

For: PLANNING AND REGULATION COMMITTEE – 22 OCTOBER 2012

By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY (STRATEGY & INFRASTRUCTURE PLANNING)

Development Proposed:

Application to vary condition 1 of planning approval APF/SUT/1815-CM (for the extraction of sand and gravel) to extend the end date of extraction from 4 August 2012 to 30 September 2017 and the end date for restoration from 30 September 2012 to 30 September 2018.

Division Affected: Sutton Courtenay and Harwell

Contact Officer: Mary Thompson **Tel:** Oxford 815901

Location: Bridge Farm Quarry, OX14 4PP

Application No: MW.0126/12

Applicant: Hanson Quarry Products Europe

District Council Area: Vale of White Horse

Date Received: 24 July 2012

Consultation Period: 9 – 31 August 2012

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Recommendation

The report recommends that Application (MW.0126/12) be approved.

Part 1 – Facts and Background

Location (see site plan)

1. The application site lies to the north of the Sutton Courtenay landfill complex but separated from it by the B4016 and site lies between Appleford and Sutton Courtenay villages and contains land in both Parishes.

Site and Setting (see site plan)

2. The site is a quarry which was previously agricultural land.
3. The site is bounded to the east by the Oxford to Didcot railway line, to the south by the B4016 and to the west and north by agricultural fields. The River Thames lies 350 metres north of the site boundary.
4. The closest dwellings are in Appleford, 150 metres from the edge of the site boundary.
5. The site uses the processing plant within the main Sutton Courtenay complex to the south of the B4016 and is linked to the extraction area by conveyor.

Background and History

6. Planning permission for the extraction of sand and gravel from the site was granted in August 2008. The application had been considered by Committee in December 2003, but there was a delay in issuing the consent as legal agreements were required. Operations commenced at the site in 2009.

Details of the Development

7. The applicant has submitted a section 73 application to carry on the development permitted without complying with the condition which set out the timescales for the completion of extraction and restoration. The current consent requires extraction to cease 4 years after the date that the permission was issued, i.e. by 4 August 2012 with restoration completed by 30 September 2012. The applicant has proposed a new condition which would require the completion of extraction by 4 August 2017 and restoration by 30 September 2018.
8. It is not proposed to alter any of the other conditions on the consent. There would be no change to the total amount of material extracted, operating hours or techniques, traffic generation, phasing or restoration.
9. The applicant has stated that output levels from the quarry have been low due to the market downturn, as this quarry is heavily dependent on levels of local construction activity in the Abingdon area. This is the reason that a longer period of time is sought to remove the mineral.

10. When permission was granted the total sand and gravel yield was estimated to be approximately 1 million tonnes and it was envisaged the site would be worked in 3 years. However, as production levels have been much lower than envisaged, approximately 800,000 tonnes of sand and gravel remain to be worked.

Part 2 – Other Viewpoints

Representations

11. Four letters of objection have been received. Copies of these letters are available in the Members' Resource Centre. The key points are:
 - Hanson should have to abide by the rules of the original consent.
 - If there is no demand for the gravel, it should be left in the ground.
 - Noise levels have been increasing.
 - Dust travels in dry spells.
 - Extraction is due to move closer to properties.
 - Site is an eyesore to drive past.
 - Application should have been made earlier.

Consultations

12. A summary of consultation responses received in relation to this application can be found at Annex 1. They are also available to read in full on the eplanning website¹. There has been no objection from statutory consultees.

Part 3 – Relevant Planning Documents

Relevant planning documents and legislation (see Policy Annex attached to this Agenda)

13. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
14. The relevant development plan documents are:
 - The South East Plan (SEP) 2026
 - The Vale of White Horse Local Plan (VLP)2011
 - The Oxfordshire Minerals and Waste Local Plan (OMWLP)1996
15. The SEP forms part of the development plan. However, the government has made it clear that it intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order had been made at the date this report was drafted, the published intention to revoke is a material consideration to which substantial weight should be given.

¹ <http://myeplanning.oxfordshire.gov.uk/swiftlg/apas/run/WCHVARYLOGIN.display>

16. The Oxfordshire Minerals and Waste Core Strategy has not yet been adopted, however the Proposed Submission Document (OMWCS) was agreed by Oxfordshire County Council Cabinet on 13th March and Full Council on 3rd April. The independent examination of the plan by a government appointed inspector is expected to take place in early 2013. When the inspector's report is received, the council will be able to adopt a final plan. As this plan is now at an advanced stage, significant weight should be given to its policies.

Relevant Policies

17. Relevant policies are:

- SEP 2026 – M3
- MWLP 1996 -- SD1, SD2, PE2, PE3, PE4, PE5, PE7, PE13, PE18
- OMWCS – M2, M3, M6, M7, C1, C2, C3, C4, C5, C6, C7, C8

Part 4 – Analysis and Conclusions

Comments of the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

18. The key planning issue is whether change to the timescale of the permitted development would cause adverse amenity and environmental effects.

Minerals Policy

19. Minerals policy supports the provision of aggregates to meet landbank requirements. Under existing development plan policy (South East Plan policy M3), the current (September 2012) Oxfordshire sharp sand and gravel landbank is 2.7 years. Under the emerging Minerals & Waste Core Strategy (Proposed Submission Document policy M2), the current Oxfordshire sharp sand and gravel landbank is 4.4 years. Therefore, the current landbank is well below the 7 year level that the NPPF requires. The loss of 800,000 tonnes of permitted reserves at Bridge Farm would reduce the landbank to 2.2 years under South East Plan policy M3; or to 3.6 years under Minerals & Waste Core Strategy Proposed Submission Document policy M2. Such loss would need to be made up by new permissions being granted elsewhere, over and above what is already required in accordance with the NPPF.
20. This area is not identified as an area for future sand and gravel working in the OMWLP. Policy PE2 states that permissions for mineral workings should not be granted for areas not identified in the plan unless the working would be acceptable under SD2 or the proposals meet other policies of the plan and the apportioned supply cannot be met from areas identified in the plan. It is clear that sufficient supply to meet the landbank requirements cannot be met by sites identified in this plan and so this policy is met, providing that it also meets other policies relating to amenity.

21. The Minerals & Waste Core Strategy Proposed Submission Document includes the Sutton Courtenay area in policy M3 as a principle location for sharp sand and gravel working, through extensions to existing quarries or new quarries to replace exhausted quarries. The plan envisages working in the Sutton Courtenay area continuing until around 2020. Specific sites for working have not been identified at this stage but are to be defined in a subsequent Site Allocations Document. Therefore, this development accords with MWCS PSD policy M3.
22. There is a strong need for this application to be permitted in order that the sharp sand and gravel landbank is not reduced further below the 7 year level, in accordance with MWLP policy SD1, MWCS PSD policy M2 and the NPPF.

Impacts on Amenity

23. Planning policy requires that proposals for minerals development should not have unacceptable adverse impacts on residential amenity and other sensitive receptors (OMWLP PE18, OMWCS C3).
24. The continuation of the development for an extended period of time would result in the continuation of any existing impacts on neighbours. The response from Appleford Parish Council mentions dust, mud and noise as problems which have been experienced by local residents. However, there have been no complaints made to Oxfordshire County Council's monitoring team since the development became operational in 2009. There are planning conditions to cover noise, dust and mud and if residents are concerned about these then they should contact the monitoring team who can ensure that conditions are being complied with. The site is not located close to any residential properties, which further mitigates any potential impact and therefore it is considered that the development complies with policies relating to the protection of residential amenity.
25. OMWLP saved Policy SC3 states that planning permissions in the Sutton Courtenay area will not be granted unless a routeing agreement has been secured to ensure that HGVs use the Didcot Perimeter Road and do not travel through the villages of Sutton Courtenay, Appleford and Long Wittenham. Therefore, it is recommended that a routeing agreement is secured to ensure that HGVs do not travel through local villages.

Flooding

26. OMWCS policy C1 states that minerals development will only be allowed in areas at risk of flooding where a flood risk assessment has demonstrated that the risk of flooding is not increased. The Environment Agency has confirmed that it is satisfied with the flood risk assessment work that was undertaken in relation to this development. The development accords with this policy relating to flood risk.

Restoration

27. OMWLP policy PE13 requires that mineral workings should be restored appropriately and within a reasonable timescale. As the permitted reserves have not yet been worked, the only way of achieving the approved restoration is to allow a longer time period for this work to be completed. Therefore, although the development would lead to a delay in the timescales for restoration, an additional five years is considered reasonable given the economic circumstances and this extension would enable the permitted restoration to be implemented. Therefore, it accords with OMWLP policy PE13.

Legal Agreements

28. The existing permission is subject to a legal agreement which secures long term management, public access, bird management, export of soil and maintenance of the crossing point. There is also a separate legal agreement covering works to the highway. It is important that these provisions are carried forward to any new consent issued for this development. Therefore, it is recommended that new agreements are secured to cover these requirements.

Conclusions

29. The extension in time to allow the completion of mineral extraction from the existing quarry is necessary to allow the permitted reserve to be extracted. This will contribute towards the Oxfordshire sand and gravel landbank, which is currently under the levels required. There would be no significant amenity impacts resulting from this extension of time. The proposal accords with development plan policy relating to policy on minerals, amenity and restoration.

Recommendation

It is RECOMMENDED that subject to legal agreements to secure the terms of the existing Section 106, routeing and highways works agreements that Application MW.0126/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but in accordance with the amendments to condition 1 as set out in Annex 2 to this report and the updating of the wording of remaining conditions set out in Annex 3 to this report to ensure they are consistent with current standard condition wording, enforceable and that policy references are up to date.

MARTIN TUGWELL

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

October 2012

Annex 1 – Consultation Responses

1. Vale of White Horse District Council – No objection subject to imposition of suitable planning conditions to regulate the extraction of minerals and restoration of the site.
2. Sutton Courtenay Parish Council – The Parish Council is concerned about the continuing disruption and impact on the local environment should an extension of time be permitted. The Parish Council is supportive of the comments submitted by Appleford Parish Council.
3. Appleford Parish Council – Object for the following reasons:
 - The original permission was granted on the basis of a relatively short period of extraction.
 - Visual impact to those approaching the village on the B4016.
 - Noise can be heard by parts of the village in certain weather conditions.
 - The site creates dust when dry and mud on the highway when wet.
 - A five year extension is too long and there is no guarantee that there will not be further extensions.
 - Hansons have not discussed this with the village.
 - Application should have been submitted sooner.
4. Environment Agency – No objection.
5. Ministry of Defence Safeguarding – No objection.
6. Thames Water – No objection with regard to sewerage or water infrastructure.
7. Highway Authority – No response received at the time of drafting report.
8. Archaeology – No objections.
9. Biodiversity – No comments on the proposals for an extension of time. Suggests two informatives to be added to any new consent to cover breeding birds and protected species.
10. Drainage – Responded - no comments.
11. No response received from the following consultees: Didcot Town Council, Natural England, RSPB, River Thames Society.

Annex 2 – Amendments to Conditions

Condition 1

Proposed change to substitute end dates to reflect the request for an additional five years to finish working and restoring the quarry.

Currently states: *Extraction of minerals shall cease by four years of the date of this permission and restoration shall be completed by 30th September 2012. Any buildings, plant and equipment (including the conveyor route under the B4016) to which this permission relates shall be removed by 30th September 2012.*

Proposed replacement condition: *Extraction of minerals shall cease by 30th September 2017 and restoration shall be completed by 30th September 2018. Any buildings, plant and equipment (including the conveyor route under the B4016) to which this permission relates shall be removed by 30th September 2018.*

Additional informatives as recommended by Ecologist Planner:

Breeding birds

All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of vegetation should take place between 1 March and 31 August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

Protected Species

If any protected species [e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, breeding birds] are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

Annex 3 – Existing Conditions

Wording to be updated to reflect the change to condition 1 and to ensure that the remaining conditions are consistent with current standard condition wording, are enforceable, the policy references are up to date and reflect the fact that development commenced in 2009.

1. Extraction of minerals shall cease by four years of the date of this permission and restoration shall be completed by 30th September 2012. Any buildings, plant and equipment (including the conveyor route under the B4016) to which this permission relates shall be removed by 30th September 2012.

Reason: To minimise the duration of disturbance from the development hereby permitted and to ensure the site is restored. (MWLP PE13)

2. The development shall take place only in complete compliance with the approved plans and particulars except as they are modified by conditions of this permission.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. BLANK

4. No working shall take place except in accordance with approved plan S55m/86A, except as modified by other conditions of this permission.

Reason: For the avoidance of doubt and to ensure that the development is carried out as proposed (MWLP PE18)

Working Hours

5. No operations authorised or required by this permission shall be carried out and plant shall not be operated, other than during the following hours:

Between 0700 and 1800 hours Mondays to Fridays; 0800 hours to 1200 hours on Saturdays.

No such operations shall take place on Sundays or recognised public holidays or on Saturdays immediately following Bank Holiday Fridays.

Reason: In the interests of the amenities of the area. (MWLP PE18)

6. No development shall commence until the applicant has organised an archaeological watching brief for the period of work on the site. The watching brief shall be prepared in accordance with a written specification and by a professional archaeological organisation that has first been agreed in writing by the Minerals Planning Authority. The archaeological watching brief agreed shall be implemented.

Reason: To safeguard the recording and inspection of matters of archaeological importance on the site. (OSP EN10)

7. No development shall take place until a follow up ecological survey has been carried out and mitigation strategies for any species protected under the Wildlife and Countryside Act 1981 found on the site have been agreed in writing by the Minerals Planning Authority and have been implemented.

Reason: To protect any protected species that have moved into the site since the initial ecological survey was carried out (OSP EN2)

Noise

8. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than beepers that use white noise.

Reason: to protect the residents of Appleford and Sutton Courtenay from noise intrusion (MWLP PE18)

9. No plant, machinery or vehicles shall be used on site unless fitted with effective silencers.

Reason: To safeguard the amenity of the area and of local residents. (MWLP PE 18)

10. Noise levels from site activities during the 'temporary operations' of stripping the overburden and construction and removal of the southern and eastern bunds shall not exceed 57dB LAeq(1 hour.) The 'temporary operations' shall not occur for more than 28 days at one time with a gap of at least 28 days between 'temporary operations.'

Reason: To safeguard the amenity of the area and of local residents. (MWLP PE18)

11. Noise from typical site operations shall be monitored every 3 months throughout the life of the development. A monitoring report shall be submitted to the Minerals Planning Authority within 2 weeks of each set of monitoring.

Reason: To enable the effects of the development to be adequately monitored during the course of the operations. (MWLP PE18)

12. Except for the defined temporary operations, the equivalent continuous noise level, LAeq, 1 hour, free field at noise sensitive premises, Bridge Farm and Bridge House, as marked on approved plan S55m/86A, shall not exceed 50dB(a) (freefield and at a measurement height of 1.5 metres, at a point 1 metre from the face of the dwelling.) Any measurement taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Reason: To safeguard the amenity of the area and of local residents. (MWLP PE 18)

Dust

13. No vehicle shall exceed 25 kph on site

Reason: To aid in dust suppression in the protection of the amenities of local residents (MWLP PE18)

14. No development shall be commenced until a scheme to minimise the emission of dust from the development hereby authorised has been submitted to and approved in writing by the Minerals Planning Authority. Such scheme shall include the water spraying of access and haul roads to suppress dust in periods of prolonged dry weather and shall be implemented in full and the suppression equipment thereafter maintained in accordance with the manufacturer's instructions for the duration of the permission.

Reason: To protect the amenities of local residents. (MWLP PE18)

15. Material shall not be handled and moved if conditions are such that this creates a visible dust cloud.

Reason: To aid dust suppression in the protection of the amenities of local residents (MWLP PE18)

Traffic and Highways

16. No lorries shall enter the working area unless loaded with clay and none shall leave the working area unless loaded with soil.

Reason: To reduce the number of vehicle movements across the B4016 (OSP T8)

17. No HGV's shall cross the B4016 from and to the site unless temporary traffic lights are installed and operated.

Reason: In the interests of highway safety (MWLP PE18)

18. No development shall take place until a plan showing that appropriate sight lines around the bund marked X on approved plan S55m/86A can be implemented has been approved by the Minerals Planning Authority. Any sight lines that are approved shall be maintained until the bund is removed.

Reason: In the interests of highway safety (MWLP PE18)

Soil Handling

19. No import of clay to the working area or export of soil from it shall take place except during the months of June, July and August.

Reason: To reduce the potential for mud on the road and limit the duration of HGV's crossing the B4016. (OSP T18)

20. All work of soil stripping, stockpiling and reinstatement should be carried out when the material is in a dry and friable condition.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site. (MWLP PE18)

21. Plant or vehicle movement shall be confined to clearly defined haul routes agreed in writing by the Minerals Planning Authority, or to the overburden/infill surface and shall not cross areas of topsoil and subsoil except for the express purpose of soil stripping or replacement operations.

Reason: To minimise structural damage and compaction of soil and to aid the final restoration of the site. (MWLP PE18)

22. All topsoil, subsoil, and soil making material which is not to be exported to the adjoining Waste Recycling Group site for beneficial use in agricultural restoration shall be retained on the site.

Reason: Soils are required on site to ensure a satisfactory restoration of the land. (MWLP PE18)

23. Soil storage bunds shall not exceed 3m in height and all bunds intended to remain in situ for more than 6 months or over the winter shall be grassed over/vegetated and kept weed free.

Reason: To reduce the impact of the development on the locality (MWLP PE18)

24. Before development commences a plan shall be submitted to, and approved in writing by the Minerals Planning Authority, showing the location, contours and volumes of the bunds and soil types and units contained within them.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity. (MWLP PE7)

25. Prior to the commencement of soil stripping, details of a scheme for soil movement shall be submitted to and approved in writing by the Minerals Planning Authority. All soil movement shall be carried out in complete accordance with the approved plan.

Reason: To ensure the development is carried out in a manner that minimises impact on the environment and amenities of the local area. (MWLP PE18)

26. In any part of the site where differential settlement occurs during the restoration and Aftercare period, the applicant, where required by the Minerals Planning Authority, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be agreed with the Minerals Planning Authority.

Reason: To ensure that the final landform is acceptable (MWLP PE18)

Access

27. No development shall commence until the access road, visibility splays and manoeuvring provision have been laid out, constructed and surfaced in accordance with a scheme to be agreed in writing by the Minerals Planning Authority and these areas shall be thereafter retained and kept available for these purposes.

Reason: To ensure the access road is constructed with due regard to highway safety and the local environment (OSP T8)

28. The surfacing of the site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until such time as it is no longer required for these operations/completion of site restoration and aftercare.

Reason: In the interests of highway safety and safeguarding the local environment (OSP T8.)

29. All reasonable steps shall be taken to ensure that all vehicles leaving the site are in such condition as not to create dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site.

Reason: In the interests of highway safety and to prevent mud and dust getting on the highway (OSP T8)

30. No development shall be commenced until a survey of the road surface at the point of crossing of the B4016 has been undertaken. An additional survey shall be undertaken upon completion of restoration.

Reason: In the interests of highway safety and safeguarding the local environment (OSP T8)

Signage

31. Prior to the commencement of development, signage shall be constructed alongside the B4016 warning of vehicles crossing.

Reason: In the interests of highway safety (OSP T8)

Restoration

32. Restoration of the site shall be in complete accordance with approved plan S55m/87e

Reason: To ensure that the site is restored in an orderly manner to a condition capable of beneficial afteruse and in the interests of the amenity of local residents. (MWLP PE13)

33. Notwithstanding condition 32 no hedgerow restoration shall take place along the B4016.

Reason: In the interests of highway safety (OSP T8)

34. At any one time no more than two phases as shown on approved plan S55m/86A shall be other than restored or not yet worked.

Reason: To reduce the impact of the development (MWLP PE18)

Aftercare

35. An aftercare scheme, requiring that such steps as may be necessary to bring each phase of the land reclaimed under condition 32 to the required standard for use for agriculture and nature conservation as shown on approved plan S55m/87e, shall be submitted for the approval of the Minerals Planning Authority not later than 1 year from the date of

this permission and thereafter any approval shall be implemented as approved.

Reason: To comply with the requirements of Schedule 5 of the Town & Country Planning Act 1990 and to ensure that the reclaimed land is correctly husbanded and to bring the land to the standard required for agriculture and nature conservation.

Drainage and Water Protection

36. There shall be no raising of existing ground levels on the site

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity (OSP EN9)

37. No spoil or materials shall be deposited or stored on that part of the site lying within the area of land liable to flood

Reason: to prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity (OSP EN9)

38. Prior to the commencement of extraction from the site details of the location and arrangements for the monitoring of groundwater levels for the duration of the working shall be submitted for approval in writing by the Minerals Planning Authority and thereafter any that are approved shall be implemented.

Reason: To assess the risk of effects arising from changes in groundwater levels (OSP EN9)

39. Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil. The pipes should vent downwards into the bund.

Reason: To minimise the risk of pollution of watercourses and aquifers (OSP EN8.)

Informatives

The Waste Recycling Group site to which it is intended to send subsoil, topsoil and soil making material is shown on plan 1 attached to this permission.

The plant site is on land that is subject to a different planning permission for the landfill area, which will end after the end date of this permission. Therefore, the landfill permission restoration condition will apply to the plant site area.

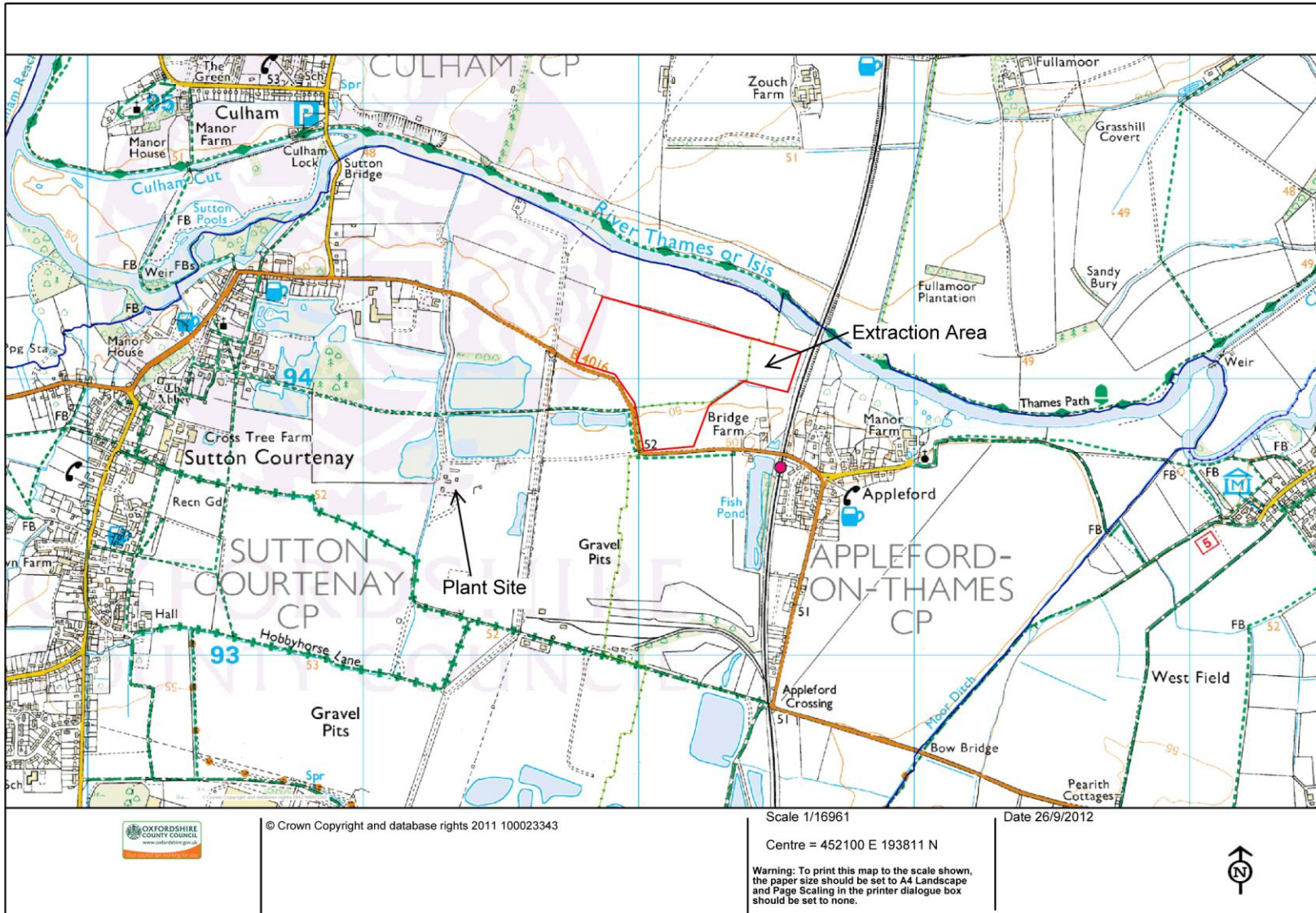
Annex 3 - European Protected Species

European Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

Our records and/ or the habitat on and around the proposed development site and/or ecological survey results indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.





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