional circumstances have not been shown in this case to justify the granting of planning permission for the proposed mineral extraction within the AONB.

133. No other matters, including the scope of possible planning conditions, have been found that outweigh the identified failure to conserve and enhance the natural beauty of the North Wessex Downs Area of Outstanding Natural Beauty, and associated policy conflict. Accordingly, for the reasons above and following consideration of all matters raised, I conclude the appeal should be dismissed.

*C Sproule*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Peter Harrison, Queens Counsel	Instructed by Sarah Clarke, Legal Department, West Berkshire District Council
He called	
Matthew Meldrum	West Berkshire Council
BSc(Hons) MSc MRTPI	
Christine Marsh	Hankinson Duckett Associates
BA(Hons) DipLA CMLI	
Andrew Lord	North Wessex Downs Area Of Outstanding Natural Beauty Unit
MA BA(Hons) MRTPI	

### FOR THE APPELLANT:

John Pugh-Smith, of Counsel	Instructed by Steven Fidgett, Director, Alliance Planning & Environment Limited
He called	
Trevor Furse	Furse Landscape Architects Limited
BA(Hons) LA	
Dip (Hons) LA CMLI	
MI HORT	
Steven Fidgett	Alliance Planning & Environment Limited
BSc(Hons) DipTP(Dist)	
MRTPI MIQ	

### INTERESTED PERSONS:

Kathleen Edwards	Ministry of Defence - Defence Infrastructure Organisation
MRICS	
John Cowley	Mineral & Resource Planning Associates Limited - speaking for Mr & Mrs Mills and West Berkshire Against Grundon Incinerator (WBAGI)
BSc(Hons)	
Robert Crispin	Chairman of Chieveley Parish Council
Greg McGill	West Berks Ramblers
Dr Janice Bridger	The British Horse Society
Eric Friend	Local resident

### INQUIRY DOCUMENTS

- 1 Statement on behalf of the Ministry of Defence – Defence Infrastructure Organisation – from Kathleen Edwards
- 2 Statement on behalf of Mr & Mrs Mills of Hermitage and WBAGI – from John Cowley
- 3 Natural England Guidance Note: European Protected Species and the Planning Process
- 4 The South East Plan – Regional Spatial Strategy for the South

- East – Waste and Minerals – pages 134 to 147
- 5 Strategic Environmental Assessment of the Revocation of the East of England Regional Strategy – Environmental Report – July 2012
- 6 Localism Act 2011 (c.20): Part 6 Planning: Chapter 1 Plans and Strategies: Sections 109 and 110
- 7 West Berkshire Core Strategy (2006-2026) – Version for adoption – July 2012
- 8 Furse Landscape Architects Ltd, Viewpoint Sheet No.5 (Additional 31/07/12) – Viewpoint 9 Additional Viewpoint by Ms Marsh
- 9 West Berkshire Council Archaeology Service – Historic Environment Character Area – WVD Winterbourne Valley and Downs
- 10 Guidelines for Landscape and Visual Assessment - Part 7: Identification and assessment of landscape and visual effects
- 11 Landscape Character Assessment – Guidance for England and Scotland 2002 – Chapter 5: Field Survey (Step 3)
- 12 Statement to the inquiry by Robert Crispin on behalf of Chieveley Parish Council
- 13 Kirkham Landscape Planning Limited consultation response regarding the proposed development, dated 5 December 2011
- 14 Letter from Grundon Sand & Gravel Limited to Dr J C Bridger, dated 17 July 2012
- 15 Statement of Common Ground between the appellant and West Berkshire District Council
- 16 Documentation regarding planning application no. 11/01135/COMIND for development at Newbury Showground, including in relation to West Berkshire District Council’s Western Area Planning Committee - 7 September 2011
- 17 North Wessex Downs AONB Council of Partners Meeting 10.07.2012 - Agenda and Item 17 - Planning Update
- 18 North Wessex Downs AONB website pages
- 19 Replacement Minerals Local Plan for Berkshire
- 20 Natural England consultation responses, dated 31 March 2011, 14 September 2011, 21 November 2011, regarding the development proposed
- 21 Replacement Minerals Local Plan for Berkshire - pages 37 to 40
- 22 North Wessex Downs AONB Council of Partners 10.07.2012 - Paper 10 Agenda Item 17 - Planning Update additional documents
- 23 Planning appeal decision letter ref: APP/B1605/A/11/2164597
- 24 Draft conditions from the main parties
- 25 Information printed from the Grundon Sand & Gravel Limited website
- 26 Photographs of Knowl Hill Quarry
- 27 A calculation for the quantity of sand used to construct a 3 bedroom detached house of 90m<sup>2</sup> net internal area
- 28 A British Geological Survey - *Mineral Planning Factsheet* - regarding construction aggregates
- 29 Statement on behalf of West Berks Ramblers providing further comments on the grounds of appeal – by Greg McGill
- 30 Statement on behalf of the British Horse Society – by Dr J C Bridger
- 31 Planning permission no. 153458 (Full) – Application to vary Condition no.2 of Planning Permission No.138995 – Old Kiln Farm

- Sandpit, Marsh Lane, Chieveley
- 32 Planning permission no. 138995 – Extraction of building sand and restoration to agriculture at the lower level together with the construction of site access office and weighbridge at Old Kiln Farm, Chieveley, Berkshire
- 33 Mineral Resource Information in Support of National, Regional and Local Planning: Berkshire (comprising West Berkshire, Reading, Wokingham, Windsor and Maidenhead, Bracknell Forest and Slough) – Front page and pages 1, 2 and 6
- 34 Seven borehole logs and a cover sheet entitled - Boreholes M4 Maidenhead Area from John Cowley
- 35 Evidence in Chief of Steven Fidgett
- 36 Certificate for Particle Size Distribution (BS EN 933-1:1997) – Copyhold – Dated 19/07/2012
- 37 Lower Farm, Wasing – D.K. Sykes Associates – Pages 5, 6 and 8
- 38 Inquiry site visit itinerary for 9 August 2012
- 39 Supplementary Proof of Evidence of Matthew Meldrum and 14 Appendices
- 40 Grundon Estates Office letter re: Planning application ref: 00/01538 – Hermitage Farm Landfill
- 41 Grundon Estates Office letter re: Planning application ref: 05/00743 – Copyhold Farm
- 42 Lower Farm, Wasing - Environmental Statement – Executive Summary paragraphs 1.1 to 1.5 and 3.3.2 to 3.4.1
- 43 Extracts from A Practical Guide to Restoration – RMC Group plc 1987
- 44 The Reclamation of Mineral Workings to Agriculture - HMSO
- 45 Extract of the Partial Review of the Regional Spatial Strategy for the South East – Aggregates – Chapter 3 Sub-Regional Apportionment Examination in Public Panel Report 19 27/11/2009
- 46 Updated Note of Further Agreed Matters
- 47 Calco Construction letter, dated 4 September 2012 re: Sandlesford Park Development
- 48 Drawing no. ALI-OKF-011 Rev C Fig 9b
- 49 Boreholes M4 Maidenhead Area – Mapping and text
- 50 Borehole logs for sites along the M4 motorway – dated 1969
- 51 Lower Farm Wasing, Environmental Statement – Executive Summary
- 52 Plans, dated 2012, regarding proposed workings on the Wasing Estate
- 53 Proposed Toolkit For Developing Aggregate Apportionment Options (ASRP 2/8) Final Report March 2011
- 54 RMLP Chapter 3 – pages 14 to 25
- 55 R (on the application of L Davies) v Secretary of State for Communities and Local Government [2008] EWHC 2223 (Admin)