

SURREY COUNTY COUNCIL**CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT****DATE: 15 MAY 2012****REPORT OF: IAIN REEVE – ASSISTANT DIRECTOR,
STRATEGY, TRANSPORT AND PLANNING****SUBJECT: AGGREGATES RECYCLING DEVELOPMENT PLAN
DOCUMENT: MAIN MODIFICATION****KEY ISSUE/DECISION:**

To consider whether to allocate additional sites being promoted at Homefield Sandpit (Runfold) and Lambs Brickworks (South Godstone) to increase provision for aggregates recycling.

DETAILS:**Introduction**

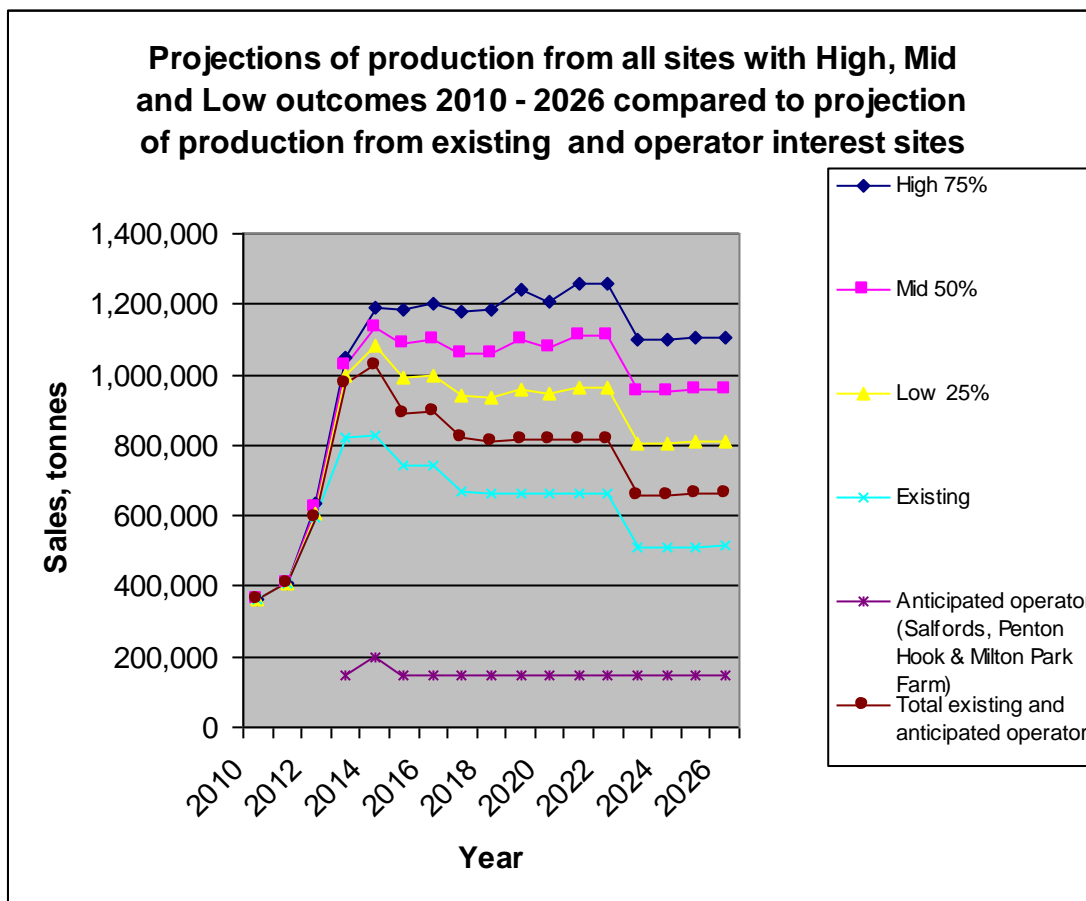
1. The Aggregates Recycling Development Plan Document (ARDPD), a joint DPD within the Surrey Minerals and Waste Plans, is the final part of Surrey's Minerals and Waste Development Framework. It makes provision for the recycling of construction, demolition and excavation waste in Surrey for the period up to 2026.
2. The County Council agreed on 19 July 2011 to publish the ARDPD (the Plan) for representations and subsequent submission to Government for examination, with the Cabinet Member for Environment approving minor amendments on 14 December following the representations received. The Plan is undergoing examination with public hearings held on 20-23 March and 3 April, a further hearing day scheduled for 8 May, after the agenda deadline for this report, and probably an additional day in May or June.
3. As a result of the hearings and examination process and the introduction of the National Planning Policy Framework, several issues and main modifications are put forward for consideration in this report. An update will be provided at the meeting on the proceedings on 8 May and any other relevant matters arising. Main modifications are those which address 'soundness' issues and/or relate to legal compliance.

Sites and Capacity

4. Sites are allocated in the Plan for temporary and permanent facilities in Policy AR1 (Aggregate recycling facilities) and Policy AR3 (Aggregates recycling facilities at mineral sites), along with six sites from Policy WD2 of the Waste Plan identified as having potential for aggregate recycling. Three of the sites allocated in Policy AR3 have effectively now been withdrawn by their operators, i.e. Homers (Bedfont), Watersplash (Halliford) and Whitehall (Egham) Farms. Homers and Watersplash Farms are no longer considered to be viable sites for aggregate recycling and any aggregate recycling associated with infilling Whitehall Farm would be undertaken at the proposed processing plant area at

the adjacent Milton Park Farm. Therefore main modifications are proposed to delete these allocations from the Plan, along with Stanwell Quarry which now has planning permission for aggregate recycling rendering allocation inappropriate.

- These proposed modifications reduce the overall potential capacity for aggregate recycling provided by the allocated sites in the Plan. However, evidence from operators to the examination confirmed their intentions at three of the other allocated sites – Salfords Depot, Penton Hook and Milton Park Farm. These capacity figures, along with some other adjustments and updatings, result in the following overall chart below, which it is proposed to include in the Plan. It indicates that the Plan will deliver recycled aggregates to the Surrey Minerals Plan target level of at least 800,000 tonnes per annum (tpa) by 2016, although there is uncertainty around achieving the target of at least 900,000 tpa by 2026. This is because several temporary sites should have ceased production by 2026, and it is uncertain as to which of the sites in the Plan will be developed illustrated by the 25, 50 and 75% take-up projections in the chart. However, when the economy emerges from its prolonged period of negative and low growth, interest in the identified sites can be expected to pick up.



- The Plan includes a windfall policy (AR2) which encourages aggregate recycling proposals to come forward at suitable sites not currently available or viable. Two sites at Homefield Sandpit (Runfold) and Lambs Brickworks (South Godstone), which were assessed but not included in the Plan, are being promoted by their owners for allocation for aggregates recycling in the Plan,

which would contribute additional production although not necessarily through to 2026.

7. The Inspector conducting the examination of the Plan has expressed concern about the uncertainties as to aggregate recycling coming forward at some of the allocated sites and, therefore, the ability of the Plan to deliver the production targets. He has indicated that Homefield Sandpit should be re-considered in the interests of the significant contribution it could make to aggregate recycling production.
8. The Minerals Core Strategy (para 4.16), in discussing the sub-regional apportionment in Policy M2 of the South East Plan, states that “It was recognised that authorities with a significant proportion of land designated Green Belt might not be able to implement their full apportionment through site allocations in their development plan documents. The joint Aggregates Recycling DPD will test the extent to which this applies in Surrey.”

Homefield Sandpit

Introduction

9. Homefield Sandpit is an active mineral working with aggregate recycling undertaken in association with the operator’s facilities on the Slyfield Industrial Estate, Guildford and Hollybush Lane, Aldershot. Planning permission was granted in 2005 for soil and aggregate recycling for a temporary period ending with the completion of phase 8 of the landfilling; and retrospectively in 2009 for the screening and washing of inert waste at Homefield “until 31 December 2020 or until the washing / recycling compound (phase 9) is no longer required in association with the restoration of the site, whichever is the sooner” (Condition 2).
10. Recycling output is limited by condition restricting export of material off-site to around 45,000 tonnes per annum (tpa) of soil and 22,500 tpa of concrete, hardcore and tarmacadam. These limits were calculated on the basis of leaving sufficient residual material to continue the infilling rate at the time (2005) of 250,000 tpa to achieve completion of site restoration to agriculture by 2020. However, mineral working and restoration is allowed until 2042 through the Review of Minerals Permissions (ROMP) under the Environment Act 1995.
11. Homefield Sandpit lies within the Metropolitan Green Belt, the Surrey Hills Area of Outstanding Natural Beauty (AONB) and the Area of Great Landscape Value. There are several houses adjoining or close to the site. The site access is on Guildford Road which links into the A31 Guildford-Farnham trunk road, close to its junction with the A331 Blackwater Valley Relief Road.
12. Chambers Runfold, the owner operators, propose that Homefield Sandpit should be included within Policy AR1 as a temporary facility for aggregate recycling. In their submission, they state “there would appear to be significant uncertainty within the DPD as to whether the target for 2016 will be achieved. Flexibility and additional production could be added simply by including the Homefield recycling site in Policy AR1 as a temporary facility together with the other three temporary facilities. The question of Green Belt has, in principle, been overcome in the granting of permissions for the infrastructure on the site, and the other general planning permissions. On the basis of the evidence

submitted there is no technical or planning reason for not including this site in Policy AR1.” The submission does not state what scale or duration of recycling is intended for the site.

13. Chambers Runfold make the point that the mineral extraction has been ongoing at Homefield since 1936, 22 years before the designation of the AONB. They have undertaken ecological, flood risk, highways, noise and visual impact assessments and a dust monitoring report in support of their proposal. The noise assessment indicates that the recycling plant has capacity to produce 150,000 tpa, and this figure was also mentioned by CPG, the planning consultants acting for Chambers Runfold, in the examination hearings. CPG have consulted locally on their proposal for inclusion in the Plan.
14. In the examination hearings, the Inspector indicated his concern about the deliverability of some of the sites, particularly where it has been difficult to ascertain the commitment of the industry/landowner in bringing the site forward, and therefore the ability of the Plan to provide in accordance with its targets. Naming sites in Policy AR1 and expressly stating their capability to produce an amount of material provides a higher degree of certainty than leaving it to applications to come forward under the windfall policy AR2. The Inspector suggested it would be in SCC’s interests to consider inclusion of Homefield Sandpit as this would give him greater confidence in the deliverability of the Plan. If the AONB is considered a fundamental constraint to the allocation of the site in the Plan, it would be necessary to be clear about the harm to the AONB. The Inspector is proposing an additional hearing day, if required, for Chambers Runfold to give a full presentation of their case.

Policy Context

15. Homefield Sandpit is located within the Surrey Hills Area of Outstanding Natural Beauty at the western end of its extent along the Hogs Back ridge. Within such a designated area, the National Planning Policy Framework indicates that development should be restricted and great weight given to conserving landscape and scenic beauty. Planning permission should be refused for major developments except in exceptional circumstances and where it can be demonstrated they are in the public interest.

16. Policy C3 of the South East Plan, still applicable although set for revocation, states that:

“High priority will be given to conservation and enhancement of natural beauty in the region’s ... AONBs and planning decisions should have regard to their setting. Proposals for development should be considered in that context. Positive land management policies should be developed to sustain the areas’ landscape quality. In drafting local development documents, local planning authorities should have regard to statutory AONB Management Plans.

In considering proposals for development, the emphasis should be on small-scale proposals that are sustainably located and designed. Proposals, which support the economies and social well being of the AONBs and their communities, including affordable housing schemes, will be encouraged provided that they do not conflict with the aim of conserving and enhancing natural beauty.”

17. The South East Plan (Policy W17 and para 10.57) indicates that waste facilities should not be precluded from AONBs but are only likely to be justified on a small scale and associated with rural communities. The South East Plan also advises setting out clear timescales for mineral site operation and restoration phases, adhering to these as far as possible (para 10.76).
18. Policy CW5 of the Surrey Waste Plan on the location of waste facilities includes the principle that Areas of Outstanding Natural Beauty should be avoided. However, Policy WD3 states that “planning permissions for development involving recycling, storage and transfer of construction and demolition waste at mineral sites will be granted provided that the proposed development is for a temporary period commensurate with the operational life of the mineral site, and in the case of Green Belt sites it accords with Policy CW6”. Policy MC17 of the Surrey Minerals Plan 2011 states that “restoration of mineral workings should be completed at the earliest opportunity”.
19. Policy CW6 has a presumption against inappropriate waste development in the Green Belt except in very special circumstances. It lists four considerations which may contribute to very special circumstances:
 - (i) the lack of suitable non-Green Belt sites
 - (ii) the need to find locations well related to the source of waste arisings
 - (iii) the characteristics of the site
 - (iv) the wider environmental and economic benefits of sustainable waste management, including the need for a range of sites.
20. Policy MC2 of the Minerals Plan states that:

“Mineral development that may have direct or indirect significant adverse impacts on an Area of Outstanding Natural Beauty ... will be permitted only if

 - i) it has been demonstrated to be in the public interest, and
 - ii) the applicant can establish that development and restoration can be carried out to the highest standard and in a manner consistent with safeguarding the specific relevant interests.
21. In February 2009, the County Council adopted the Surrey Hills AONB Management Plan 2009-2014. The plan includes the following policies:

LU1 Development plans should ensure that the primary purpose of AONB designation, which is to conserve and enhance the natural beauty of the area, is recognised and applied consistently across the Surrey Hills AONB.

LU5 The impact of mineral working and associated land activity will be minimised, with restoration and after use designed in sympathy with local landscape character to safeguard the integrity of the AONB.
22. The Waverley Borough Local Plan 2002 saved Policy C3(a) on the AONB is as follows:

The Surrey Hills and High Weald Areas of Outstanding Natural Beauty (AONB) are of national importance. The primary aim of designation is to conserve and enhance their natural beauty. Development inconsistent with this primary aim will not be permitted unless proven national interest and lack of alternative sites has been demonstrated. Small scale

development for agriculture, forestry or outdoor recreation as well as that in support of services for the local community, or acceptable under Policy RD1, will be permitted in the AONB provided that proposals conserve the existing landscape character and are consistent with protection of the natural beauty of the landscape. Protection of the natural beauty and character of the AONB will extend to safeguarding these areas from adverse visual or other impact arising from development located outside their boundary.

23. There have been a series of quarries along the Hogs Back of which two remain in operation, Runfold South and Homefield Sandpit. The restoration of Runfold South is to be completed by the end of 2018 under an extension of time granted planning permission in April 2012. Therefore, Homefield Sandpit will be the only mineral operation after 2018, with permission for the washing / recycling compound expiring in December 2020, but the time limit on mineral extraction and restoration, and potentially soil and aggregate recycling therefore, is 2042.

Site Issues

24. In 2005 planning permission was granted for the recycling facility at Homefield Sandpit, which was anticipated to be for a temporary period of approximately 13 years, delaying restoration of the site by approximately 3 to 4 years, until 2020. The 2009 permission for the washing / recycling operation sought to adhere to that timescale and is therefore limited to 2020 to enable restoration of the site back to agriculture as soon as practicably possible. The 2009 limit placed on the levels of recovery and export of recycled products, in line with that permitted in 2005, is in order to prevent further delays in the restoration of this mineral site.
25. However, it is evident that significantly less material is being landfilled than the 250,000 tpa in 2005 used as the basis for the originally projected 2020 restoration date. Therefore, it is unlikely that restoration will be achieved by 2020 unless there is an unexpected upsurge in inert waste material seeking landfill. Recycling without the washing plant is therefore likely to continue beyond 2020.
26. The County Council's assessments undertaken in preparing the Aggregates Recycling Plan note that Homefield Sandpit's location within the AONB represents a significant constraint, but it is reasonably located in terms of Surrey waste arisings and the operators are producing a range of high quality recycled materials. The site is indicated as having 'potential for intensification/expansion' and is acceptable for minerals recycling in transportation terms, although the 'long list' assessment (November 2009) qualifies this by adding 'subject to no increase in HGV movements'.
27. It is accepted that there is limited visual impact because views into the site are restricted. The adverse impact on the AONB is mainly through the HGV traffic generation and the possible delay to restoration. However, the traffic impact on the AONB is limited as Guildford Road forms the boundary of the AONB, which is only entered when traffic approaches or leaves the A31 trunk road to the east.
28. There are local amenity issues, reflected in concerns from neighbours and nearby residents about noise, lighting on out of hours, condition of the roads and progress on restoration. Noise complaints have been triggered by the

operation of screening machines in the recycling areas, indicative of potential noise problems with intensification. Containment of noisy processing within a building could provide a solution, but there is restricted space available within the current layout to accommodate a building, which would of course raise other planning issues for consideration.

Conclusions

29. The key issue is the scale and duration of mineral and recycling activity at the site in relation to its AONB status, a national designation restricting development. The regional and local AONB policies seek not just to conserve but to enhance the landscape. Intensification of recycling with further delay in restoration would be contrary to these policies. While Homefield Sandpit is generally well concealed, it nevertheless has an adverse impact upon the AONB by its continuing presence and the HGV traffic generated which will be relieved by completion of its restoration back to agriculture.
30. Aggregate recycling at Homefield Sandpit makes a useful contribution to sustainable waste management, but its location in the AONB means that it is not an appropriate site to be allocated for further recycling development. While suitable small-scale, local facilities serving their rural communities can be appropriate in the AONB, Homefield is associated with complementary facilities in the nearby urban areas, and intensification, particularly given the potential production levels mentioned, would be well beyond 'small scale'.
31. CPG, on behalf of Chambers Runfold, query whether the 2016 target can be met and promote a temporary allocation for Homefield on that basis, but it is not the 2016, but the 2026 target where there is uncertainty re production levels. CPG do not specify what temporary period they are seeking, but, given the substantial investment mentioned, it could reasonably be assumed to extend recycling beyond the end of the Plan period and would boost production through 2026. However, the recycled aggregate production benefits are not considered enough of an exceptional circumstance in the public interest to outweigh the fundamental policy objection to development in the AONB prolonging such activity instead of enhancing the landscape by restoration.
32. Given the Inspector's indication, there is clearly a risk that he may find the Plan unsound in failing to deliver enough aggregate recycling with sufficient certainty and flexibility, differing with the view reached on Homefield. In that case, the County Council would have to withdraw the Plan, and rely upon the adopted policies of the Waste and Minerals Plans for site allocations and the determination of planning applications for aggregate recycling.

Lambs Brickworks

33. W T Lamb Holdings (WTLH) are promoting the site adjacent to their former brickworks at South Godstone for aggregate recycling and inclusion in Policy AR1 of the Plan. The site has a brickclay void, restoration of which was being achieved through infilling with spent railway ballast imported via the still operational rail siding. However, the ballast recycling contract was lost in 1993 and, although permission was subsequently granted to change the transport mode for importing waste for landfilling from rail to road, restoration activity effectively ceased. Planning permission for a rail aggregate and recycling depot was refused in 2001, primarily on Green Belt grounds. The brickworks has been redeveloped as Lambs Business Park, which Tandridge District Council

designated as a major developed site in the Green Belt with Supplementary Planning Guidance adopted in November 2004.

34. WTLH have produced a sustainability appraisal and submissions in support of their proposal on which they have consulted locally. They are based on the assumption of the site producing 75,000 tpa of recycled / secondary aggregates. At the examination hearings, WTLH said that they were in negotiation with a Network Rail contractor for a ballast recycling contract based on a weekly trainload. WTLH have several contractors based on their Business Park bringing in inert waste which could be recycled, and a ready-mix concrete operator on the Business Park could potentially utilise the products from aggregate recycling. WTLH indicated that landfilling to achieve restoration of the void was currently not viable without a recycling operation to attract suitable inert waste.
35. Tandridge District Council's representation supports the non-inclusion of the site in the Plan, agreeing with the County Council's assessment that the "issues of development of a permanent facility in the Green Belt, the environmental impact on residential properties and access constraints lead to the view that the site is unacceptable for aggregates recycling". The Godstone Village Association representative at the hearings made it clear that her organisation was opposed to the site's inclusion in the Plan.

Access

36. A key consideration is access, although improvements have been carried out to widen the junction between the site access road (Terracotta Road) and Tilburstow Hill Road. It is considered that any significant increase in HGV movements would have an unacceptable environmental impact on the residents of Terracotta Road. Vehicle routing is an issue as a section of Tilburstow Hill Road forms part of the Surrey Cycleway and is also used by walkers and equestrians and width restrictions reduce visibility. Vehicles should be routed to and from the south, although this takes them through the sub-standard Anglefield Corner junction with the A22 which is awkward for HGVs travelling to and from the north, the predominant direction.
37. Tandridge District Council (TDC) have adopted a Supplementary Planning Guidance (SPG) which imposes a daily limit of 632 vehicle movements using the site. This limit excludes traffic associated with the mineral working and its restoration. WTLH's assessment is that recycling production of 75,000 tpa would generate 36 HGV movements daily, double what the brickworks was generating latterly. The impact of this level of increase is considered unacceptable, but 24 HGV movements per day, which on WTLH's assessment should produce 50,000 tpa of recycled aggregates, may be acceptable on the basis of a temporary activity achieving site restoration.

Green Belt

38. The other major consideration is Green Belt, with its presumption against inappropriate development, and whether there are very special circumstances to justify aggregate recycling, as set out in para 19. Lambs Brickworks is not particularly well located in relation to the sources of waste, although it is relatively close to the A22, part of the primary route network. There are other aggregate recycling facilities in the south east of the county at Clay Hall Lane (Cophorne), Little Orchard Farm (Hookwood) and in Smallfield, plus proposed

site allocations at Copyhold Works (Redhill) and the rail-served non-Green Belt Salfords Depot. Therefore, the location, need and lack of suitable alternatives would not justify making an exception to the presumption against inappropriate development in the Green Belt.

39. Nevertheless, the site characteristics at Lambs are generally favourable, including the availability of rail access, but the impact of vehicular traffic, as outlined above, is the main concern. The main positive factor in respect of aggregate recycling at Lambs would be its potential facilitation of the restoration of the former mineral working, which is the fundamental justification for several sites in the Plan. It would contribute to recycled / secondary aggregate production for a temporary period in association with restoration, and could serve some existing businesses on the industrial estate potentially reducing external traffic generation. Similar issues were considered in the determination of the 2001 planning application, but it was then considered that recycling would detract from the prospects for early restoration by diverting material from landfill, rather than enhance them by attracting inert waste.

Conclusions

40. As with other sites in the county, the presence of aggregate recycling would enhance the attraction of suitable inert waste for processing and landfilling of the residual material for restoration of the mineral void. This represents a significant change in the balance of considerations. The potential for importation of inert waste by rail with restriction of the HGV movements associated with recycling and landfilling to 24 per day is considered an acceptable situation for a temporary period sufficient to secure site restoration. Therefore, it is proposed to recommend the inclusion of the site at Lambs Brickworks within Policy AR1 on this basis.

Charlton Lane

41. The Plan (para 50) includes Charlton Lane as one of six Waste Plan sites considered to have potential for aggregate recycling, but qualified by a footnote referring to the proposed Eco Park which if developed would reduce land available for aggregate recycling. Spelthorne BC and other parties at the hearings questioned both the land availability for and the likelihood of aggregate recycling at Charlton Lane.
42. If the Eco Park does not proceed in the event of a successful legal challenge or other circumstance, there would clearly be land available at Charlton Lane for aggregate recycling. If the Eco Park is implemented, there would still be some land available for aggregate recycling if the landscaped area in the north of the site were reconfigured, although there are no current plans for this.
43. Therefore, it is considered that Charlton Lane should be retained in the list of sites in para 50 of the Plan, with the footnote 24 updated through an 'additional modification' as follows: - 'Planning permission has been granted at Charlton Lane for a waste management Eco Park. This proposed development would make aggregates recycling less likely at this site'.

National Planning Policy Framework

44. The Government published the National Planning Policy Framework (NPPF) and Technical Guidance on 28 March and it takes immediate effect. Officers

have reviewed the Framework and Guidance against former national policy, which underpinned preparation of the Minerals and Waste Plans. Their view is that the fundamental policy thrust and technical guidance, in so far as it relates to aggregates recycling, remains unchanged, although there are three new elements in the Framework relevant to the preparation and examination of local plans, as discussed below. In the case of the second element, the Inspector has advised that the Council need to include a policy to reflect the presumption in favour of sustainable development.

45. Firstly, the Framework introduces a fourth test of soundness that plans be 'positively prepared'. The Plan identifies sites for facilities to provide for the future production of recycled and secondary aggregates in line with the sub-regional apportionment identified in Policy MC5 of the adopted Minerals Plan Core Strategy and the spatial strategies set out in the adopted Minerals and Waste Plans. In addition to that arising within Surrey, the County will continue to manage some imported construction and demolition waste from London and surrounding counties.
46. Closely related to the test is the presumption in favour of sustainable development, the 'golden thread' at the heart of the Framework, which requires plans to positively seek opportunities to meet the development needs in their area and to include sufficient flexibility. The Plan makes site-specific allocations for future facilities, but, over its timescale, it is not possible to predict with certainty that each of these will be brought forward by industry. Two operators changed their intentions on aggregate recycling plans at a late stage in the Plan process, withdrawing sites, but if and when economic growth recovers, prospects for aggregate recycling can be expected to improve.
47. Policy AR2 allows for potential windfall developments where these accord with the policy framework within which a decision on the suitability of such proposals would be made. The Plan takes positive steps to positively plan for an increase in the production of recycled aggregates so helping to 'drive' waste up the management hierarchy and reduce dependency on land won primary aggregates.
48. Finally, plans must be prepared in accordance with the Duty to Co-operate as prescribed by section 110 of the Localism Act 2011. The Framework deals with the requirements of the duty as it relates to strategic planning across local boundaries and engagement with neighbourhoods, local organisations and businesses. In making provision for future production of recycled and secondary aggregates within Surrey, the County Council has throughout the plan making process sought to engage at the strategic and local levels to determine an appropriate apportionment for Surrey and suitable sites to meet the requirement.
49. The Inspector has asked for the following to be brought to the Council's attention:

Paragraph 151 of the NPPF says that Local Plans must be prepared with the objective of contributing to the achievement of sustainable development, in line with S39(2) of the 2004 Act; and should be consistent with the principles and policies of the Framework, including the presumption in favour of sustainable development. I have been advised that Plans that do not reflect this presumption policy will not be consistent with national policy and so will not be sound. Consequently, all plans submitted, or currently being

examined, should reflect the presumption. A model wording for a policy to cover the point has been published on the Planning Portal to help authorities accurately reflect the Government's policy in their plans.

It reads:

“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted.”*

The Council may, if it wishes, devise its own alternative wording provided it appropriately reflects the presumption policy. Where alternative wording is provided, the Inspector will need to be satisfied that it reflects the Government's intention. Could the Council please consider the above and put forward within the schedule of Main Modifications to the Plan a further Modification reflecting the Government's policy.

50. Officers consider that such a policy does not fit well into the Aggregates Recycling DPD which is essentially a site allocation document. In their view the appropriate place for it, if required, would be in the Core Strategies of the Minerals and Waste Plans. However, the Inspector's advice leaves no option but to include the policy or a variation in order for a sound Plan. Therefore, it is recommended that the above policy is included as Policy AR1, with the subsequent policies renumbered.

Additional Modifications

51. As well as the main modifications considered in this report, there is a schedule of 'additional' modifications, consisting of updates, corrections, clarifications and re-numberings, which have arisen through the examination process.

Consultation

52. County councillors for divisions directly affected by matters in this report are being notified and any views received will be reported at the meeting.

53. The main modifications proposed will be subject to consultation for six weeks, with notification to over 10,000 contacts.

Financial and value for money implications

54. Provision has been made within the minerals plan budget for 2012-13 to cover the expenditure involved in completing the remaining stages of the Aggregates Recycling DPD.

Equalities implications

55. The equality impact assessments undertaken for the Minerals and Waste Plans were reviewed for the Aggregates Recycling DPD, with no equality and diversity implications identified.

Risk management implications

56. The report mentions in paras 14 and 32 the risk that the modifications proposed may be insufficient for the Inspector to find the Plan 'sound'. This could potentially bring some reputational damage for the Council, although the issues under consideration are down to matters of interpretation. It would be regrettable not to complete the Minerals and Waste Framework as intended, leaving a gap in the intended provision for aggregates recycling in the county that would be filled to some extent by the Government's presumption in favour of sustainable development. However, the adopted Waste and Minerals Plans would remain, providing a reasonably adequate basis for planning decisions on aggregate recycling.

Implications for the Council's Community Strategy priorities

57. The Planning and Compulsory Purchase Act 2004 (as amended) requires DPDs to have regard to the Council's Community Strategy. The Planning Inspectors confirmed that this legal requirement had been complied with in respect of the Minerals and Waste Plan Core Strategies, the parent documents for the Aggregates Recycling DPD. Successful implementation of the ARDPD will support the community strategy priorities in relation to economic development; housing infrastructure and environment, and safe and stronger communities.

Legal implications/legislative requirements

58. Officers, with the aid of counsel's advice, consider that they have fulfilled the changing legal requirements around the Aggregates Recycling Plan. There remains the right to challenge the Plan on procedural grounds.

Corporate Parenting/Looked After Children implications

59. The Aggregates Recycling Plan will have no impact on the Council's corporate parenting role or looked after children.

Section 151 Officer commentary

60. The Section 151 Officer confirms that all material financial and business issues and risks have been considered in this report.

RECOMMENDATIONS:

It is recommended that the Cabinet Member for Transport and Environment:

1. agrees to propose the following main modifications to the submitted Aggregates Recycling DPD:
 - (i) to include Lambs Brickworks as a site for the development of temporary facilities for the recycling of construction, demolition and excavation waste under submitted Policy AR1 (to be re-numbered);
 - (ii) to delete Stanwell Quarry from submitted Policy AR1 and Homers Farm (Bedfont), Watersplash Farm (Halliford) and Whitehall Farm (Egham) from submitted Policy AR3;
 - (iii) to include the model policy (set out in para 49) reflecting the National Planning Policy Framework's presumption in favour of sustainable development as new Policy AR1;
 - (iv) to include the revised recycled aggregate production chart (para 5), with updating of the other constituent charts in the Plan.
2. rejects the proposed modification to include Homefield Sandpit as a site for the development of temporary facilities for the recycling of construction, demolition and excavation waste under submitted Policy AR1 (to be re-numbered) because it would be contrary to national, regional and local policies on the Area of Outstanding Natural Beauty;
3. delegates authority to the Assistant Director to approve the associated additional text, site map and key development requirements for Lambs Brickworks, including the importation of waste by rail, restoration of the mineral void and the limitation on HGV movements.

REASONS FOR RECOMMENDATIONS:

Responding to the submissions of site operators and the Inspector's advice.

WHAT HAPPENS NEXT:

The proposed main modifications will be consulted upon for six weeks, along with the schedule of additional modifications, unless the Inspector gives early indication that he will find the Plan unsound and it should be withdrawn. The results of the consultation and the public examination will be reported to the Inspector and then, if his report finds the Plan sound, the Cabinet and the County Council will be recommended to adopt the Plan with the modifications.

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Consulted:

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Sources/background papers:

Aggregates Recycling Development Plan Document – August 2011

Statements and Documents submitted to the Public Examination of the Aggregates

Recycling Development Plan Document

Surrey Hills Area of Outstanding Natural Beauty Management Plan 2009-2014
